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JOURNAL OF THE SENATE

LEGISLATURE OF THE STATE OF CALIFORNIA

FIFTY-SIXTH SESSION

1945

First Part of Session, January Eighth to January Twenty-seventh, Inclusive
Second Part of Session, March Fifth to June Sixteenth, Inclusive

LIEUTENANT GOVERNOR FREDERICK F. HOUSER, *President of Senate*
JOSEPH A. BEEK, *Secretary*

printed in CALIFORNIA STATE PRINTING OFFICE

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CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FIRST LEGISLATIVE DAY
FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Monday, January 8, 1945

The hour of 12 o'clock m. having arrived, Hon. Frederick F. Houser, President of the Senate, called the Senators and Senators-elect to order, and announced that the Fifty-sixth Session of the Legislature of the State of California was about to convene, and informed the Senators that the following officers of the Senate during the Fifty-fifth Session of the Legislature were in their respective places in the Senate Chamber, as required by Section 9150 of the Government Code; John F. Lea, Secretary; Robert G. Alderman, Minute Clerk, and Joseph F. Nolan, Sergeant-at-Arms.

PRAYER

By invitation of the President, prayer was offered by Rev. Richard C. Dwyer, Chaplain of the Senate for the Fifty-fifth Session.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Homer P. Brown, State Highway Commissioner, and Mrs. Brown of Placerville; Mrs. George Wickes, of Placerville, and Mrs. P. A. Font, of San Francisco.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank L. Whitelock, President, State Real Estate Association, San Bernardino.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant A. Palmer Lott, Eileen Desmond, Denise Desmond, Mary Desmond, Mrs. Florence McDougall, Mrs. Margaret Meyer, Mrs. Alice Artz, Mrs. Sadie Heilbron, Mrs. Kittie Alvord, Mrs. Clara Kenny, Mrs. Frances Nicolaus, Mrs. Earl D. Desmond, and Claire Desmond, all of Sacramento.

RESOLUTIONS

The following resolution was offered:

By Senator Slater:

Senate Resolution No. 1

Resolved, That the hold-over Senators take their seats, and that the Senators-elect proceed to the bar of the Senate, and take their oath of office on the certificate furnished by the Secretary of State.

Resolution read, and upon motion of Senator Slater, adopted.

CERTIFICATE FROM SECRETARY OF STATE

By direction of the President, the Secretary read the following certificate of duly elected Senators of the Fifty-sixth Session of the Legislature of the State of California:

STATE OF CALIFORNIA
OFFICE OF THE SECRETARY OF STATE

I, FRANK M. JORDAN, Secretary of State of the State of California, do hereby certify that the following is a complete list of the hold-over State Senators, together with those duly elected at the General Election held on the seventh day of November, A. D. 1944, to represent the people of the State of California at the Fifty-sixth Session of the Legislature of said State, as appears from the statement of vote received from the county clerks of the various counties comprising the several Senatorial districts of the State of California, said statement of vote being a record of and on file in my office, viz:

State Senators-Elect

Name	*District*	*County or Counties Comprising District*
Harold J. Powers	First	Modoc, Lassen, Plumas
Irwin T. Quinn	Third	Humboldt
Oliver J. Carter	Fifth	Shasta, Trinity
Jerrold L. Seawell	Seventh	Sierra, Nevada, Placer
H. E. Dillinger	Ninth	El Dorado, Amador, Alpine
Frank L. Gordon	Eleventh	Napa, Yolo
Thomas F. Keating	Thirteenth	Marin
Thomas McCormack	Fifteenth	Solano
T. H. DeLap	Seventeenth	Contra Costa
Earl D. Desmond	Nineteenth	Sacramento
Harry L. Parkman	Twenty-first	San Mateo
H. R. Judah	Twenty-third	Santa Cruz
Fred Weybret	Twenty-fifth	Monterey, San Benito
R. R. Cunningham	Twenty-seventh	Kings
Chris N. Jespersen	Twenty-ninth	San Luis Obispo
Clarence C. Ward	Thirty-first	Santa Barbara
James J. McBride	Thirty-third	Ventura
Thomas H. Kuchel	Thirty-fifth	Orange
Nelson S. Dilworth	Thirty-seventh	Riverside
Ben Hulse	Thirty-ninth	Imperial

Hold-Over State Senators

Randolph Collier	Second	Del Norte, Siskiyou
George M. Biggar	Fourth	Mendocino, Lake
Charles H. Deuel	Sixth	Butte
Louis G. Sutton	Eighth	Tehama, Glenn, Colusa
W. P. Rich	Tenth	Yuba, Sutter
Herbert W. Slater	Twelfth	Sonoma
John F. Shelley	Fourteenth	San Francisco
Arthur H. Breed, Jr.	Sixteenth	Alameda
Byrl R. Salsman	Eighteenth	Santa Clara
Bradford S. Crittenden	Twentieth	San Joaquin
Hugh P. Donnelly	Twenty-second	Stanislaus
George J. Hatfield	Twenty-fourth	Madera, Merced
Jesse M. Mayo	Twenty-sixth	Tuolumne, Mariposa, Calaveras
Charles Brown	Twenty-eighth	Mono, Inyo
Hugh M. Burns	Thirtieth	Fresno
Frank W. Mixter	Thirty-second	Tulare
Jesse R. Dorsey	Thirty-fourth	Kern
Ralph E. Swing	Thirty-sixth	San Bernardino
Jack B. Tenney	Thirty-eighth	Los Angeles
Ed Fletcher	Fortieth	San Diego

WITNESS my hand and the Great Seal of the State of California, at office in Sacramento, this eighth day of January, A. D. 1945.

[SEAL] FRANK M. JORDAN, Secretary of State

ROLL CALL OF HOLD-OVER SENATORS

The President directed the Secretary to call the roll of hold-over Senators.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Deuel, Donnelly, Dorsey, Fletcher, Hatfield, Mayo, Mixter, Rich, Salsman, Shelley, Slater, Sutton, Swing, and Tenney—20.

ROLL CALL OF SENATORS-ELECT

The President directed the Secretary to call the roll of Senators-elect.

The roll was called, and the following answered to their names:

Senators Carter, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Gordon, Hulse, Jespersen, Keating, McBride, McCormack, Parkman, Powers, Quinn, Seawell, Ward, and Weybret—18.

The President announced that the roll call disclosed 18 Senators-elect present.

The President requested the Senators-elect to immediately present themselves at the bar of the Senate in order that the oath of office might be administered to them, and that they might subscribe to the same.

OATH OF OFFICE ADMINISTERED

The Senators-elect, as their respective districts were called, then came forward, presented their certificates of election, and each took and subscribed to the following constitutional oath of office, administered by the Honorable Paul Peek, Justice of the Third District Court of Appeal of the State of California:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of State Senator according to the best of my ability.

ROLL CALL

The President called the Senate to order, and directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Whereupon the President announced their qualification, and declared that a quorum of all the Senators was present.

TEMPORARY ORGANIZATION EFFECTED

Temporary organization having been effected, the President put the question, "What is the pleasure of the Senate?"

RESOLUTIONS

The following resolution was offered:

By Senator Swing:

Senate Resolution No. 2

Resolved, That the Senate do now proceed to the election of the following statutory officers in the order named:

President pro tempore;
Secretary of the Senate;
Sergeant-at-Arms;
Minute Clerk, and
Chaplain.

Resolution read, and upon motion of Senator Swing, adopted.

NOMINATIONS FOR AND ELECTION OF PRESIDENT PRO TEMPORE OF THE SENATE

The President thereupon declared nominations for the office of President pro tempore of the Senate in order.

Senator Mayo placed in nomination for the office of President pro tempore of the Senate the Honorable Jerrold L. Seawell of Placer, Nevada, and Sierra Counties, State Senator from the Seventh District.

On motion of Senator Parkman, the nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

FOR SENATOR JERROLD L. SEAWELL—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

Whereupon the President declared Senator Jerrold L. Seawell of Roseville duly and unanimously elected President pro tempore of the Senate.

NOMINATIONS FOR AND ELECTION OF SECRETARY OF THE SENATE

The President declared nominations for the office of Secretary of the Senate in order.

Senator Deuel placed the name of Joseph A. Beek of Balboa in nomination for Secretary of the Senate.

On motion of Senator Fletcher, the nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

FOR JOSEPH A. BEEK—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Whereupon, the President declared Joseph A. Beek duly and unanimously elected Secretary of the Senate.

NOMINATIONS FOR AND ELECTION OF SERGEANT-AT-ARMS

The President declared nominations for the office of Sergeant-at-Arms of the Senate in order.

Senator Slater placed the name of Joseph Francis Nolan of Los Angeles in nomination for Sergeant-at-Arms of the Senate.

On motion of Senator Quinn, the nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

FOR JOSEPH FRANCIS NOLAN—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Whereupon, the President declared Joseph Francis Nolan of Los Angeles duly and unanimously elected Sergeant-at-Arms of the Senate.

NOMINATIONS FOR AND ELECTION OF MINUTE CLERK OF THE SENATE

The President declared nominations for the office of Minute Clerk of the Senate in order.

Senator Mixter placed the name of John F. Lea of Roseville in nomination for Minute Clerk of the Senate.

On motion of Senator Mayo, the nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

FOR JOHN F. LEA—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Whereupon, the President declared John F. Lea duly and unanimously elected Minute Clerk of the Senate.

NOMINATIONS FOR AND ELECTION OF CHAPLAIN

The President declared nominations for the office of Chaplain of the Senate in order.

Senator Desmond placed the name of Dr. Clarence A. Kircher of Sacramento in nomination for Chaplain of the Senate.

Senator Mixter moved the nominations be closed.

Motion carried.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

FOR DR. CLARENCE A. KIRCHER—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Whereupon, the President declared Dr. Clarence A. Kircher duly and unanimously elected Chaplain of the Senate.

OATH OF OFFICE ADMINISTERED

The newly elected officers of the Senate, Senator Jerrold L. Seawell, President pro tempore; Joseph A. Beek, Secretary; Joseph F. Nolan, Sergeant-at-Arms; John F. Lea, Minute Clerk; and Dr. Clarence A. Kircher, Chaplain of the Senate, appeared at the bar of the Senate where

the constitutional oath of office was administered to them by the Honorable Paul Peek, Justice of the Third District Court of Appeal of the State of California, and they subscribed to the same.

RESOLUTIONS

The following resolutions were offered:

By Senator Seawell:

Senate Resolution No. 3

Resolved, That the following rules be and the same are hereby adopted as the Standing Rules of the Senate at its Fifty-sixth Session.

STANDING RULES OF THE SENATE

Convening and Sessions

Hour of Meeting

1. The Senate shall meet at 11 a.m., daily, except Sundays, unless otherwise ordered by the Senate.

Calling to Order

2. The President, President pro tempore, or senior member present shall call the Senate to order at the hour stated, and if a quorum be present shall proceed with the order of business.

Attendance of Members

3. No Senator shall absent himself from attendance upon the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators at the expense of such absent Senators, respectively, unless such excuse for nonattendance as shall be made to the Senate when a quorum is convened, shall be judged sufficient, and in that case the expense shall be paid out of the Contingent Fund of the Senate. The President or Acting President of the Senate, or less than a quorum present, shall have the power to issue process directly to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process unless sick or unable to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant-at-Arms, or any other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

Order of Business

4. The order of business shall be as follows:

1. Roll Call.
2. Prayer by the Chaplain.
3. Leaves of Absence.
4. Privileges of the Floor.
5. Communications and Petitions.
6. Messages from the Governor.
7. Messages from the Assembly.
8. Reports of Committees.
9. Motions, Resolutions and Notices.
10. Introduction and First Reading of Bills.
11. Special Orders.
12. Unfinished Business.
13. Consideration of Daily File.
14. Announcement of Committee Meetings.
15. Adjournment.

Executive Sessions

5. When a motion is adopted to close the doors of the Senate, on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of the Senate, Secretary, Minute Clerk, and Sergeant-at-Arms, to withdraw, and during the discussion of said business the doors shall remain closed. Every Senator and officer present shall keep secret all matters and proceedings concerning which secrecy shall be enjoined by order of the Senate.

Officers of the Senate

The President

6. The Lieutenant Governor shall be the President of the Senate. He shall have a casting vote when the vote is equally divided and his vote will decide the issue.

The President shall maintain order in the Senate Chamber and in case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have the power to order the same cleared.

The President Pro Tempore

7. The President pro tempore shall, in the absence of the President, take the chair and call the Senate to order, at the hour of the meetings of the Senate, and shall have the same powers as the President.

It shall be the particular responsibility of the President pro tempore to secure the prompt and businesslike disposition of bills and other business before the Senate.

Presiding by Senators

8. The President pro tempore of the Senate may name any Senator to perform the duties of the Chair in the absence of the President. The Senator so named shall be vested, during such time, with all the powers of the President.

Secretary of the Senate

9. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.

He shall superintend all printing and clerical work to be done for the Senate and shall have supervision over all attaches and employees of the Senate. He shall assign, reassign or transfer all attaches or employees to their respective duties.

He shall certify to and transmit to the Assembly all bills, joint and concurrent resolutions, constitutional amendments and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

He shall also keep a correct Journal of the proceedings of the Senate, and shall notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.

The Secretary of the Senate shall have custody of all bills, documents, papers and records of the Senate and shall not permit any such bills, records or papers to be taken from the desk or out of his custody by any person, except in the regular course of the business of the Senate.

All employees on the pay roll of the Senate are employees of the Senate and not of individual members and they are under the direct control of the Secretary of the Senate. Any insubordination or inefficiency on the part of any employee shall be reported by the Secretary to the Committee on Rules or if a Committee on Attaches be appointed, then to that committee.

Sergeant-at-Arms of the Senate

10. The Sergeant-at-Arms shall attend the Senate during all of its sittings, execute the commands of the Senate from time to time, together wih all such process issued by authority thereof, as shall be directed to him by the President. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found in loud conversation, or otherwise making a noise to the disturbance of the Senate. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and releasement, and the traveling expenses for himself and special messenger going and returning shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall also be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators.

The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, constitutional amendments, and Journals, Histories and Files, when printed, on the desks of Senators, at least one hour previous to the opening of session.

Committees of the Senate

Appointment of Committees

11. The Committee on Rules shall consist of the President pro tempore of the Senate, who shall be the chairman of the committee, and four other members of the Senate to be elected by the Senate.

The Committee on Rules shall appoint all other committees of the Senate unless otherwise directed by the Senate and shall designate a chairman of each committee so appointed and a vice chairman of each standing committee.

Ten days before the commencement of any regular session of the Legislature, the Secretary of the Senate shall mail to each member a blank, in a form approved by the Rules Committee, on which the member may indicate his committee preferences and with such blank shall be mailed a stamped envelope addressed to the Rules Committee, care of the Secretary, for the convenience of the member in returning such form with his preferences thereon. All such communications shall be retained by the Secretary unopened and shall be delivered to the Rules Committee immediately upon the organization of the Senate.

Standing Committees

12. The standing committees of the Senate at the Fifty-fifth Regular Session shall be the standing committees of this extraordinary session.

Committee on Rules

13. The Committee on Rules is charged with the general responsibility for the administrative functioning of the Senate. The committee shall also have the duty of making recommendations designed to promote, improve and expedite the business and procedure of the Senate, and of proposing any amendments to the Rules deemed necessary to accomplish such purposes.

The Committee on Rules will constitute the Committee on Introduction of Bills and shall have charge of engrossment and enrollment of bills, contingent expenses of the Senate and legislative printing except in so far as these functions are delegated to the Secretary of the Senate, and of attaches unless a Committee on Attaches is appointed.

The rooms, passages and buildings set apart for the use of the Senate shall be under the direction of the Committee on Rules and the committee may assign the press desks in the Senate Chamber to accredited newspaper representatives.

Executive communication of nominations sent by the Governor to the Senate for their confirmation, shall be referred to the Committee on Rules, unless otherwise ordered by the Senate, without debate.

Schedule of Committee Meetings

14. The Committee on Rules shall propose to the Senate such schedules for regular meetings of the standing committees as will permit a full attendance of their members without conflict of committee engagements.

The committee may also propose such special committee meetings or special schedules of committee meetings as will facilitate the business of the Senate. Such schedules may provide a special schedule of committee meetings or upon certain days of the week or to meet any special condition which may arise.

Quorum of Standing Committees—Vote

15. Each standing committee shall determine (a) its own quorum, and (b) the number of votes necessary to take any action upon any bill, resolution, or other matter referred to it.

The vote by the number of ayes and noes on each bill reported back on all committee reports shall be noted in such reports and recorded in the Journal.

Powers of Standing Committees

16. Each standing committee of the Senate to which a proposed law or bill is assigned shall have full power and authority, during the session of the Legislature or any recess thereof, to make such investigation and study of and concerning any such proposed law or bill as such committee shall determine necessary to enable it to properly act thereon.

In the exercise of the power granted by this Rule, each committee may appoint a secretary and adopt such rules as may appear necessary and proper to carry out the powers granted and duties imposed under this Rule. It may employ such clerical, legal and technical assistants as may appear necessary when money has been made available therefor by the Senate.

Each standing committee is authorized and empowered to summon and subpena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

The members of such committees are, and each of them is, authorized and empowered to administer oaths, and all of the provisions of Article 8, Chapter 2, Title 1, Part 3 of the Political Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant-at-Arms of the Senate, or other person designated by the Sergeant-at-Arms or by the committee, shall serve any and all subpenas, orders and other process that may be issued by the committee, when directed to do so upon a vote of the majority of the membership of the committee.

All officers of this State, including the Legislative Counsel and the heads of each department, agency and subdivision thereof, and all employees of such departments, agencies and subdivisions, and all other persons whether connected with the State Government or not, shall give and furnish to these committees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each standing committee was created.

Each standing committee may meet at the State Capitol and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it and may expend such money as may be made available by the Senate for such purpose; but no committee shall incur any indebtedness unless money shall have been first made available therefor.

Special Investigating Committees

17. No committee for the investigation of any special subject shall be appointed except pursuant to a resolution which shall be entered in the Journal and referred to the Committee on Rules, and which shall be approved by a vote of a majority of the members elected to the Senate. The subject and purpose of the investigations shall

be expressed in the title of the resolution and the scope of the investigations shall be consistent with the subject and purposes so expressed. No such committee shall have authority to extend its investigations to subjects not so expressed, nor beyond the scope indicated in the resolution. Unless otherwise directed by the resolution any committee so authorized shall be appointed within 20 days after the adoption of the resolution.

No Committee Expenditures Permitted

18. No member of any committee shall be permitted to incur any expense chargeable to the Senate unless authorized by resolution of the Senate.

Procedure and Rules

Joint and Concurrent Resolutions and Constitutional Amendments

19. Joint and concurrent resolutions and constitutional amendments shall be treated the same as bills; except, that they shall have but one official reading, which reading shall occur after they have been reported by committee.

Parliamentary Rules

20. In all cases not provided for by the Constitution, these Rules, or by the Joint Rules of Senate and Assembly the authority shall be Mason's Manual.

Suspension or Amendment of Rules

21. Except as in these Rules otherwise expressly permitted no standing rule or order of the Senate shall be rescinded or changed without a vote of a majority of the members of the Senate, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of a majority of the members of the Senate. All proposed amendments to these Rules shall, upon presentation, be referred to the Committee on Rules without debate.

Introduction and Reference of Bills

Introduction, First Reading, and Reference of Bills

22. Any Senator desiring to introduce a bill shall send it to the Senate desk.

The Committee on Rules shall check all Senate bills prior to introduction and all Assembly bills before reference to committee and shall designate the committees to which they shall be referred.

Under the order of Introduction of Bills, the Secretary shall assign a number to each Senate bill, shall read it the first time, and unless otherwise ordered by the Senate without debate it shall be referred to the committee designated by the Committee on Rules.

Under the order of Messages from the Assembly the Secretary shall read each Assembly bill the first time and unless otherwise ordered by the Senate, without debate, it shall be referred to the committee designated by the Committee on Rules.

Introduction of Bills by a Committee

23. Any committee may introduce a bill germane to any subject within the proper consideration of such committee in the same manner as any member.

Introduction of Bills

24. Whenever a bill is received at the desk, under the order of Introduction of Bills, it shall be referred to the Committee on Rules which shall decide whether or not such bill can properly be considered at this session. If in the judgment of the Committee on Rules such bill can be considered it shall report it back and designate the committee to which it shall be assigned. Thereafter it shall be assigned a number by the Secretary, be read first time, and referred to the committee recommended by the Committee on Rules unless otherwise referred on motion without debate.

Senate Resolutions

25. All Senate resolutions upon being presented shall be given a number by the Secretary. Such resolutions shall be printed in the Journal and indexed in the History and Journal.

Bills in Committee

Committee Hearings

26. During the constitutional recess or as soon thereafter as practicable the chairman of each committee shall prepare a schedule of hearings concerning bills referred to the committee. The schedule shall be arranged according to subjects insofar as may be convenient.

The schedules and any changes therein shall be delivered to the Senate as soon as convenient in order that due notice may be given to persons interested in the legislation.

Substitute Committee Bills

27. A committee may amend into one bill related provisions germane to the subject and embraced within the title; and with the consent of the author the committee may constitute such bill a committee bill by striking out of the heading of the bill the line "Introduced by" and the name of the author and substituting therefor "Substitute committee bill of the Committee on" and the name of the committee.

Recalling a Bill From Committee

28. The Senate may at any time by 21 votes recall a bill from committee.

Consideration of Bills

Order of Making Files

29. When bills are reported from committee they shall be placed upon the General File, to be kept by the Secretary as follows: All bills when reported to the Senate by the committee shall be placed at the foot of the second reading Senate or Assembly file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the Senate or Assembly third reading file, in the order of reading. Unless otherwise ordered by the Senate the File shall be taken up in the following order: Senate second reading file, Assembly second reading file and Senate third reading file, Assembly third reading file. The bills upon third reading shall be considered in the order in which they appear upon the File, unless otherwise ordered by the Senate.

An inactive file shall be kept to which bills may be transferred at the request of the author, or on motion, and they shall be so transferred when they have been passed on third reading file without action three successive times. Bills may be carried on the inactive file by author and bill number without setting forth the title.

Bills may be transferred from the inactive file to the second reading file on motion, and after being read the second time such bills will take their place regularly on third reading file and be available for consideration and passage.

Notices of committee hearings shall be published in the File whenever presented by chairmen of committees to the Secretary for that purpose. For such purpose bills will be identified by subject or by number.

Special Order

30. Any measure or subject may, by vote of a majority of those voting, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

Messages From the Governor or Assembly

31. Messages from the Governor or from the Assembly may be introduced at any stage of business except while a question is being put, while the ayes and noes are being called, or while a Senator is addressing the Senate.

Messages from the Governor or from the Assembly may be considered when indicated in the order of business or at any other time by unanimous consent or upon motion.

Engrossing Bills

32. All Senate bills, constitutional amendments and joint or concurrent resolutions shall be engrossed before final action is taken on them in the Senate. Engrossment shall consist of comparing the printed engrossed bill with the original bill introduced and any amendments adopted to ascertain that it is correct. When a bill is reported correctly engrossed it shall be substituted on the File for the original bill.

Enrolling Bills

33. All Senate bills shall be enrolled immediately following their final passage and receipt from the Assembly. An enrolled copy of every such bill, amendment or resolution shall be printed and examined to ascertain that it is a true and accurate copy of the measure as it was passed. It shall then be authenticated by the signatures of the President or President pro tempore of the Senate and the Secretary or an Assistant Secretary of the Senate and by the corresponding officers of the Assembly and transmitted without delay to the Governor.

Debate

Statement of Motion

34. No motion shall be debated until the same be distinctly announced by the President; and it shall be reduced to writing if desired by the President or any Senator, and read by the Secretary, before the same shall be debated.

Regulations as to Speaking

35. 1. When a Senator desires to address the Senate, he shall rise in his place, address the President, and when recognized he may proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day, and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.

3. When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

4. No Senator shall be interrupted when speaking, and no question shall be asked him except through the presiding officer.

5. The author of a bill, motion, or resolution shall have the privilege of closing the debate.

Order in Debate

36. When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing by the Secretary of the Senate.

Right to Address the Senate

37. No person other than a member of the Senate or the President thereof, shall address the Senate while it is in session but the Senate may resolve itself into a Committee of the Whole and while sitting as such committee may be addressed by persons other than members.

Questions and Motions

Amendments to Bills

38. When amendments to a bill are reported by a committee or offered from the floor, such amendments shall be submitted in triplicate.

Adoption of amendments to any bill in the Senate prior to third reading, other than by roll call, shall not preclude subsequent consideration in committee or on the third reading of the bill, of such amendments or any part thereof, by the Senate.

Motion to Lay on the Table

39. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

Division of a Question

40. If a question in debate contains more than one distinct proposition, any Senator may have the same divided.

The Previous Question

41. The previous question shall be put in the following form: "Shall the question be now put?" It shall require a majority vote of the Senators present; and its effect shall be to put an end to all debate except that the author of the bill or the amendment shall have the right to close, and the question under discussion shall thereupon be immediately put to a vote.

Call of the Senate

42. Upon a motion being carried for a call of the Senate, the President shall immediately order the doors to be closed, and shall direct the Secretary to call the names of the absentees as disclosed by the last previous roll call. Thereupon, no member shall be permitted to leave the Senate Chamber except by written permission of the President pro tempore or in his absence of the presiding officer. Those members who are found to be absent and for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and then taken into custody by the Sergeant-at-Arms wherever found, or by special messenger to be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a roll call of the Senate and compel the attendance of absentees in the manner above provided.

A call of the Senate may be ordered after the roll has been called and prior to the announcement of the vote.

No recess can be taken during a call of the Senate. During a call, the Senate may consider and transact any matter or business that the Senators then present shall unanimously decide to consider, but no call of the Senate shall be had during a call of the Senate. When a call of the Senate is ordered, pending the announcement of the vote upon the completion of a roll call, the pending roll call shall become unfinished business, the consideration of which shall be continued until further proceedings under the call of the Senate are dispensed with, when it will forthwith become the order of business before the Senate.

Reconsideration

43. On the day on which a vote has been taken on any question a motion to reconsider the vote may be made by any member.

The motion may be considered on the day made or on the succeeding legislative day but may not be further postponed without the concurrence of 27 members.

No vote on a Senate bill may be reconsidered on or after the last day fixed for the consideration of Senate bills prior to adjournment and no vote may be reconsidered on the last day of the session.

When reconsideration of the vote by which any bill was passed has been demanded the Secretary shall not transmit it to the Assembly until the demand has been disposed of or the time for reconsideration has expired, but if the bill has already been transmitted to the Assembly the demand for reconsideration shall be preceded by a motion to request the Assembly to return the bill. This motion shall be put to vote immediately without debate and if not adopted shall preclude a demand for reconsideration.

A demand to reconsider the vote on any debatable question opens the main question to debate and the vote on the reconsideration shall be on the merits of such main question.

Voting by Senate

Voting on Roll Call

44. Whenever a roll call is required by the Constitution or Rules, or is ordered by the Senate or demanded by three members, every member within the Senate shall without debate answer "Aye" or "No" when his name is called.

The names of members shall be called alphabetically.

No Senator shall be permitted to vote or change his vote after the announcement of the vote by the presiding officer.

Excused From Voting

45. When a Senator declines or fails to vote on call of his name he may, after completion of the roll call, and before the announcement of the vote be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which question shall be decided without debate. Unless the Senator is excused from voting he shall be required to vote.

Voting by Presiding Senator

46. When the President pro tempore or any other member of the Senate is presiding over the Senate he shall vote on roll call the same as though he were not presiding.

Vote Required

47. Unless otherwise required by the Constitution, the Joint Rules of the Senate and Assembly or by these Rules, any action which can be taken by the Senate requires only a majority vote of the Senate, a quorum being present.

The following actions require 30 votes:

1. To introduce bills after the constitutional recess—(Constitution, Art. IV, Sec. 2).

The following actions require 27 votes:

2. To pass urgency measures—(Constitution, Art. IV, Sec. 1).
3. To suspend constitutional provision requiring reading bills on three several days— (Constitution, Art. IV, Sec. 15).
4. To pass bills over the Governor's veto—(Constitution, Art. IV, Sec. 16).
5. To increase or diminish the number of superior court judges or to remove judges—(Constitution, Art. VI, Secs. 9, 10).
6. To propose constitutional amendments or revision of the Constitution—(Constitution, Art. XVIII, Secs. 1, 2).
7. To change rate of taxation for State purposes—(Constitution, Art. XIII, Secs. 14, 16).
8. To authorize deposit of public money in banks—(Constitution, Art. XI, Sec. 16½).
9. To remove Railroad Commissioners—(Constitution, Art. XII, Sec. 22).
10. To change rates or conditions under the State Employees Retirement System—(Constitution, Art. IV, Sec. 22a).
11. To propose change in location of State capital—(Constitution, Art. XX, Sec. 1).
12. To reconsider the vote by which a concurrent resolution proposing a constitutional amendment is defeated.
13. To suspend the Rule against lobbying in the Senate Chamber.
14. To concur in Assembly amendments to or to adopt a report of a Committee on Conference concerning constitutional amendments or bills which require 27 votes for passage.

The following actions require 21 votes:

15. To amend or suspend the Rules.
16. To pass bills, unless under some other Rule a larger vote is required—(Constitution, Art. IV, Sec. 15).
17. To adopt a concurrent resolution approving a county or city charter or amendment thereto—(Constitution, Art. XI, Secs. 7½ and 8).
18. To adopt joint and concurrent resolutions.
19. To reconsider bills, joint and concurrent resolutions.
20. To confirm appointments by the Governor or to reconsider the same.
21. To recall a bill from committee.
22. To concur in Assembly amendments to or to adopt a report of a Committee on Conference concerning concurrent or joint resolutions or bills which require 21 votes for passage.

Actions requiring 14 votes:

23. To reconsider a vote by which a concurrent resolution proposing a constitutional amendment was adopted.

Vote Required for Amendments

48. A constitutional amendment or bill requiring a vote of two-thirds of the members elected to the Senate for final adoption or passage may be amended by a majority of those voting.

Contents of Senate Journal

Proceedings to Be Printed

49. The proceedings of the Senate, when not acting as a Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

The Journal shall state the name of the Senator presenting each Assembly bill, concurrent or joint resolution or constitutional amendment to the Senate for final action.

Every vote of the Senate shall be recorded in the Journal. The committee vote on each bill reported back by a committee, and if a bill is signed out that fact also shall be recorded in the Journal.

Titles of Bills to Be Printed

50. The titles of all bills, joint and concurrent resolutions, and constitutional amendments when introduced and when acted upon by the Senate, and a brief statement of the contents of each petition, memorial or paper presented to the Senate shall be printed in the Journal.

Other Matter to Be Printed

51. Messages from the Governor (other than biennial messages and inaugural addresses) shall be printed in the Journal, unless otherwise ordered by the Senate.

Legislative Printing

Duty of Secretary to Order Printing

52. It shall be the duty of the Secretary of the Senate and he is hereby directed during and between sessions of the Legislature to order for the Senate the necessary printing including stationery for the members, and to audit and approve all bills for printing to be charged to the Senate. The Secretary shall order from the State Printer such number of copies of bills, Journals, Histories, Files, forms and other printing as shall be necessary.

It shall further be the duty of the Secretary to order bills and other legislative publications for which there is a demand printed before the supply of same shall become exhausted.

Printing Only on Written Orders; Rush Orders

53. The State Printer shall not charge any printing or other work to the Senate except as required by law unless he has a written order from the Secretary of the Senate prior to the beginning of the printing or other work. All printing ordered by the Secretary shall be delivered as directed by him. The Secretary may, when necessity requires it, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under specially prepared written order, to be known as a "Rush Order."

Form of Printing Amendments

54. When any bill of either house is amended it shall be immediately reprinted; new matter shall be printed in italics in the printed bill; and matter to be omitted shall be printed in type bearing a single horizontal line through the center and commonly known as "strikeout" type. When a bill is enrolled, all such italics and "strikeout" type shall be omitted and the bill shall be printed in the usual Roman type.

The Senate Chamber

Admission Within Bar to Senate

55. It shall be the duty of the Sergeant-at-Arms to prevent all persons except Senators, exSenators, members of the Assembly, State officers, officers of the two houses, and such accredited newspaper representatives as have seats assigned to them from coming within the bar of the Senate unless upon the invitation of the President or a Senator. No visitor shall be allowed upon the floor while the Senate is in Session.

Regulations for Lobbyists

56. All persons appearing, or being, or desiring to appear, or be, at or in the Senate Chamber, or at or in any committee room of the Senate for the purpose of advocating the adoption, or defeat of any bill, measure or resolution, introduced in, pending before, or being considered by the Senate, or by any committee thereof, or for the purpose of soliciting the vote of any member of the Senate upon any such bill, measure, or resolution, or upon any anticipated or proposed bill, measure, or resolution, shall register with the Sergeant-at-Arms, his name and address, together with a statement of the person or persons, corporation or corporations, or interest represented by or intended to be represented by him, and shall file with the Sergeant-at-Arms his written authority to represent such person, corporation or interest, and thereupon the Sergeant-at-Arms shall issue to such person a certificate that he has so registered in conformity with this Rule, which certificate shall be exhibited to the chairman of a committee upon request. A complete record of all persons so registered, together with their respective addresses, and the persons, corporations or interest represented

by them, shall be kept, and preserved by the Sergeant-at-Arms, and shall be open at all times to public inspection.

No person shall appear at or enter the Senate Chamber, or any committee room of the Senate, for the purpose of advocating the adoption or defeat of any bill, measure, or resolution, without first having registered and secured the certificate as herein provided.

This Rule shall not apply to members of either house of the Legislature, officers of the State or other public agencies, or citizens of the State of California appearing in their own interest or behalf who are not representing any group, organization or corporation.

No person engaged in presenting to the Senate or any of its committees any business, claim, or legislation, shall be permitted to engage in such business in the Senate Chamber or be permitted on the floor of the Senate at any time while the Senate is in session. Any person trangressing this Rule shall be removed from the floor of the Senate and shall be debarred from the privilege of the floor during the remainder of the entire session. The President and the President pro tempore are charged with the enforcement of this Rule, and this Rule can not be suspended except by a two-thirds vote of the entire Senate.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

NOES—None.

By Senator Seawell:

Senate Resolution No. 4

Resolved, That the following members be and the same are hereby elected Members of the Senate Committee on Rules:

Senators Powers, Salsman, Deuel, and Brown.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

NOES—None.

By Senator McCormack:

Senate Resolution No. 5

Resolved, That the President of the Senate appoint a Special Committee of Three to notify the Governor of the organization of the Senate, and that the Senate is now ready to receive any communication he may have to make.

Resolution read, and on motion of Senator McCormack, adopted.

Appointment of Special Committee

The President announced the appointment of Senators McCormack, Swing, and Deuel as the Special Committee to call upon the Governor, and notify him of the organization of the Senate, and that the Senate is now ready to receive any communication he may have to make.

By Senator Crittenden:

Senate Resolution No. 6

Resolved, That the President of the Senate appoint a Special Committee of Six to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the State.

Resolution read, and on motion of Senator Crittenden, adopted.

Appointment of Special Committee

The President announced the appointment of Senators Crittenden, Rich, Slater, Desmond, Dilworth, and Weybret as the Special Committee

to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the State.

By Senator Deuel:

Senate Resolution No. 7

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate has elected the following statutory officers:

President pro tempore—Jerrold L. Seawell
Secretary of the Senate—Joseph A. Beek
Sergeant-at-Arms—Joseph F. Nolan
Minute Clerk—John F. Lea
Chaplain—Dr. Clarence A. Kircher

Resolution read, and upon motion of Senator Deuel, adopted.

By the Committee on Rules:

Senate Resolution No. 8

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper funds in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law, for attendance upon the Fifty-sixth Session of the Legislature:

Senators	County	Mileage	Total at 5 cents per mile
Biggar, George M.	Mendocino	480	$24 00
Breed, Arthur H. Jr.	Alameda	180	9 00
Brown, Charles	Inyo	1,292	64 60
Burns, Hugh M.	Fresno	338	16 90
Carter, Oliver J.	Shasta	330	16 50
Collier, Randolph	Siskiyou	590	29 50
Crittenden, Bradford S.	San Joaquin	94	4 70
Cunningham, R. R.	Kings	428	21 40
DeLap, T. H.	Contra Costa	164	8 20
Desmond, Earl D.	Sacramento	2	10
Deuel, Charles H.	Butte	202	10 10
Dillinger, H. E.	El Dorado	100	5 00
Dilworth, Nelson S.	Riverside	1,092	54 60
Donnelly, Hugh P.	Stanislaus	182	9 10
Dorsey, Jesse R.	Kern	550	27 50
Fletcher, Ed.	San Diego	1,146	57 30
Gordon, Frank L.	Napa	94	4 70
Hatfield, George J.	Merced	236	11 80
Hulse, Ben	Imperial	1,206	60 30
Jespersen, Chris. N.	San Luis Obispo	666	33 30
Judah, H. R.	Santa Cruz	336	16 80
Keating, Thomas F.	Marin	210	10 50
Kuchel, Thomas H.	Orange	976	48 80
Mayo, Jesse M.	Calaveras	170	8 50
McBride, James J.	Ventura	980	49 00
McCormack, Thomas	Solano	124	6 20
Mixter, Frank W.	Tulare	444	22 20
Parkman, Harry L.	San Mateo	222	11 10
Powers, Harold J.	Modoc	832	41 60
Quinn, Irwin T.	Humboldt	624	31 20
Rich, Wm. P.	Yuba	106	5 30
Salsman, Byrl R.	Santa Clara	292	14 60
Seawell, Jerrold L.	Placer	38	1 90
Shelley, John F.	San Francisco	180	9 00
Slater, Herbert W.	Sonoma	204	10 20
Sutton, L. G.	Colusa	150	7 50
Swing, Ralph E.	San Bernardino	1,016	50 80
Tenney, Jack B.	Los Angeles	894	44 70
Ward, Clarence C.	Santa Barbara	920	46 00
Weybret, Fred	Monterey	484	24 20

Officers	County	Mileage	Total at 10 cents per mile
Nolan, Joseph F., Sergeant-at-Arms	Los Angeles	894	$89 40
Lea, John F., Secretary	Placer	76	7 60
Alderman, Robert G., Minute Clerk	Marin County	210	21 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Sutton, Tenney, and Weybret—27.

NOES—None.

By Senator Seawell:

Senate Resolution No. 9

Relating to the continuance of the Committee to Investigate the Department of Motor Vehicles, created by Senate Resolution No. 150 of the Fifty-fifth Regular Session.

Resolved by the Senate of the State of California, as follows:

1. The Committee to Investigate the Department of Motor Vehicles created by Senate Resolution No. 150 of the Fifty-fifth Regular Session is continued as a Senate Committee at this session with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring shall be filled by appointment of the Committee on Rules of this session.

2. The committee continues until final adjournment of this Fifty-sixth Regular Session.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate that are applicable to such a committee, as soon a such Rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

4. A sum of money equal to the amount of unexpended and unencumbered balance of money which immediately prior to the commencement of this session remained available to the committee and its members, is hereby made available from the Contingent fund of the Senate at this session for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Sutton, Tenney, and Ward—29.

NOES—None.

By Senator Swing:

Senate Resolution No. 10

Creating the Senate Legislative Process Committee and defining its powers and duties.

WHEREAS, Many of the legislative proposals involve problems within the jurisdiction of more than one standing committee of the Senate, and the adequate consideration of such measures requires the cooperation of such several committees in order to avoid duplicating the work of one such committee by another, and much delay in the legislative process could be avoided if it were possible to eliminate such duplication of effort and provide a means for expediting the consideration of such measures; and

WHEREAS, There is need of a committee equipped to ascertain facts and secure facts and secure information upon assigned topics from time to time during the session, a committee acting in aid of and in collaboration with the several standing committees of the Senate; now, therefore, be it

Resolved by the Senate of the State of California, That there is hereby created a Special Committee designated the "Senate Legislative Process Committee," consisting of the chairmen of the following Senate Committees: Rules, who shall be chairman of the committee; Finance, Governmental Efficiency, Judiciary, Revenue and Taxation, and Attaches; and be it further

Resolved, That the committee hereby created shall, during this Regular Session of the Fifty-sixth Legislature and any recess thereof, take such steps as may be necessary to coordinate the work of the various standing committees of this session in considering questions before such session in order that there be no duplication of work or effort, and that the committee make such studies as may be necessary, ascertain such facts and information, and secure such statistics for the use of the members and committees of the Senate as may be of aid to them in considering and acting upon legislative proposals at this session; and be it further

Resolved, That to enable the committee hereinabove provided for to perform the duties assigned to it, said committee shall have and may exercise the following powers and duties:

(1) To employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees of one or more members from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To meet at any and all times prior to adjournment of this session of the Legislature, whether the Senate or Assembly be actually then sitting or not, and at any and all places within the State, in the performance of its duties and in carrying out the objects and purposes of this resolution;

(6) To summon and subpena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpenas, and to take all necessary means to compel the attendance of witnesses and procure testimony;

(7) To report its findings and recommendations to the Senate; and

(8) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

Resolved, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and all of the provisions of Chapter 4, Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and committees hereof, apply to the committee hereby created; and be it further

Resolved, That the Sergeant-at-Arms of the Senate and other officers designated by him, are hereby directed to serve any and all subpenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee or by a subcommittee; and be it further

Resolved, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

Resolved, That the members of the committee shall serve without compensation and shall not be allowed mileage; and be it further

Resolved, That the sum of fifteen thousand dollars ($15,000.) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and for any charges, expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, or if incurred by a subcommittee, by the member or members of such subcommittee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Sutton, Tenney, and Ward—29.

NOES—None.

REPORTS OF SPECIAL COMMITTEES

The following reports of Special Committees were received:

Senators McCormack, Swing, and Deuel, the Special Committee appointed to wait upon the Governor and inform him of the organization of the Senate, reported they had performed their duty.

Senators Crittenden, Rich, Slater, Desmond, Dilworth, and Weybret, the Special Committee appointed to notify the Assembly of the organization of the Senate, reported that they had performed their duty.

COMMUNICATIONS

The following communications were received, read, and, on motion of Senator Seawell, ordered printed in the Journal:

SANTA CRUZ, CALIFORNIA, January 6, 1945

Hon. J. L. Seawell, President Pro Tempore
State Senate, Capitol, Sacramento, California

Illness forces me to delay start for Capitol to Tuesday or Wednesday. If need my vote at caucus, and it is permitted, will wire my choice on request. Please excuse me legislative day Monday, also Tuesday if I fail to show.

H. R. JUDAH

MARICOPA, CALIFORNIA, August 3, 1944

Hon. John F. Lea, Secretary of the Senate,
Sacramento, California

DEAR MR. LEA: Referring to yours of July 24th advising me that you were forwarding to me a copy of Senate Resolution No. 38. Please be advised that same was duly received on August 2d, and I take this means of thanking every Member of the Senate for his kind expression and regret very much that, on account of the condition of my health, I can not go to Sacramento and thank them personally.

Kindest regards and best wishes.

Sincerely yours,

J. I. WAGY

STATE LANDS COMMISSION
SACRAMENTO, CALIFORNIA, January 2, 1945

To the Senate of the State of California

Pursuant to the provisions of Section 6211 of the Public Resources Code (formerly Chapter 800, Statutes of 1917), may we respectfully report that, according to advices received, certificates of title under the Torrens Law were issued by the following counties in accordance with the tabulation below:

Alameda	190	San Bernardino	9,059
Fresno	128	San Diego	7,908
Humboldt	365	San Francisco	12
Imperial	80	San Luis Obispo	1
Kern	186	Santa Barbara	947
Los Angeles	133,993	Santa Cruz	341
Merced	1	Sonoma	750
Orange	10,111	Tulare	110
Riverside	352	Ventura	6

It will be noted that there are but 18 counties included in the above tabulation. The remaining counties have heretofore reported that there are not now, and have not been in the past, any Torrens title registrations in their respective counties.

The books of the State Treasurer, as reflected by his report for the fiscal year ending June 30, 1944, show a cash balance of $48.06 in the "Torrens Title Assurance Fund" and a net deficit of $7,317.04.

Respectfully submitted,

CARLYLE F. LYNTON, Executive Officer, State Lands Commission
By A. P. IRELAND

CAPITOL CORRESPONDENTS ASSOCIATION OF CALIFORNIA
STATE CAPITOL, SACRAMENTO, January 8, 1945

Hon. Frederick F. Houser, President of the Senate
State Capitol, Sacramento, California

DEAR SIR: This is to inform you that the Capitol Correspondents Association has been organized in accordance with provisions of Joint Rule No. 32, adopted at this Fifty-sixth Session of the Legislature, and that the officers of the Association are as follows:

Earl C. Behrens, San Francisco Chronicle, President
Lloyd Lapham, United Press, Vice President
Edward Dickson, Associated Press, Secretary

The following members will compose the Standing Committee of the Association:
Robert C. Weakley, International News, Chairman
W. A. Wells, Associated Press
Lloyd Lapham, United Press
Edward Dickson, Associated Press, Secretary

The Standing Committee requests that Press Cards of one color be issued to accredited press representatives authenticated for the purpose of assignment of press seats and desks in the Senate, and that press cards of a different color be issued to authenticated visiting members of the press.

Yours very truly,

EDWARD DICKSON
Secretary to the Standing Committee

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1: By Senators Seawell, Powers, Deuel, Brown, and Salsman—An act making an appropriation for mileage of the members and officers of the Senate, to take effect immediately.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

Resolved, That Senate Bill No. 1 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house and is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 1

Senate Bill No. 1—An act making an appropriation for mileage of the members and officers of the Senate, to take effect immediately.

Bill read second time.

Senate Bill No. 1—An act making an appropriation for mileage of the members and officers of the Senate, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 2: By Senator Seawell—An act making an apropriation for reimbursement of Members of the Senate for expenses necessarily incurred by them while attending a session of the Legislature, to take effect immediately.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

Resolved, That Senate Bill No. 1 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 2

Senate Bill No. 2—An act making an appropriation for reimbursement of Members of the Senate for expenses necessarily incurred by them while attending a session of the Legislature, to take effect immediately.

Bill read second time.

Senate Bill No. 2—An act making an appropriation for reimbursement of Members of the Senate for expenses necessarily incurred by them while attending a session of the Legislature, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 8, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following resolution:

Resolved, That the Speaker appoint a Committee of Three to inform the Senate that the Assembly is now duly organized, having elected the following statutory officers:

Speaker: The Hon. Charles W. Lyon
Speaker pro tempore: The Hon. Thomas A. Maloney

Chief Clerk: Arthur A. Ohnimus
Minute Clerk: C. William Queale
Sergeant-at-Arms: Wilkie Ogg
Chaplain: Dr. Torrance Phelps

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 1: By Senator Hatfield—Relative to the continuance of the Fact-Finding Committee on Agricultural and Industrial Employment, created by Resolutions Chapter 38 of the 1943 Regular Session.

Request for Unanimous Consent

Senator Hatfield asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 1, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 1

Senate Concurrent Resolution No. 1—Relative to the continuance of the Fact-Finding Committee on Agricultural and Industrial Employment, created by Resolutions Chapter 38 of the 1943 Regular Session.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.
NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 2: By Senators Burns, Tenney, and Dilworth—Relative to the continuance of the Joint Fact-Finding Committee on Un-American Activities in California, created by Resolutions Chapter 132 of the 1943 Regular Session.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 3: By Senator Seawell—Relative to Joint Rules of the Legislature.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Senator McBride:

Senate Resolution No. 11

Relating to the continuance of the Senate Fact-Finding Committee on Homes and Institutions for the Aged, created by Senate Resolution No. 134 of the Fifty-fifth Regular Session.

Resolved by the Senate of the State of California, as follows:

1. The Senate Fact-Finding Committee on Homes and Institutions for the Aged created by Senate Resolution No. 49 of the Fifty-fifth Regular Session is continued

as a Senate Committee at this session with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring shall be filled by the Committee on Rules of this session.

2. The committee continues until final adjournment of this Fifty-sixth Regular Session, and may file its report at any time prior to such final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate that are applicable to such a committee, as soon as such Rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

4. A sum of money equal to the amount of unexpended and unencumbered balance of money which immediately prior to the commencement of this session remained available to the committee and its members, is hereby made available from the Contingent Fund of the Senate at this session for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Referred to Committee on Rules.

COMMITTEE FROM THE ASSEMBLY

A committee from the Assembly, consisting of Assemblymen Maloney, Robertson, and Dekker, appeared at the bar of the Senate, and informed the Members of the Senate that the Assembly had duly organized and was ready to proceed with the business of the State.

RECESS

At 1.30 p.m., on motion of Senator Seawell, the Senate recessed until 2.15 p.m.

REASSEMBLED

At 2.15 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

RECESS

At 2.15 p.m., on motion of Senator Seawell, the Senate recessed for the purpose of meeting with the Assembly in Joint Convention.

IN JOINT CONVENTION

SENATE CHAMBER

Sacramento, Monday, January 8, 1945

At 2.30 p.m., the Senate and the Assembly met in Joint Convention.

ASSEMBLY ROLL CALL

Hon. Charles W. Lyon, Speaker of the Assembly, directed the Chief Clerk of the Assembly to call the roll of the Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Allen, Anderson, Armstrong, Beal, Beck, Bennett, Berry, Boyd, Brady, Brown, Burke, Burkhalter, Burns, Butters, Call, Carey, Clarke, Collins, George D., Collins, Sam L., Crichton, Crowley, Davis, Debs, Dekker, Denny, Dickey, Dills, Clayton A., Dills, Ralph C., Doyle, Dunn, Emray, Erwin, Evans, Field, Fletcher, Fourt, Gaffney, Gannon, Geddes, Guthrie, Haggerty, Hawkins, Heisinger, Hollibaugh, Johnson, Kilpatrick, King, Knight, Kraft, Leonard, Lowrey, Lyons, Maloney, Massion, McCollister, McMillan, Middaugh, Miller, Nicholson, O'Day, Pelletier, Price, Robertson, Rosenthal, Sawallisch, Sheridan, Sherwin, Stephenson, Stewart, Stream, Thomas, Thompson, Thorp, Thurman, Waters, Watson, Weber, Werdel, Wollenberg, and Mr. Speaker—80.

The Speaker declared a quorum of the Assembly present.

SENATE ROLL CALL

Hon. Frederick F. Houser, President of the Senate, directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

The President declared a quorum of the Senate present.

APPOINTMENT OF JOINT COMMITTEE OF ESCORT

Hon. Frederick F. Houser, President of the Senate, announced the appointment of Senators Seawell, DeLap, and Breed as the Senate Committee to Escort His Excellency, Hon. Earl Warren, Governor of the State of California, to the bar of the Assembly.

Hon. Charles W. Lyon, Speaker of the Assembly, announced the appointment of Messrs. Allen, Werdel, and Sherwin as the Assembly Committee to Escort His Excellency, Hon. Earl Warren, Governor of the State of California, to the bar of the Assembly.

REPORT OF JOINT COMMITTEE OF ESCORT

The Senate and Assembly Committees of Escort appeared at the platform in company with His Excellency, Earl Warren, Governor.

INTRODUCTION OF GOVERNOR EARL WARREN

Governor Earl Warren was then presented to the Joint Convention by Hon. Frederick F. Houser, Lieutenant Governor of the State of California.

MESSAGE ORDERED PRINTED IN JOURNAL

Speaker Lyon ordered the following message of His Excellency, Governor Earl Warren, printed in the Journal:

Message of Governor Earl Warren to the 1945 Legislature, January 8, 1945

I welcome you to Sacramento. I welcome you because I know that in these trying times we can, together, do a better job for the people of our State than I can possibly do alone.

From the strength of your presence I gain confidence that we can bring into existence better services for all our people—both for those who are across the seas in the armed forces and for those who are here at home.

We assemble as men and women determined that all our actions shall sustain the mighty war effort to which our State and Nation are geared.

We meet as representatives of a people who are conscious of the disruptions, the distortions, the congestions and the sorrows of three long years of war. They look to us for a steadying influence. They recognize that the war is still to be won. They know that men are still to die in the performance of duty. They realize that our State must continue fervently to serve the Nation and the entire allied cause. They know that, when victory has been achieved in Europe, California will serve as the funnel through which will flow the strengths for final victory in the Pacific.

In the midst of these terrible strains, and they will of necessity increase, the people have the right to look to us for prompt decision in all matters concerned with the war effort. But, along with that, they have the right to expect from us the foresight to so plan that our war-produced aggravations do not take permanent root. They expect us to start now cutting away the handicaps to social and economic progress in the days of peace to come.

In stamina and fighting strength our people have added immeasurably to the record of National war accomplishment. Nor are they lacking in vision and courage to prepare for a better future. They look to us for action now because they recognize both war and victory to be but component parts of the continuing challenge to build a better way of life.

There is much for us to do and do now. There are many fields for us to plow together—fields that will produce rich crops of human betterment for our people—fields that are not in the zone of partisanship, but which are the common concern of all men.

It is in the cultivation of these fields, in the sacrificial spirit of our times, that I trust we can work together—just as we were able to work together to the satisfaction of all Californians in the regular and special sessions of the last Legislature.

Government Is Sound

It is in this spirit, as well as in accordance with the Constitution, that I report on the condition of your State, the status of its Government and the needs of our people.

First, I report to you that your Government is sound—sound in finances, in integrity, and in conformation to the spirit and the policies established by your honorable body.

We have lived, during the past two years, within the budget which you have allowed. We have administered your laws in the spirit of their enactment. We have counseled with the officers of your bodies and with your Interim Committees. The constitutional officers have been cooperative and the employees of the State have been faithful in the performance of their duties.

Our relations with our neighboring States have been progressively cordial. It has been my privilege and the privilege of your own representatives, to confer with Governors and officials of these sister States on many occasions. It is my desire, and I am sure it is yours, that we continue to further such inter-State cooperation. Our neighboring States share with us the faith that we together can cause to rise from out of this present confusion and dislocation, a way of life which will insure added happiness to millions now living in this great Western Empire and millions yet to come. In the furtherance of this common effort we must guard against restrictive legislation which interferes with the free flow of commerce between the States of our Union.

Our relations with the numerous Federal agencies, both civilian and war service, have likewise been mutually cooperative. I consider this a matter of special importance because in these war times, Government has become more complex and therefore more susceptible to irritations. In a State which has so much war congestion, and which has launched so many new and large production programs, it is particularly important that the spirit of cooperation be furthered among all agencies which can be of service to the people.

Enough War Agencies

We have maintained these relationships and worked at our war purposes with a minimum of new State agencies. It is my hope that we can continue to do so. In fact, I am of the opinion that we should go further, either at this session or some special session called for the express purpose, and consider matters of reorganization which will lead to streamlining the performance of many State functions now in existence.

In this connection, I might add that the status of two of our war-created agencies could well be reappraised to meet the present situation. The War Council and the Farm Production Council have served the State well, but some of the military conditions which brought them into being are materially changed, and others no longer exist. Such changes might reasonably call either for a change in their functions or the fixing of a date for their termination, with a distribution of their remaining responsibilities to regular departments of the State Government.

The only other war created agency, the Reconstruction and Reemployment Commission, was designed particularly for the postwar period and, in my opinion, should not only be continued, but should be given added support. It has studied present and past conditions and, through the assistance of approximately 600 committee members from almost every walk of life, it will soon be prepared to report to you on many subjects which vitally affect the future of our State. I shall not take your time today to discuss this important subject but will await the report of the commission.

However, in justice to all those who have so patriotically contributed to the war effort, I will say that California has been a tower of strength to the National cause. It now ranks first in military and manufacturing facilities financed by the Federal Government. Measured in dollars, it ranks third in contracts for war supplies and facilities. It has proven itself an amazing storehouse for indispensable elements of war. It has handled one-sixth of the National contracts for ship construction and repair. Our ports and transportation facilities have kept an endless stream of men, equipment, and supplies moving to battlefronts throughout the world. Our farmers, producers, handlers, and processors, assisted by thousands of patriotic workers, have made a major contribution to the wartime food needs of our Nation. Manpower shortages and lack of adequate cold storage facilities to the contrary, California farmers have done their job, and done it well.

In the glowing record of wartime accomplishment in our State will be found many human considerations. It was not prewar Californians alone who made this record. We have had need for and have received assistance from hundreds of thousands of new Californians. We have been joined in our undertakings by new residents from almost

every section of the country. In agriculture harvest we have had the welcomed assistance of Mexican Nationals, as well as the patriotic assistance of housewives and office workers.

The credit for our achievements goes to Californians, old and new. It goes to all men and women who, fired by a patriotic urge to help in the war effort, have been willing to make sacrifices, willing to work extra hours, willing to live under congested conditions. It goes to those million and a half new residents who have come to us since the start of the war. It goes to all who have made the winning of the war their immediate concern, and recent surveys show there are now more than 8,500,000 such residents of our State.

State Is Maturing

Our State now ranks third in the Nation in population. Growth such as this is naturally a matter of justifiable pride to us all. As Californians, we have long striven to attain such a position in the Union. Having attained the position, I am sure we all realize that there will be new and different factors influencing our future welfare. There will be new responsibilities for us to assume.

It is my very considered opinion that from this time on, it will not be necessary for us to concern ourselves primarily with the size of our State. Rather, our concern should be directed toward making our State a finer place—a better State in which to work and live.

What Servicemen Want

I have left unmentioned up to this point the major contribution which our State has made to the war effort. We find that contribution in the more than 850,000 men and women who have been or are now serving in the armed forces. Those men and women have left to us the task of strengthening the Democracy for which they are fighting. We all pray for the day of their return. But we must also plan for their return. How well we have planned, how promptly we have acted, and how broadly we have progressed, will be their first measure of us when they do return.

As I visualize their return to the homeland, these service men and women of ours will want to have the opposite of what they have experienced in foreign lands. First, they will want peace—peace that comes from the elimination of racial prejudices, religious bigotry, and political intolerance. They will want an opportunity to work and to help develop the vast natural resources of our State. They will want industrial peace. They will want to be protected against the ravages of mass unemployment. They will want to see new evidence that we realize the importance of strong and vigorous health programs for they will have seen sights which give urge to a search for perfection in this field.

They will want wholesome recreation for their families, as well as for themselves, and a high standard of educational opportunity offered in every part of the State. They will want safety at their work and in their homes and justice in all their relations with government.

It is of these things that I would talk to you today because I believe we can, working together at this session of the Legislature, make substantial advances on all of these fronts.

Labor Relations

In the field of labor relations, nothing could be more productive of peace than the continuance of your policy adopted in the last regular session, of looking with disfavor upon all legislation that might stir up animosity between labor and management. I am sure this is sound policy. In time of war, I consider it vital. In time of peace, I consider it no less important. Repressive legislation in this field will never be the answer to our problems.

Our comparative freedom from industrial dislocations during the past two years is, to me, proof that in California we have made progress in this field. Our loss of man-days of work because of labor-management controversy is far below the National average. To me, this is proof that the tolerance which comes only with understanding by both groups of the aims, the necessities, and the difficulties confronting each other has been on the increase.

Complete understanding in this controversial field of human relationship will never be brought about by legislation alone. Such understanding can come only in the course of collective bargaining by people who appreciate the common benefits to be derived from open and honest labor-management relationships. Such relationships will always be more dependent upon human relationships than upon law. The techniques in this field are at least as important as those in the fields of business management and technological advancement for which our schools offer special training. It is, therefore, my recommendation that there be established in the University of California, with adequate appropriation therefor, a School of Industrial Relations for the training of those who have the vision and the urge to learn what can and should be the guide-posts to advancement in this important field.

Safety for Workers

We are, today, the representatives of a full grown industrial State but we must bear in mind that this growth came fast and that in the industrial world it is still an adolescent State. There is need for strengthening and expanding many of our existing services which have to do with the preserving of human welfare within an industrial State. Our safety program, for example, has not kept pace with development. A large percentage of our people are daily being subjected to the dangers of industrial accidents.

All of us want to see California the safest place in the Union for industrial workers. I want to see conditions which will prevent workmen from losing arms, legs, and eyes, rather than to compensate them for such loss after the injury is done. But when a workman is injured, I want him to receive his compensation at the earliest possible time. This is not being done satisfactorily at the moment because of budgetarial limitations, obsolete organization of the Department of Industrial Relations and in many instances the failure of the insurance carrier to make prompt payment. All of these things shall be remedied.

Unemployment Insurance

Californians today can well afford to give voice to a word in praise of the foresight of that Legislature of several years ago which created the Employment Stabilization Fund. That fund, to which both employers and employees contribute, has grown during these years of wartime full employment, until it now amounts to over $600,000,000.

This is an enormous total, but, actually, when we consider the problems that may confront our State in the postwar period, it may prove none too large to meet necessity.

It is my purpose now to direct your attention to three changes in this act which I believe are called for at this time both in the interest of fairness and efficiency.

1. The Federal Government has recommended that all of the States provide for unemployment insurance up to a maximum of 26 weeks. Our State now provides for such payments for 23 and a fraction weeks. I recommend that the period be extended to comply with the Federal request.

2. Our law provides that no payments shall be made for the first two weeks of unemployment. It has been the conclusion of our commission, as well as the conclusion of other States, that the waiting period can justifiably be reduced to one week. I agree with the conclusion, and recommend that necessary legislation be enacted to accomplish this result.

3. I believe that most people who are interested in this type of protection are of the opinion that our statutory division between those who are and those who are not entitled to protection must not be looked upon as the final decision. We should be constantly endeavoring to extend the coverage wherever sound administration will permit. One of the most arbitrary limitations in the opinion of your commission, as well as myself, is that which limits opposition to the workman of concerns which employ four or more people. If the protection is desirable for the employees of larger firms, it is likewise desirable for those who work in establishments that hire three, or two, or one. I, therefore, recommend that the necessary action be taken to thus expand the coverage so these people will be protected by the fund.

Prepaid Medical Service

For many years California has been courageous in its undertakings in the field of humanitarian service to her citizens. Thirty-four years ago we provided for the payment of compensation for industrial accidents. Sixteen years ago we enacted our first Old-Age Pension Law and our Needy Blind Act. In 1935 we provided for unemployment insurance. Our people have long since accepted the principle of these services, and I doubt if there are many, even among those originally opposed to them, who would give them up now. They are universally recognized as desirable services of Government.

Thirty years ago we also started a movement for health insurance. At that time a Health Insurance Commission was appointed, and at several subsequent sessions of the Legislature bills on the subject were introduced. Studies have been made by legislative and private committees. Surveys reporting not only on the need but also on the desire of our people, in both the State and Nation, have been made. Voluntary programs to provide better medical care have been initiated by fraternal groups, industrial organizations, hospital associations, and the medical profession itself. Most of these have served a good purpose, but they have only scratched the surface. Even the laudable undertaking of the doctors, through the California Physicians' Service, has been able to attract only about 100,000 persons to its program in its six years of intensive effort.

It is now generally agreed that we can not bring proper standards of health to the people of every community through voluntary programs. The reason for this agreement rests in the fact that, in spite of all our haphazard efforts, the only people who are certain of receiving adequate medical attention today are those who are wealthy and those who are indigent and forced to accept public charity. The great mass of our people—the backbone of our country—those who work for a modest income and who strive conscientiously to maintain their families and themselves as upstanding Americans, are unable to pay for proper medical care when adversity strikes.

But it remained for the Selective Service to demonstrate the sordid results of neglected health. Even here in California, where the elements are conducive to good health and where the standards are higher than in most parts of the Country, 38 out of every 100 of our boys who were called to the service of their Country were rejected because of physical and mental defects. In figures, this adds up to 374,000. This figure alone, without the addition of similar figures for women and for those in younger and older age brackets, must give cause for alarm to every thoughtful citizen. The total cost of the continuance of these defects and illnesses to our State is enormous. Everyone must be concerned.

The fact is that most of these defects could have been prevented or cured by adequate and timely medical care.

Public health has always been considered the responsibility of community and State. I want to see it remain such a responsibility. But, I also believe that if we are to insist upon our right to such responsibility we must do whatever is necessary to measure up to it, or refrain from criticizing others for trying to meet it in other ways.

We have had enough investigation and enough talk to be ready for action. We have ample evidence that our people desire the protection. This is the time for action.

It is my recommendation that you take action at this session of the Legislature on a program which will bring adequate medical care to the people of our State on a prepaid basis. It is my suggestion that this be accomplished by building a fund, through pay roll deductions from both employer and employee, from which the costs of medical care can be financed. Such a program will pay dividends to everyone. It will relieve suffering and anguish in the home. It will increase efficiency in the shop and office. It will relieve our counties of much of their load of the indigent sick. It will make our citizens a healthier and therefore a happier people.

In our efforts to build an enlightened program to fill this obvious need for better distribution of health services and costs, I believe we must make certain, both for the advancement of medical science and for the best interests of our citizenry, that the professional relationship of doctor and patient be a matter of free choice. We do not want to put the medical profession on the public pay roll. We do not want to deprive the individual of the right to select his own physician. Our major purpose should be to spread the cost of medical care among all the people of the State. Those who are fortunately healthy at the moment can help pay for those who are not so fortunate, knowing that throughout the lifetime of everyone they will be able to receive benefits in repayment for their contribution.

There is no State in the Union better able to undertake such a humanitarian program than California, and I am convinced that, if we are to keep abreast of needs in the services which we afford our people, we must start on this program immediately.

Hospital Licensing

At the present time there is no provision for the licensing of hospitals in California as a means of insuring uniformly high standards. With the development of hospital facilities to meet the growing needs of our State, it is highly important that standards be set. I, therefore, recommend that legislation be enacted providing for the inspection and licensing of the hospitals which give service to our people.

Mental Health Program

There is another phase of our Public Health Problem in which I believe there exists a glaring need for modernization. In my opinion, we have made a rather bad job of caring for our mentally ill, both in California and throughout the Nation. In some respects at this time, we are, in California, far behind other leading States. We now have in our State hospitals, most of which are decidedly substandard, both as to physical plant and the amount of service rendered, over 30,000 patients. They are so crowded as to increase the tension of both the patient and the employee.

It is my hope that in all our State building plans these institutions will have first consideration until they have been brought up to standard. They have been neglected too long, and at this time we can not be proud of them.

Because of these conditions, patients are released on the unsound ground of improvement as distinguished from cure. They go back to their home communities to again be buffeted about and perhaps returned to the State hospitals.

We have done little or nothing to assist these people in their home communities or prevent the mental collapse which sends people to our hospitals. Yet Selective Service reports show 145,128 young men examined in the draft were rejected for reasons of mental disease, mental deficiency, or neurological causes. No other cause of rejection was so common.

Here again humanitarianism and economy link themselves as a reason for action by State Government. We should have clinics throughout the State where people undergoing mental strain can be treated and prevented, whenever possible, from mental crackups which will add to our hospital responsibility. We can not, of course, establish centers of this kind in every community in the State. It is my belief, however, that five properly located centers containing mobile units for use in surrounding communities would enable the State to make tremendous progress in the advancement of mental hygiene.

To further advance and better coordinate our programs dealing with mental illness, it is my recommendation that the Department of Institutions be reorganized. I recommend the transfer of the supervision of the Home for the Blind to the Department of Education. I recommend the organization of our mental hospitals into a Department of Mental Hygiene.

Crippled Children

I believe we must give additional attention to the rehabilitation of crippled children and to the restoration of the sight of the blind. We know that many of the defects revealed in the Selective Service figures were present in childhood and could have been corrected. Where recent community surveys have been made, it is shown that many children in our State have physical defects which can be corrected. The way is open for rapid advancement in this field in cooperation with and through county health authorities. The amount of money required to expand this program is small, but the opportunity for relieving dependency and affording happiness is great.

Recreational Needs

As we take inventory of the points which should be included in any broad program which gives heed to the social and health problems of our people, we must include the subject of recreation. We must look ahead to the day when the emergency pressures of the war are not filling the hours of our workers. We must look ahead to that day when hours of work have been shortened and there is time for the fuller enjoyment of life.

In our great war production centers today, 3,500,000 men and women are busy with wartime civilian tasks. We hope for continued industrial expansion when the war is over. We can not ignore the need for postwar expansion in our recreational programs. It is a challenge to Government at all of its levels. It means more parks, more playgrounds, more community centers, more beach improvements and more development of mountain retreats. In dividends it means better health and more contentment for all those millions whom postwar employment will keep at tasks within our congested areas.

It is with these thoughts in mind that I recommend to you the creation of a division in State Government to be charged with the responsibility of fostering and encouraging the expansion of recreational programs. It should have the authority to promote, by advice and leadership, recreational and community programs throughout the State. It should formulate programs which will lead to increased use of our many existing State-owned parks and beaches. And it should render service to all groups concerned with the enlargement of opportunity and the fostering of public use of California's unexcelled recreational advantages.

Park Expansion

I also recommend the immediate earmarking of sufficient funds from the existing State surplus to insure the eventual purchase of additional park and beach lands. Dollars earmarked in this manner will produce dividends for years to come. As the millions come to Southern California, and as industrial communities become more congested, I can think of nothing that would bring more wholesome or refreshing recreation to weary workers and their families than accessible public beaches of which we have altogether too few. I make this recommendation now, with two practical considerations in mind. One is that such funds are available. The other is that there are properties in California purchased by the Federal Government for war purposes which will probably be on the market when this war is over.

It follows that if we are to give the proper balance to this additional emphasis of the importance of recreation in our State we must maintain strong programs in furtherance of conservation of wild life. Maximum recreational opportunity in California calls for progressive programs dealing with fish and game. It calls for adequate fire laws and fire prevention services. It calls for State leadership in the development of sound cutting practices in our forests. It calls for reforestation programs and the promotion of further cooperation between the State and the lumbering industry. No State is blessed with greater natural advantages. No State has more reason for such cooperative programs.

Future Housing Needs

As we look to the creation of new opportunities for relaxation for our millions of workers we must of necessity give thought to the community environment in which they live. I find in the patience and the understanding of those hundreds of thousands of our workers residing in sub-standard housing in our congested cities, a distinct tribute to their patriotism. Without such a display of patriotism, California could not have gone month after month, with a very minimum of social friction. It is part of our job to encourage plans which will eliminate wartime hardship. None of us has the right to expect peacetime acceptance of these hardships to parallel that which we have witnessed during the war.

In my opinion, new thought must be directed to the problem of housing. To acquire our new position in the National industry picture, it was necessary to rush to completion new temporary housing costing millions of dollars. Actually, there is more Federally financed war housing in California today than is found in any other State. But the greater portion of this housing is of a type and standard not common to California. It is not in keeping with the type of housing which fits our vision of the future.

The situation raises a question as to whether this war housing can be disposed of until permanent housing of equal or better standard is provided. While I believe it is possible and desirable for private enterprise to meet the low cost housing needs of our future, I also believe there is a matter of public policy and protection involved.

Without question, there will be some extension, when the war is over, of the housing programs which have been initiated by the Federal Government. In the administration of its programs, I am sure the Federal Government will want to deal with the States. At the present time, we have no State agency in a position to deal with the Federal Government or with local governments in these matters.

It would seem to me, therefore, to be appropriate that we establish at this time a commission which can fully acquaint itself with our housing problems throughout the State and which can give assistance to local governments and private citizens and to the Federal agencies concerned with the problem.

Urban Redevelopment

In the course of developing new programs for low cost housing, we should seize upon the opportunity to clean up and eliminate areas of blight and slums in our communities. There is to be presented to this Legislature a proposal to provide for urban redevelopment. It will propose the exercise of the power of eminent domain to acquire the title to blighted areas and to permit their sound redevelopment by private enterprise. I urge that you give this proposal your serious consideration, not alone from the standpoint that our people must be afforded decent housing, but also from the standpoint that slum clearance will lead to the lessening of social friction, crime, and delinquency.

Social Relationships

In my opinion it is part of our immediate responsibility to prepare to deal with every type of extreme which may develop as a hindrance to social and economic welfare during the letdown from war to peace.

After every war letdowns occur, and during these periods there are likely to be upsurges of racial prejudice. Those who have had experience in such matters know how neglect in any single field of human relationship may lead to outbreaks which cast a shadow over an otherwise law abiding community.

We have made progress during the past two years in coordinating the approach of our law enforcement agencies to problems of this type. It has required the voluntary assumption of new responsibility by officials at all levels of Government and the services of many volunteers. But, I know the benefits of such cooperative effort have already been many times proven. Through this increase in general awareness of the cause of friction we have made a beginning.

During this war it has been well illustrated that, in their hearts, our people possess a desire to break down artificial barriers—the barriers which give rise to demonstration of racial prejudice. We recognize that the accomplishment of this purpose will do more to insure lasting peace throughout the world than all other factors combined.

What we strive to do in World affairs, we should most certainly augment by practices here at home. Actually, we have done but little so far in this important field of human relations. The Legislature, in 1937, by joint resolution, requested the Governor to appoint a committee known as the California Race Relations Commission. There are people who take it for granted that this commission is an active force in Government. Actually, there is doubt in my mind if it has any legal sanction at this time, and, if it does, I know it is without the powers and duties with which such an agency should be charged.

I, therefore, recommend that there be created a Commission on Political and Economic Equality for the purpose of studying minority problems. Primarily, this commission should have the responsibility of investigating and reporting to the Governor and the Legislature upon the enforcement of our statutes prohibiting discrimination and upon the necessity for new laws as well as other remedies. Under such a commission we could start to build a foundation for real political and economic equality for every citizen in the State.

Correctional Divisions

Those of you who were members of the last Legislature had a part in bringing about the broad changes which were made in our State Correctional System last year. I know, therefore, that most of you are familiar with my desire that California have an enlightened Correctional System which embodies both sound business procedure and rehabilitating custodial care.

You will remember that we abandoned at that time a program which originated in 1879. During the months which have elapsed since the new system was inaugurated studies of all our institutional problems have continued. There will be presented to

you during the weeks to come a number of bills through which we believe further procedural improvements can be brought about. These I will not discuss at this time, but I do want to call your attention to one specific proposal which will be made.

There is serious need in our Correctional System at this time for a new institution to house that group of young men already too mature in crime to profit by the programs offered at Preston School of Industry and too immature in years for confinement in a prison for adults. The Youth Authority has immediate need for such an institution, and the present facilities of the Adult Authority provide no suitable answer.

It is my recommendation that the Legislature give authorization for the establishment of an intermediate reformatory to meet this problem. It is my suggestion that the Department of Corrections be granted authority to plan immediately for this new type of segregation to the end that the system may be under way by the time new facilities have been provided. I urge that you include provision for such an institution in your current State Building Program.

School Administration

During the Fourth Special Session of the last Legislature, provision was made for a survey of the administration, organization and finance of our Public School System in California. Such a study has been made under the direction of Dr. George D. Strayer, recognized authority in public school administration.

The results of this survey will soon be before you. Awaiting opportunity to join with you in the analysis of the conclusions reached in this study, I am at this time withholding comment in regard to some of the problems I know to exist. I am confident the report will suggest many changes in organization. Before us, therefore, is the task of deciding how many of the recommendations included in the report we can accept at this time.

In school matters, as in all other matters, we must look ahead to the postwar period with recognition that our State has both grown and changed and that further changes are in prospect. Few of us can visualize at the moment all the changes which will be advisable in our school system when radio, talking pictures, and television are fully introduced into our Educational Program upon a postwar basis. This we know, however, as a certainty. Education is the bulwark of our representative and constitutional Government and it is our responsibility to see that it is permitted sound progress in every community in the State.

Pensions

In 1943, after thorough study of the subject, we increased old age assistance from $40 to $50 per month. The conditions which brought this increase into being still exist. Our finances are adequate for the purpose and I, therefore, recommend that the increase be continued during the next biennium.

State Financial Needs

During these war years, State revenues have soared to unprecedented amounts. We have frozen many millions for postwar construction to take care of a 10-year backlog of building needs and to cushion employment conditions during the period of reconversion. There will be millions left in our Treasury after these sums have been set apart. Many plans have been submitted for the use of this surplus. Most of them are for desirable purposes, but the question is—are they for essential purposes?

We have over a million and a half new residents in California since the 1940 Census. We expect over 800,000 veterans to return to us at the conclusion of war. This increased population will create new Governmental problems to be met in the future. The price of commodities is daily increasing. Government will of necessity be more expensive as time passes, and unless every dollar of our present income is spent prudently we will soon be operating on a deficit as we did for 10 consecutive years prior to the war. Any new spending habits set up now, must be projected into the future and paid for indefinitely. I, therefore, urge that all requested appropriations, both in and out of the budget, be scrutinized as carefully as though we were not operating on a surplus.

After financing our current Governmental requirements and a Postwar Reconstruction and Reemployment Program, it is my hope that we can freeze the remainder of our surplus in this and the next biennium for "a rainy day." Lean years invariably follow fat ones, and while we hope that California will always be prosperous, prudence and history teach us that the best way to remain prosperous is to guard against adversity. I, therefore, suggest to you that after appropriating necessary funds for the purposes above mentioned, you freeze the remainder of our surplus for unemployment relief, if and when such relief becomes necessary.

I also call your attention to the fact that since the abolition of the S.R.A., there has been no provision in State law for the administration of unemployment relief. I recommend that a system for the administration of such relief be immediately provided, to the end that our State will be in readiness, both administratively and financially, to begin dealing with the relief problem when it again arises.

Taxes

Two years ago we reduced the income tax, the bank and corporation franchise taxes and the sales tax for the period of this biennium. I am advised by the Department of Finance that we can finance the State Government in the manner above mentioned on the existing tax levels and still make provision for a sizeable Unemployment Relief Fund. Believing that State Government should never exact from its citizens more than is necessary to finance present needs and reasonably cushion the future, I recommend that our present tax reductions remain in force during the next biennium.

Highways

The last general reappraisal of our Highway System was in 1927. Since that time our population has increased 66 per cent. In the same period our automobile registrations have more than doubled. During the intervening years the size and numbers of trucking and other commercial vehicles have increased enormously. During the war the heavy flow of war materials is accelerating obsolescence. When the war is over the civilian population and our returning veterans will subject highways to other new strains.

At your last session we appropriated $12,000,000 for plans, specifications, and rights of way, and, before this session ends, preparation will have been completed for an $80,000,000 program of improvements. This is progress, but when we consider that highways are the very arteries of our State, it would seem that this is the time for the Legislature to reappraise the entire system and make certain that we are planning soundly for the future.

Veterans' Welfare

I have discussed at length in this message some of the major services we owe all the people of California if we are to build for them the kind of State to which the veterans of this war hope to return. Now I want to discuss for a moment what we should do to properly receive these veterans and help them readjust to civilian life without confusion, delay, or red tape.

You have already done much. At your last regular session you enacted a Farm and Home Purchase Act, an Educational Assistance Act, Civil Service Preference Act, tax exemptions, and an act assisting veterans in pursuing claims, as veterans, against the Government or this State.

You also submitted to the people at the last general election a constitutional amendment authorizing a $30,000,000 bond issue to provide loans to California veterans for the purchase of homes and farms. This constitutional amendment was adopted overwhelmingly by the people. Studies have made it clear that this money can be loaned at a rate of interest below the 5 per cent rate required under existing law. I, therefore, recommend that action be taken which will make such loans available to veterans at a rate of interest not more than that necessary to service the loans and to protect the State from loss.

We have also frozen available funds for a Building Construction Program at the Veterans' Home. Because of the dilapidated condition of some of the structures, and in anticipation of urgent needs, I am recommending in my budget that improvements to the amount $1,150,000 be made immediately. The remainder of the construction to bring the home up to standard is included in the Postwar Construction Program.

The primary obligation to provide basic funds and programs for the assistance of veterans rests upon the Federal Government. It is a part of the cost of war. These obligations have been assumed by the Government in the so-called G. I. Bill. All necessary interpretations of that voluminous bill have not yet been made, but the departments of our State Government have been instructed to assemble and study all facts which may be of value in adapting State laws to conform with the various programs authorized by that act.

But we must also recognize that it is in our State and our communities that veterans will be seeking to make their adjustment. There is need for organized effort in every community and for centralizing the administration of all services designed to assist veterans in their return to civilian life. In order to better accomplish this result, I recommend that the Legislature establish in the Department of Military Affairs a service of that character. By close working arrangements with other State departments, Federal agencies, the armed forces, local government, veterans, and other organizations, much can be done under State leadership.

Tragic events in all parts of the world add seriousness to our tasks here in these halls. Our boys are winning everywhere but at great sacrifice. They can win faster and at less sacrifice if all upon the home front do their full part.

There has been some premature relaxation, some over confidence, already apparent in this war, and the results have been costly. I sense, today, a renewed appreciation of the job ahead on the part of Californians everywhere. They are responding to the call for unity and increased effort in shops and offices and on the farms. What we do here will affect them in their present tasks as well as in the future. We can show

no less determination to work together in common cause, and it is in this spirit that I tender you my cooperation in making this Fifty-sixth Biennial Session of the Legislature a new milestone in California progress.

ADJOURNMENT OF JOINT CONVENTION

At 3.55 p.m., there being no further business, upon motion of Mr. Sam L. Collins, the Joint Convention was adjourned sine die.

IN SENATE

REASSEMBLED

At 4 p.m., the Senate reconvened.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ADJOURNMENT

At 4.05 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.30 p.m., January 9, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

SECOND LEGISLATIVE DAY
SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Tuesday, January 9, 1945

The Senate met at 2.30 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert Apitz, Manager, Civic Planning Department, San Diego Chamber of Commerce, San Diego.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Wesley Wooden of Birds Landing.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Maria Thomas of Los Angeles.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 8, 1945

MR. PRESIDENT: Your Committee on Rules has examined:
Senate Bill No. 1
Senate Bill No. 2
And reports the same correctly engrossed.

SEAWELL, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 9, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1
Senate Bill No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly.

Above bills ordered enrolled.

RESOLUTIONS

The following resolutions were offered:

By the Committee on Rules:

Senate Resolution No. 12

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate in the sum of two hundred dollars ($200) for postage for the Senate, and the Treasurer is directed to pay the same.

BROWN
POWERS
SALSMAN
SEAWELL
DEUEL

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, Weybret—34.

NOES—None.

By Senator Powers:

Senate Resolution No. 13

Resolved, That the following schedule is hereby established as the schedule of salaries of the following Senate officers for this Fifty-sixth Session of the California Legislature, payable weekly seven days per week:

Secretary of the Senate	$20 00 per day
Sergeant-at-Arms	15 00 per day
Chaplain	5 00 per day
Minute Clerk	15 00 per day

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

By Senator Powers:

Senate Resolution No. 14

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law with the compensation set opposite their names, payable weekly seven days per week, beginning Monday, January 8, 1945, and the Controller is hereby directed to draw his warrants in favor of the

respective persons for the respective amounts, and the Treasurer is hereby directed to pay the same:

Buster Peart, Assistant Secretary	$12 00 per day
Med Anderson, Assistant Secretary	12 00 per day
Grace Brown, Assistant Minute Clerk	12 00 per day
Pat Rollins, Assistant at Desk	10 00 per day
Geo. A. Spaulding, History Clerk	12 00 per day
Laura D. Prentice, Engrossing and Enrolling Clerk	12 00 per day
H. B. Thomas, Assistant Engrossing and Enrolling Clerk	8 00 per day
N. L. Levering, Journal Clerk	12 00 per day
Mabel Miller, Assistant Journal Clerk	8 00 per day
Helen R. Hutchings, Stenographer at Desk	8 00 per day
Harry L. Jordan, Bookkeeper to Sergeant-at-Arms	10 00 per day
Margaret Sweeny, Chief Stenographer	10 00 per day
Thomas A. Wright, Assistant Sergeant-at-Arms	8 00 per day
Robert Horbach, Assistant Sergeant-at-Arms	8 00 per day
Howard W. Potts, Assistant Sergeant-at-Arms	8 00 per day
W. B. H. Fairchild, Assistant Sergeant-at-Arms	8 00 per day

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 9, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 3
Assembly Concurrent Resolution No. 4

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

ASSEMBLY CHAMBER, SACRAMENTO, January 8, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 1

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

ASSEMBLY CHAMBER, SACRAMENTO, January 8, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

MOTION TO PLACE ON FILE

Senator Seawell moved that Assembly Concurrent Resolutions Nos. 1, 2, 3, and 4 be placed on file for further consideration.

Motion carried.

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 4—Relative to approving a certain amendment to the charter of the City of Inglewood, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of November, 1944.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 4, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 4

Assembly Concurrent Resolution No. 4—Relative to approving a certain amendment to the charter of the City of Inglewood, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of November, 1944.

Resolution read, and presented by Senator Tenney.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Keating, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney and Weybret—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 3—Relative to the memory of Alden Anderson.

Request for Unanimous Consent

Senator Desmond asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 3, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 3

Assembly Concurrent Resolution No. 3—Relative to the memory of Alden Anderson.

Resolution read and presented by Senator Desmond, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 1—Relative to the memory of Honorable Lee T. Bashore.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 1, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 1

Assembly Concurrent Resolution No. 1—Relative to the memory of Honorable Lee T. Bashore.

Resolution read and presented by Senator Tenney, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Resolution ordered transmitted to the Assembly.

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 2—Relative to accredited press representatives and the authentication thereof.

Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 2, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 2

Assembly Concurrent Resolution No. 2—Relative to accredited press representatives and the authentication thereof.

Resolution read, and presented by Senator Seawell.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Jespersen, Keating, Mayo, McBride, Mixter, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 9, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 1—An act making an appropriation for reimbursement of Members of the Assembly for expenses necessarily incurred by them while attending a session of the Legislature, to take effect immediately.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 9, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 1

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 1

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

Resolved, That Assembly Bill No. 1 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Keating, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 1—An act making an appropriation for reimbursement of Members of the Assembly for expenses necessarily incurred by them while attending a session of the Legislature, to take effect immediately.

Bill read second time.

Assembly Bill No. 1—An act making an appropriation for reimbursement of Members of the Assembly for expenses necessarily incurred by them while attending a session of the Legislature, to take effect immediately.

Bill read third time, and presented by Senator Seawell.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Keating, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Shelley:

Senate Resolution No. 15—Relative to the passing of Peter J. Haggerty.

Request for Unanimous Consent

Senator Shelley asked for, and was granted, unanimous consent to take up Senate Resolution No. 15, at this time, for consideration.

Senate Resolution No. 15

Relative to the passing of Peter J. Haggerty

WHEREAS, In his native City of San Francisco which he had loved so well, death came on December 31, 1944, to Peter J. Haggerty, father of our Colleague Gerald P. Haggerty, and a full and worthy life was thereby brought to a close; and

WHEREAS, From his early youth Peter J. Haggerty had manifested a keen interest in political affairs, becoming with time a leading member of the Democratic Party in California; and

WHEREAS, Some years ago Peter J. Haggerty set aside his realty business in order to devote his full time to Government service, holding several county posts and serving ably as Superintendent of the United States Mint at San Francisco from 1933 to the time of his passing; and

WHEREAS, Peter J. Haggerty ever merited the confidence imposed upon him by these several appointments and by his character and acts won many loyal friends and supporters who join in mutual sorrow at his passing; and

WHEREAS, The Senate of the State of California wishes to pay tribute to the memory of Peter J. Haggerty and extend its deep sympathy to his widow, Ellen M. Haggerty, and to his son, Assemblyman Gerald P. Haggerty, in their great loss; now, therefore, be it

Resolved by the Senate of the State of California, That when the Senate adjourns this day it shall do so out of respect to the memory of Peter J. Haggerty; and, be it further

Resolved, That the Secretary of the Senate is directed to prepare and transmit to Ellen M. Haggerty and to Gerald P. Haggerty a suitably engrossed copy of this resolution.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 4: By Senator Breed—Approving certain amendments to the charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the tenth day of April, 1944.

Request for Unanimous Consent

Senator Breed asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 4, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 4

Senate Concurrent Resolution No. 4—Approving certain amendments to the charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, voted for and ratified by

the qualified electors of said city at the general municipal election held therein on the tenth day of April, 1944.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 5: By Senator Breed—Relative to approving certain amendments to the charter of the County of Alameda, State of California.

Request for Unanimous Consent

Senator Breed asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 5, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 5

Senate Concurrent Resolution No. 5—Relative to approving certain amendments to the charter of the County of Alameda, State of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Keating, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 6: By Senator Desmond—Relative to approving an amendment to the charter of the County of Sacramento, State of California, submitted to, voted for, and ratified by the electors of said county at the general election held in said county on the seventh day of November, 1944.

Request for Unanimous Consent

Senator Desmond asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 6, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 6

Senate Concurrent Resolution No. 6—Relative to approving an amendment to the charter of the County of Sacramento, State of California, submitted to, voted for, and ratified by the electors of said county at the general election held in said county on the seventh day of November, 1944.

Resolution read.

The roll was called, and the resolution adopted by the following votes:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 7: By Senator Burns—Approving amendments to the charter of the County of Fresno, State of California, which were submitted to the qualified electors of said county and voted on and ratified by them at the general election held therein on November 7, 1944.

Request for Unanimous Consent

Senator Burns asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 7, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 7

Senate Concurrent Resolution No. 7—Approving amendments to the charter of the County of Fresno, State of California, which were submitted to the qualified electors of said county and voted on and ratified by them at the general election held therein on November 7, 1944.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 3: By Senator Breed—An act to amend Sections 6051 and 6201 of the Revenue and Taxation Code, relating to the sales and use taxes, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 4: By Senator Desmond—An act authorizing the investment of money upon loans and notes guaranteed by the United States pursuant to the Serviceman's Readjustment Act of 1944, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 5: By Senator Cunningham—An act to provide for leasing adequate facilities and service for the establishing and operation of a telephone-typewriter system in Kings County, for the purpose of connecting the system with the telephone-typewriter system of communication maintained under the direction of the Bureau of Criminal Identification and Investigation between counties and cities and counties of this State, and to make an appropriation therefor.

Referred to Committee on Judiciary.

Senate Bill No. 6: By Senator Dilworth—An act to add Sections 699.6 and 971 to the Military and Veterans Code, relating to the county service officer.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 7: By Senator Gordon—An act to amend Section 1154.5 of the Fish and Game Code, relating to trap guns.

Referred to Committee on Fish and Game.

Senate Bill No. 8: By Senator Mayo—An act to add Section 4041n to the Political Code, relating to the installation and maintenance of watering troughs by county boards of supervisors.

Referred to Committee on Local Government.

Senate Bill No. 9: By Senator Ward—An act to amend Sections 17053.5, 19200, 19201, 19202, 19203, 19204, and 19205, of the Revenue and Taxation Code, relating to personal income taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 10: By Senator Ward—An act to amend Section 4131 of the Political Code relating to duties of county recorders.

Referred to Committee on Local Government.

Senate Bill No. 11: By Senator Mayo—An act to amend Section 4279 of the Political Code, relating to compensation for public services in counties of the fiftieth class.

Referred to Committee on Local Government.

Senate Bill No. 12: By Senator Gordon—An act to add Section 6365 to Part 1 of Division 2 of the Revenue and Taxation Code, relating to exemption from taxation under the Sales and Use Tax Law.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 13: By Senator Breed—An act to amend Sections 4a and 23 of the Bank and Corporation Franchise Tax Act, relating to the rate and method of determining the rate of tax on National banking associations, banks and financial corporations.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 14: By Senator Mayo—An act to amend Section 4282 of the Political Code, relating to compensation for public service in counties of the fifty-third class.

Referred to Committee on Local Government.

Senate Bill No. 15: By Senator Mayo—An act to amend Section 4275 of the Political Code, relating to compensation for public services in counties of the forty-sixth class.

Referred to Committee on Local Government.

Senate Bill No. 16: By Senator Mayo—An act to suspend those provisions of Article XI, Section 5, of the Constitution relating to the compensation of county, township and municipal officers, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Rules.

Senate Bill No. 17: By Senator Mayo—An act to amend Section 2020.01 to the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 18: By Senator Desmond—An act to repeal Section 4071 of the Political Code, relating to monthly financial reports to boards of supervisors.

Referred to Committee on Local Government.

Senate Bill No. 19: By Senator Desmond—An act to provide for the erection and equipment of a building or buildings on the Campus of the University of California at Davis for use in connection with instruction in food-canning and food-processing, for the establishment and maintenance of a course in food-canning and food-processing on the Campus of the University of California at Davis, and to make an appropriation therefor.

Referred to Committee on Education.

Senate Constitutional Amendment No. 1: By Senator Dillinger—Proposed amendment to Article XX, Section 22 of the Constitution, relative to intoxicating liquors.

Referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 2: By Senator Seawell—Proposed amendment to Article XX, Section 22 of the Constitution, relative to intoxicating liquors.

Referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 9, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred

Senate Concurrent Resolution No. 3

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 5, committee vote: Ayes 5.

SEAWELL, Chairman.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Concurrent Resolution No. 3—Relative to Joint Rules of the Legislature.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

The second paragraph of Rule 55 is hereby amended to read as follows:

"The claims of Members of the Senate and Assembly shall be audited, approved and certified to the Controller by the Secretary of the Senate or the Chief Clerk of the Assembly respectively, weekly, or as otherwise directed by either house, and a copy of the certificate shall be presented to each of the respective members. Upon certification by the Secretary or the Chief Clerk the Controller shall draw his warrants in payment of the claims of the respective members."

Amendment read.

Motion to Continue to Next Legislative Day

Senator Desmond moved that the further consideration of Senate Concurrent Resolution No. 3, the Joint Rules, be continued until the next legislative day.

Motion to Lay on Table

Senator Seawell moved that the motion by Senator Desmond that the consideration of Senate Concurrent Resolution No. 3, the Joint Rules, go over to the next legislative day be laid on the table.

Motion carried.

Amendment No. 1 to Senate Concurrent Resolution No. 3 adopted.

Resolution ordered printed, engrossed, and to third reading.

ADJOURNMENT

At 4.15 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.30 p.m., Wednesday, January 10, 1945, out of respect to the memory of Alden Anderson, Hon. Lee T. Bashore, and Peter J. Haggerty.

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

THIRD LEGISLATIVE DAY

THIRD CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Wednesday, January 10, 1945

The Senate met at 2.30 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:
Senator McCormack, on motion of Senator Slater.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant Commander B. P. Donnelly, U. S. Navy (Retired) of Doheny Park.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 10, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 7
Assembly Concurrent Resolution No. 8

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Concurrent Resolution No. 7—Relative to approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the seventh day of November, 1944.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 8—Relative to approving three certain amendments to the charter of the City of Burbank, State of California, ratified by the electors of said city at a special municipal election held therein on the seventh day of November, 1944.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 9, 1945.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 3
Senate Concurrent Resolution No. 4
Senate Concurrent Resolution No. 5
Senate Concurrent Resolution No. 6

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 9, 1945.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 7

And reports the same correctly engrossed.

SEAWELL, Chairman

RESOLUTIONS

The following resolutions were offered:

By Senator Powers:

Senate Resolution No. 16

Resolved, That the persons herein named be allowed the several sums set opposite their respective names for services as stated, rendered to the Senate preliminary to the organization of the Fifty sixth Session, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant on the Contingent Fund in favor of each of the several persons hereinafter named, for the sum set opposite their respective names, and the Treasurer is directed to pay the same:

J. A. Beek, Secretary, 6 days @ $10	$60 00
Joseph F. Nolan, Sergeant-at-Arms, 3 days @ $8	24 00
Thomas A. Wright, Asst. Sergeant-at-Arms, 3 days @ $6	18 00
Helen R. Hutchings, Assistant Secretary, 4 days @ $7	28 00
Med Anderson, Assistant Secretary, 4 days @ $7	28 00
Pat Rollins, Assistant Secretary, 6 days @ $7	42 00
Buster Peart, Assistant Secretary, 2 days @ $7	14 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.

NOES—None.

By Senator Biggar:

Senate Resolution No. 17

Relating to the continuance of the Senate Interim Committee on Public Education, created by Senate Resolution No. 52, as amended, of the Fifty-fifth Regular Session.

Resolved by the Senate of the State of California, as follows:

1. The Senate Interim Committee on Public Education created by Senate Resolution No. 52, as amended, of the Fifty-fifth Regular Session is continued as a Senate committee at this session with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring shall be filled by appointment of the Committee on Rules of this session.

2. The committee is authorized to act during this session of the Legislature.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate that are applicable to such a committee, as soon as such Rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

4. A sum of money equal to the amount of unexpended and unencumbered balance of money which immediately prior to the commencement of this session remained available to the committee and its members, is hereby made available from the Contingent Fund of the Senate at this session for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 20: By Senator Slater—An act to amend Section 737ww of the Political Code, relating to salaries of judges of the superior court in and for the County of Sonoma.

Referred to Committee on Local Government.

Senate Bill No. 21: By Senator Slater—An act to amend Section 4249 of the Political Code, relating to compensation for public services in counties of the twentieth class.

Referred to Committee on Local Government.

Senate Bill No. 22: By Senators Hulse, Tenney, Dilworth, and Swing—An act making an appropriation for support of the Colorado River Board, and declaring the purpose thereof, to take effect immediately.

Referred to Committee on Rules.

Senate Bill No. 23: By Senator Fletcher—An act to add Article 4, comprising Section 17390, to Chapter 4, Part 10, Division 2, of the Revenue and Taxation Code, relating to deduction of net operating losses.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 24: By Senator Fletcher—An act to add Section 4136 to the Business and Professions Code, relating to licentiates in pharmacy.

Referred to Committee on Business and Professions.

Senate Bill No. 25: By Senators Dilworth, Burns, Hulse, Tenney, Sutton, and Salsman—An act to amend Sections 3100, 3300, and 3325 of the Health and Safety Code, relating to grants in aid for the care and treatment of persons suffering from tuberculosis or susceptible thereto, and making an appropriation.

Referred to Committee on Public Health.

Senate Bill No. 26: By Senator Dilworth—An act to amend the title of "An act making an appropriation for allocation to cities, counties, and cities and counties to develop a Postwar Public Works Program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights-of-way and sites for major streets, roads, bridges, sewerage and other public facilities and providing the procedure for making such allocations," approved June 20, 1944, and to add Section 25.5 thereto, relating to State aid for the cost of construction of public works by local agencies.

Referred to Committee on Local Government.

Senate Bill No. 27: By Senator Biggar—An act to amend Section 4263 of the Political Code, relating to compensation for public service in counties of the thirty-fourth class.

Referred to Committee on Local Government.

Senate Bill No. 28: By Senator Weybret—An act to amend Section 41.5 of the Unemployment Reserves Act, relating to a System of Unemployment Reserves.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 29: By Senator Biggar—An act to add Section 11733.5 to the Insurance Code, relating to workmen's compensation insurance and the computation of premiums therefor.

Referred to Committee on Financial Institutions.

Senate Bill No. 30: By Senator Biggar—An act to add Section 23.1 to the District Investigation Act of 1933, relating to districts to which said act is applicable.

Referred to Committee on Local Government.

Senate Bill No. 31: By Senator Collier—An act to amend Section 10452 of the Revenue and Taxation Code, relating to the Motor Vehicle Transportation Tax Fund.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 32: By Senator Salsman—An act to add Article 5, comprising Sections 992 to 992.10, inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, relating to business loans to veterans, and making an appropriation.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 33: By Senator Collier—An act to amend Section 255 of the Health and Safety Code, relating to physically handicapped children.

Referred to Committee on Public Health and Safety.

Senate Bill No. 34: By Senator Collier—An act to amend Sections 120, 157, 2612, 2626, 2630, 4105, 4106, 4109.5 and 4153 of, to repeal Chapter 4 of, and to add a new Chapter 4, consisting of Sections 4371 to 4376, inclusive, to, Part 7, Division 1 of, and to repeal Section 4110 of, and to add a new Section 4110 of, and to add Sections 4104.3, 4104.5, 4108, 4108.5, to, the Revenue and Taxation Code, relating to property taxation.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 35: By Senator Collier—An act to amend Section 4133 of the Political Code, relating to certificates of sale.

Referred to Committee on Judiciary.

Senate Bill No. 36: By Senator Burns—An act to amend Section 737j of the Political Code, relating to the salaries of judges of the superior court in and for the County of Fresno.

Referred to Committee on Local Government.

Senate Bill No. 37: By Senator Dillinger—An act to add Chapter 8, comprising Sections 2801 to 2805, inclusive, to Division 2 of the Public Resources Code, relating to mining conducted by dredging operations.

Referred to Committee on Natural Resources.

Senate Bill No. 38: By Senator Burns—An act to amend Section 4234 of the Political Code, relating to compensation for public service in counties of the fifth class.

Referred to Committee on Local Government.

Senate Bill No. 39: By Senator Desmond—An act to add Sections 4041.7, and 4408.5 to the Political Code, relating to the planning and development of facilities for transportation by water.

Referred to Committee on Local Government.

Senate Concurrent Resolution No. 8: By Senator Swing—Relative to approving certain amendments to the charter of the County of San Bernardino, State of California, voted for and ratified by the qualified electors of said county at a general election held therein on the seventh day of November, 1944.

Request for Unanimous Consent

Senator Swing asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 8, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 8

Senate Concurrent Resolution No. 8—Relative to approving certain amendments to the charter of the County of San Bernardino, State of California, voted for and ratified by the qualified electors of said county at a general election held therein on the seventh day of November, 1944.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hulse, Jespersen,

Keating, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—31.
NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolutions were offered:

Senate Joint Resolution No. 1: By Senator Fletcher—Relative to memorializing Congress to propose an amendment to the Constitution of the United States relating to the term of the President and to provide for ratification thereof by the Legislatures of the several States.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 9: By Senator Seawell—Relative to the appointment of the State Controller as accounting officer for the Legislature for tax and other purposes.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 10: By Senators Tenney and Swing—Relative to the creation of a Joint Interim Committee on the Administration of Justice.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 11: By Senator Fletcher—Relative to approving certain amendments to the charter of the County of San Diego, State of California, submitted to, voted for, and ratified by the qualified electors of said county at a general election held therein on the seventh day of November, 1944.

Request for Unanimous Consent

Senator Fletcher asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 11, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 11

Senate Concurrent Resolution No. 11—Relative to approving certain amendments to the charter of the County of San Diego, State of California, submitted to, voted for, and ratified by the qualified electors of said county at a general election held therein on the seventh day of November, 1944.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—30.
NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 10, 1945

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Assembly Concurrent Resolution No. 7

Assembly Concurrent Resolution No. 8

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered to third reading.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Concurrent Resolution No. 7—Relative to approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the seventh day of November, 1944.

Resolution read, and presented by Senator Shelley.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 8—Relative to approving three certain amendments to the charter of the City of Burbank, State of California, ratified by the electors of said city at a special municipal election held therein on the seventh day of November, 1944.

Resolution read, and presented by Senator Tenney.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 10, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 2—An act to amend Section 2020 and to repeal Section 2020.01 of the Welfare and Institutions Code, relating to the amount of aid to the aged.

Referred to Committee on Welfare and Institutions.

RESOLUTIONS

The following resolution was offered:

By Senators Donnelly, Dorsey, Quinn, Slater, and Hatfield:

Senate Resolution No. 18

Relating to the continuance of the Senate Fact-Finding Committee on Japanese Resettlement, created by Senate Resolution No. 122, as amended, of the Fifty-fifth Regular Session.

Resolved by the Senate of the State of California, as follows:

1. The Senate Fact-Finding Committee on Japanese Resettlement, created by Senate Resolution No. 122, as amended, of the Fifty-fifth Regular Session is continued as a Senate Committee at this session with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring shall be filled by the Committee on Rules of this session.

2. The committee is authorized to act during this session of the legislature and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth day of the next regular session.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate that are applicable to such a committee, as soon as such Rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

4. A sum of money equal to the amount of unexpended and unencumbered balance of money which immediately prior to the commencement of this session remained available to the committee and its members, is hereby made available from the Contingent Fund of the Senate at this session for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Referred to Committee on Rules.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution No. 3—Relative to Joint Rules of the Legislature.

Resolution read.

Motion to Amend

Senator Seawell moved the adoption of the following amendments:

Amendment No. 1

The second paragraph of Rule 35 is hereby amended as follows: In line 42 of said measure, strike out, "The claims of", and insert "Expense allowances for".

Amendment No. 2

On page 10, line 43, strike out "audited,".

Amendment No. 3

On page 10, line 49, of said measure, strike out, "claims of", and insert "allowances to".

Amendment No. 4

On page 4, line 3, of said measure, strike out "fifty dollars ($50)", and insert, "fifty-five dollars ($55)".

Amendment No. 5

On page 12, following line 35, of said measure, insert:

"Any such committee may resolve itself into two or more subcommittees for the purpose of more expeditiously handling and considering matters referred to it, and may select a chairman of such subcommittee, and such subcommittee and the chairman thereof shall have all the powers and authority herein conferred upon the committee and its chairman. The chairman of such subcommittee shall audit and approve the expense claims of the members of such subcommittee and other claims and expenses incurred by it, and shall certify the amount thereof to the Controller, and the Controller shall draw his warrant therefor upon such certification, and the Treasurer shall pay the same. Whenever such committee or any subcommittee thereof is authorized to leave the State of California in the performance of its duties, then such committee or subcommittee shall, while out of the State, have the same authority as if it were

acting and functioning within the State, and the members thereof shall be entitled to receive the same expense allowances as if the committee were functioning within the State.

Amendments read and adopted.

FURTHER AMENDMENT TO SENATE CONCURRENT RESOLUTION NO. 3

Motion to Amend

Senator Keating moved the adoption of the following amendment:

Amendment No. 1

On page 11, line 11, of said measure, after "amended", insert "to remove but not to add the name of any sponsor".

Amendment read and adopted.

FURTHER AMENDMENT TO SENATE CONCURRENT RESOLUTION NO. 3

Motion to Amend

Senator Dorsey moved the adoption of the following amendment:

Amendment No. 1

On page 11, line 1, of the printed measure, strike out all of lines 1 to 13, inclusive.

Amendment read.

Roll Call Demanded

Senators Rich, DeLap, and Collier demanded a roll call.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Breed, Cunningham, Donnelly, Hatfield, Quinn, Shelley, Sutton, and Weybret—8.

NOES—Senators Brown, Burns, Collier, DeLap, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Jespersen, Keating, McBride, Mixter, Parkman, Powers, Rich, Seawell, Slater, Tenney, and Ward—20.

FURTHER CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 3

Senate Concurrent Resolution No. 3—Relative to Joint Rules of the Legislature.

Resolution read, as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 10, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 11

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 3; absent 2.

SEAWELL, Chairman

REQUEST FOR UNANIMOUS CONSENT

Senator McBride asked for, and was granted, unanimous consent to take up Senate Resolution No. 11, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 11

Senate Resolution No. 11

Relating to the continuance of the Senate Fact-Finding Committee on Homes and Institutions for the Aged, created by Senate Resolution No. 134 of the Fifty-fifth Regular Session.

Resolved by the Senate of the State of California, as follows:

1. The Senate Fact-Finding Committee on Homes and Institutions for the Aged created by Senate Resolution No. 49 of the Fifty-fifth Regular Session is continued as a Senate Committee at this session with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring shall be filled by the Committee on Rules of this session.

2. The committee continues until final adjournment of this Fifty-sixth Regular Session, and may file its report at any time prior to such final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate that are applicable to such a committee, as soon as such Rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

4. A sum of money equal to the amount of unexpended and unencumbered balance of money which immediately prior to the commencement of this session remained available to the committee and its members, is hereby made available from the Contingent Fund of the Senate at this session for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Keating, McBride, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—24.

NOES—None.

The President requested Senator Judah present himself at the bar of the Senate in order that the oath of office might be administered to him, and that he may subscribe to the same.

OATH OF OFFICE ADMINISTERED

Senator Judah came forward, presented his certificate of election, and took and subscribed to the following constitutional oath of office, administered by Hon. Paul Mason, Civil Executive Officer of the State of California:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of State Senator according to the best of my ability.

ADJOURNMENT

At 4.19 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.30 p.m., Thursday, January 11, 1945.

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FOURTH LEGISLATIVE DAY

FOURTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Thursday, January 11, 1945

The Senate met at 2.30 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO 14, January 11, 1945

To the Honorable Members of the Senate
Sacramento, California

GREETINGS: In accordance with the provisions of Section 1 of Article VII of the Constitution of California, I hereby transmit to you a report of the cases of pardon, commutation of sentence and reprieve issued by me from January 4, 1943, to January 8, 1945.

Sincerely,

EARL WARREN, Governor

Acts of Executive Clemency of California—Granted for Period 1943-1945

Message of the Governor Concerning Pardons, Commutations and Reprieves Granted by Governor Earl Warren for Period 1943-1945

To the Members of the Senate and Assembly of the State of California.

In accordance with the provisions of Section 1 of Article VII of the Constitution of California, I hereby transmit to you a report of the cases

of pardon, commutation of sentence, and reprieve issued by me from January 4, 1943, to January 8, 1945.

I have adopted the policy of referring all applicants for pardon, whenever eligible, to the rehabilitation and pardon procedure as provided by chapter 3.5, Sections 4852.01 to 4852.2 of the Penal Code, adopted at the last Regular Session of the Legislature for the purpose of establishing a procedure under which persons released from State prison can demonstrate to the superior court of the county of their residence that they have rehabilitated themselves and earned the right to be considered for a pardon.

Respectfully submitted.

EARL WARREN
Governor of California

Reprieves

GLENARD BROWN, San Quentin No. 69156, was convicted on September 27, 1942, in Placer County, of murder first degree, and scheduled to be executed January 14, 1944. Thirty-day reprieve granted by Acting Governor Frederick F. Houser, with a suggestion that further investigation be made by the State Division of Criminal Identification and Investigation. Granted January 13, 1944, extending date of execution to February 15, 1944.

WILSON DE LA ROI, San Quentin Nos. 63949 and 63949a, was convicted on September 28, 1942, in Sacramento County, of assault by life convict, and scheduled to be executed June 16, 1944. Reprieve granted upon request of Supreme Court of the State of California in order to enable the Supreme Court to order a writ of habeas corpus returnable on July 11, 1944. Granted June 5, 1944, extending date of execution to September 15, 1944.

WILSON DE LA ROI, San Quentin Nos. 63949 and 63949a, was convicted on September 28, 1942, in Sacramento County, of assault by life convict, and scheduled to be executed September 15, 1944. Reprieve granted upon request of the Supreme Court of the State of California to allow Referee to hear and take testimony of all witnesses in the matter of application for writ of habeas corpus. Granted September 6, 1944, extending date of execution to February 2, 1945.

WILLIAM LEVA HOUGH, San Quentin No. 68807, was convicted on August 20, 1942, in Los Angeles County, of murder first degree, and scheduled to be executed November 10, 1944. Reprieve granted upon request of Supreme Court of the State of California to enable William Leva Hough to apply for a writ of certiorari in the Supreme Court of the United States. Granted October 27, 1944, extending date of execution to December 1, 1944.

WILLIAM LEVA HOUGH, San Quentin No. 68807, was convicted on August 20, 1942, in Los Angeles County, of murder first degree, and scheduled to be executed December 1, 1944. Reprieve issued upon granting of stay of execution by the Supreme Court of the United States pending action on rehearing on writ of certiorari. Granted November 30, 1944, extending date of execution to January 12, 1945.

Pardons

Granted pursuant to Chapter 3.5, Sections 4852.01 to 4852.2 of the Penal Code, under which persons who have been released from State prison can demonstrate to the superior court of the county of their residence that they have rehabilitated themselves and earned the right to be considered for a pardon.

In each of the following cases the pardon has been granted pursuant to a certificate of rehabilitation issued by the superior court of the county of residence recommending the applicant to the Governor for a pardon.

JOHN ARTALE, San Quentin No. 51388, plead guilty to the crime of burglary second degree in Los Angeles County on October 24, 1930, and was granted probation for a period of 2 years. Probation was revoked January, 1932, as a result of his arrest and charge on suspicion of burglary and being drunk and disturbing the peace. He

served approximately 2 years and 7 months in prison and approximately 6 months on parole, being discharged therefrom on January 28, 1935. Certificate of rehabilitation issued June 7, 1944, by the Superior Court of Los Angeles County. Granted December 29, 1944.

LUIGI BORELLO, San Quentin No. 53233, was convicted of the crime of manslaughter in Alameda County on November 28, 1932. He served 1 year and 4½ months in prison and 1 year and 9½ months on parole, being discharged therefrom on June 28, 1936. Certificate of rehabilitation issued November 3, 1943, by the Superior Court of the City and County of San Francisco. Granted December 21, 1943.

HARRIS F. BRANNAN, San Quentin No. 58902, was convicted of the crime of extortion, two counts, and bribery, two counts, (concurrently), in Alameda County on April 15, 1936. He served 9½ months in prison and 9½ months on parole, being discharged therefrom on November 15, 1939. Certificate of rehabilitation issued December 15, 1943, by the Superior Court of Alameda County. Granted February 25, 1944.

MIHEAIL BROKALAKIS, Folsom No. 9928, was convicted of the crime of kidnapping in Napa County on February 7, 1916. He served 1 year and 1[illegible] months in prison and 11 months on parole, being discharged therefrom on February 24, 1918. Certificate of rehabilitation issued November 18, 1943, by the Superior Court of Santa Cruz County. Granted December 22, 1943.

GEORGE W. CASSIDY, San Quentin No. 51500, plead guilty to the crime of forgery in Los Angeles County during February, 1932. He served approximately 2 years and 7 months in prison and approximately 1 year on parole, being discharged therefrom on September 6, 1935. Certificate of rehabilitation issued November 15, 1943, by the Superior Court of Los Angeles County. Granted March 7, 1944.

SAM CLESCERI, San Quentin No. 41916, plead guilty to the crime of violation of Section 141 of the Motor Vehicle Act, in Los Angeles County during March, 1926. He served 1 year and 11 months in prison and approximately 6 months on parole, being discharged therefrom on May 17, 1929. Certificate of rehabilitation issued January 26, 1944, by the Superior Court of Los Angeles County. Granted July 7, 1944.

PHIL COLLINS, San Quentin No. 59620, plead guilty to the crime of grand theft, (3 counts to run concurrently), in Kern County during December, 1936. He served 2 years and ½ month in prison and 1 year and 4½ months on parole, being discharged therefrom on May 2, 1940. Certificate of rehabilitation issued December 9, 1943, by the Superior Court of Kern County. Granted April 27, 1944.

VICTOR CONCA, San Quentin No. 37601, plead guilty to the crime of robbery in Alameda County during March, 1923. He served 2 years and 6 months in prison and 3 years and 6 months on parole, being discharged therefrom on February 22, 1929. Certificate of rehabilitation issued March 22, 1944, by the Superior Court of Alameda County. Granted December 28, 1944.

J. H. CONRING, San Quentin No. 32777, plead guilty to the crime of burglary second degree in Los Angeles County on June 7, 1919. He served 1 year in prison and approximately 8 months on parole, being discharged therefrom on February 13, 1921. Certificate of rehabilitation issued May 24, 1944, by the Superior Court of Los Angeles County. Granted December 29, 1944.

R. EDWARD COOK, Folsom No. 20135, was convicted of the crime of grand theft in Los Angeles County on June 26, 1935. He served 2 years and 3 months in prison and 1 year and 11 months on parole, being discharged therefrom on March 29, 1940. Certificate of rehabilitation issued December 15, 1943, by the Superior Court of the City and County of San Francisco. Granted February 25, 1944.

JOHN COURREGOS, San Quentin No. 55565, plead guilty to the crime of robbery first degree in Alameda County during February, 1934. He served approximately 5 years and 6 months in prison and approximately 8 months on parole, being discharged therefrom on April 24, 1940. Certificate of rehabilitation issued April 24, 1944, by the Superior Court of Alameda County. Granted December 28, 1944.

LUCIUS DAVIS, San Quentin No. 41123, plead guilty to the crime of burglary second degree in Contra Costa County on July 27, 1925. He served approximately 3 years and 10 months in prison and approximately 6 months on parole, being discharged therefrom on November 28, 1929. Certificate of rehabilitation issued June 23, 1944, by the Superior Court of the City and County of San Francisco. Granted December 29, 1944.

THEODORE C. DEDRICK, San Quentin No. 56762, was convicted of the crime of robbery first degree in Los Angeles County during October, 1934. He served approximately 3 years in prison and 3 years and 3 months on parole, being discharged therefrom on January 24, 1941. Certificate of rehabilitation issued May 24, 1944, by the Superior Court of Los Angeles County. Granted December 29, 1944.

HENRY DONOHOO, San Quentin No. 50170, plead guilty to the crime of robbery second degree in Ventura County during April, 1931. He served 2 years and 2½ months in prison and approximately 2 years and 6½ months on parole, being discharged therefrom on February 2, 1936. Certificate of rehabilitation issued March 28, 1944, by the Superior Court of Ventura County. Granted December 28, 1944.

MANUEL P. DUARTE, San Quentin No. 51769, was convicted of the crime of rape in Merced County during March, 1932. He served 5 years and 5 months in prison and 3 years and 10 months on parole, being discharged therefrom on June 17, 1941. Certificate of rehabilitation issued December 13, 1943, by the Superior Court of Merced County. Granted April 27, 1944.

ALFRED SOL EPPSTEIN, San Quentin No. 48660, plead guilty to the crime of forgery in Los Angeles County during June, 1930. He served approximately 1 year and 9½ months in prison and approximately 2 years and 1 month on parole, being discharged therefrom on April 30, 1934. Certificate of rehabilitation issued April 12, 1944, by the Superior Court of Los Angeles County. Granted December 28, 1944.

PEGGY L. EPPSTEIN, San Quentin No. 48655, plead guilty to the crime of forgery in Los Angeles County during June, 1930. She served 1 year and 6 months in prison and 1 year and 6 months on parole, being discharged therefrom on June 14, 1933. Certificate of rehabilitation issued April 12, 1944, by the Superior Court of Los Angeles County. Granted December 28, 1944.

ERNEST LOUIS FARRIS, San Quentin No. 57803, plead guilty to the crime of robbery first degree in Los Angeles County on June 13, 1935. He served approximately 4 years and 5 months in prison and was released therefrom on November 24, 1939. Certificate of rehabilitation issued December 6, 1943, by the Superior Court of Los Angeles County. Granted March 7, 1944.

LAWRENCE FINK, San Quentin No. 52260, plead guilty to the crime of robbery first degree, (2 counts to run concurrently), in Los Angeles County on May 28, 1932. He served approximately 5 years and 11 months in prison, being discharged therefrom on April 30, 1938. Certificate of rehabilitation issued January 12, 1944, by the Superior Court of Los Angeles County. Granted July 19, 1944.

LOUIE FULTON, San Quentin No. 41207, plead guilty to the crime of violation of Section 476a of the Penal Code in Tulare County during August, 1925. He served approximately 2 years in prison and approximately 1 year on parole, being discharged therefrom on August 26, 1928. Certificate of rehabilitation issued December 13, 1943, by the Superior Court of Tulare County. Granted April 27, 1944.

ABRAHAM GOTTLIEB, San Quentin No. 59448, was convicted of the crime of forgery in Los Angeles County during October, 1936. He served 2 years in prison and 2 years on parole, being discharged therefrom on October 10, 1940. Certificate of rehabilitation issued January 5, 1944, by the Superior Court of Los Angeles County. Granted July 7, 1944.

LeROY GRIFFIN, alias JOYCE G. GRIFFIN, alias P. G. KLIEWER, San Quentin No. 46563 and Folsom Nos. 17347 and 18669, was convicted of the crime of issuing fictitious checks in Santa Clara County on February 2, 1929. He served 1 year and 8 months in prison, being discharged therefrom on parole on October 3, 1930. On September 17, 1931, while on parole, he was convicted of the crime of grand theft in Fresno County and was returned to prison on September 23, 1931. He served approximately 5 years and 5½ months in prison, being discharged therefrom on February 15, 1937. Certificate of rehabilitation issued August 23, 1943, by the Superior Court of Napa County. Pardon recommended by a majority of the Justices of the California Supreme Court. Granted December 22, 1943.

HARRY M. GROSS, San Quentin No. 57874, plead guilty to the crime of assault with deadly weapon in Los Angeles County on July 10, 1935. He served approximately 2 years and 3½ months in prison and approximately 2 years and 5½ months on parole, being discharged therefrom on April 20, 1940. Certificate of rehabilitation issued January 5, 1944, by the Superior Court of Los Angeles County. Granted July 19, 1944.

RUSSELL T. HATFIELD, San Quentin No. 59363, was convicted of the crime of manslaughter in Mono County during September, 1936. He served 2 years and ½ month in prison and 2 years and ½ month on parole, being discharged therefrom on October 10, 1940. Certificate of rehabilitation issued March 27, 1944, by the Superior Court of Inyo County. Granted December 28, 1944.

RUTH HAUSER, San Quentin No. 49892, was convicted of the crime of robbery second degree in Riverside County on March 18, 1931. She served approximately 2 years and 7½ months in prison and approximately 1 year on parole, being discharged therefrom on October 18, 1934. Certificate of rehabilitation issued January 14, 1944, by the Superior Court of Sacramento County. Granted July 7, 1944.

JAMES HEWSON, San Quentin No. 41901, was convicted of the crime of receiving stolen property in Los Angeles County on March 8, 1926. He served 1 year and 2 months in prison and 1 year and 3 months on parole, being discharged therefrom on July 13, 1928. Certificate of rehabilitation issued January 19, 1944, by the Superior Court of Los Angeles County. Granted July 7, 1944.

RALPH HOLLANDS, San Quentin No. 51051, plead guilty to the crime of bigamy in Fresno County during November, 1931. He served approximately 1 year and 1½ months in prison and approximately 1 year and 2½ months on parole, being discharged therefrom on March 2, 1934. Certificate of rehabilitation issued June 23, 1944, by the Superior Court of Fresno County. Granted December 29, 1944.

JEFFERSON F. HOWELL, San Quentin No. 33310, plead guilty to the crime of robbery in Trinity County on December 31, 1919. He served 8 years and 6 months in prison and 6 years and 9 months on parole, being discharged therefrom on April 2, 1935. Certificate of rehabilitation issued May 19, 1944, by the Superior Court of San Diego County. Granted December 29, 1944.

HAROLD HUFF, San Quentin No. 49476, plead guilty to the crime of forgery in Los Angeles County on December 30, 1930. He served approximately 1 year and 1½ months in prison and 1 year and 2½ months on parole, being discharged therefrom on May 3, 1933. Certificate of rehabilitation issued February 23, 1944, by the Superior Court of Los Angeles County. Granted December 28, 1944.

CHARLES R. HURST, San Quentin No. 41699, plead guilty to the crime of embezzlement in Tulare County during January, 1926. He served approximately 1 year and 2 months in prison and approximately 1 year and 10 months on parole, being discharged therefrom on February 3, 1929. Certificate of rehabilitation issued May 15, 1944, by the Superior Court of Tulare County. Granted December 28, 1944.

CLARENCE JACKLIN, San Quentin No. 55294, plead guilty to the crime of forgery and prior felony in Los Angeles County on January 13, 1934. He served 1 year and 9½ months in prison and approximately 1 year and 9½ months on parole, being discharged therefrom on August 13, 1937. Certificate of rehabilitation issued October 18, 1943, by the Superior Court of Los Angeles County. Pardon recommended by a majority of the Justices of the California Supreme Court. Granted March 7, 1944.

ELDON M. JENSEN, San Quentin No. 49626, plead guilty to the crime of robbery second degree in San Diego County during February, 1931. He served approximately 4 years and 4½ months in prison, being discharged therefrom on June 12, 1935. Certificate of rehabilitation issued February 16, 1944, by the Superior Court of Los Angeles County. Granted December 28, 1944.

LEWIS JOHNSON, San Quentin No. 57520, plead guilty to the crime of burglary second degree in Yolo County during April, 1935. He served approximately 1 year in prison and approximately 2½ months on parole, being discharged therefrom on July 9, 1936. Certificate of rehabilitation issued February 21, 1944, by the Superior Court of Yolo County. Granted December 28, 1944.

MELVIN N. JOHNSON, San Quentin No. 55430, plead guilty to the crime of robbery first degree, (2 counts to run concurrently), in Los Angeles County during January, 1934. He served approximately 5 years and 1 month in prison and 1 year and 6 months on parole, being discharged therefrom on August 3, 1940. Certificate of rehabilitation issued January 26, 1944, by the Superior Court of Los Angeles County. Granted July 19, 1944.

WILLIAM J. JONES, San Quentin No. 42041, was convicted of the crime of rape in Riverside County on March 17, 1925. He served 4 years and 6 months in prison, and approximately 3 years and 2 months on parole, being discharged therefrom on December 11, 1933. Certificate of rehabilitation issued January 6, 1944, by the Superior Court of Alameda County. Granted July 7, 1944.

MARY KAVANAUGH, San Quentin No. 47997, was convicted of the crimes of burglary second degree and grand theft, (consecutively), in Los Angeles County on January 2, 1930. She served 1 year and 4½ months in prison, her sentence of 1 to 15 years and 1 to 10 years, (to run consecutively), being commuted to time served by Governor Rolph on May 5, 1931. Certificate of rehabilitation issued November 8, 1943, by the Superior Court of Los Angeles County. Granted December 22, 1943.

DOROTHY KERR, Tehachapi No. 390, plead guilty to the crime of forgery of fictitious name, (2 counts to run concurrently), in Los Angeles County during December, 1936, and was granted probation for a period of 6 years. Probation was revoked due to an additional forgery charge during April, 1938, and she was sentenced on the original conviction. She served 1 year and 5 days in prison and 11½ months on parole, being discharged therefrom on March 23, 1940. Certificate of rehabilitation issued April 26, 1944, by the Superior Court of Los Angeles County. Granted December 28, 1944.

HENRY KRAUTH, San Quentin No. 53981, plead guilty to the crime of grand theft in Los Angeles County on March 30, 1933. He served approximately 2 years and 8 months in prison and 1 year and 10 months on parole, being discharged therefrom on October 7, 1937. Certificate of rehabilitation issued April 12, 1944, by the Superior Court of Los Angeles County. Granted December 28, 1944.

MIKE LETE, San Quentin No. 47593, was convicted of the crime of attempt to commit sodomy in Fresno County during September, 1929. He served approximately 2 years and 4½ months in prison and 2 years and 2½ months on parole, being discharged therefrom on April 12, 1934. Certificate of rehabilitation issued March 9, 1944, by the Superior Court of Fresno County. Granted December 28, 1944.

H. C. LOGGINS, San Quentin No. 37256, plead guilty to the crime of robbery in Ventura County during December, 1922. He served approximately 6 years and 9½ months in prison and 1 year on parole, being discharged therefrom on October 8, 1930. Certificate of rehabilitation issued June 28, 1944, by the Superior Court of Merced County. Granted December 29, 1944.

THOMAS F. LUTTRELL, San Quentin No. 32479, was convicted of the crime of murder second degree in Tulare County on March 14, 1919. Luttrell received a life sentence. He served 12½ years in prison, being discharged on parole September 21, 1931. On September 8, 1942, the Board of Prison Terms and Paroles refixed Luttrell's sentence and he was discharged from parole September 15, 1942. Certificate of rehabilitation issued October 18, 1943, by the Superior Court of Tulare County. Granted December 22, 1943.

EARL McCRORY, San Quentin No. 42043, was convicted of the crime of robbery first degree in Madera County during April, 1926. He served 5 years in prison and 6 years and 2 months on parole, being discharged therefrom on June 11, 1937. Certificate of rehabilitation issued December 28, 1943, by the Superior Court of Fresno County. Granted February 25, 1944.

JOE MEDINA, San Quentin No. 52573, plead guilty to the crime of violation of Section 141 of the California Vehicle Act in Los Angeles County during July, 1931. He was granted 2 years probation with 6 months to be served in the Los Angeles County jail and released on January 12, 1932. However, probation was revoked as a result of his arrest and charge on suspicion of robbery and assault with a deadly weapon on July 4, 1932. He served 2 years and 11½ months in prison, being discharged therefrom on July 8, 1935. Certificate of rehabilitation issued January 26, 1944, by the Superior Court of Los Angeles County. Granted July 31, 1944.

FRANK MLEDI, San Quentin No. 26908, plead guilty to the crime of assault to murder in San Luis Obispo County on October 30, 1913. He served 3 years and 2 months in prison and 1 year on parole, being discharged therefrom on January 1, 1918. Certificate of rehabilitation issued April 12, 1944, by the Superior Court of Los Angeles County. Granted December 28, 1944.

EDGAR W. MUMFORD, San Quentin No. 54285, plead guilty to the crime of receiving stolen property, (2 counts to run consecutively), in Los Angeles County on February 9, 1933, and was granted probation for a period of 2 years. During June, 1933, he pleaded guilty to the crime of robbery second degree in Los Angeles County. He served approximately 2 years and 6½ months in prison and 2 years and 6 months on parole, being discharged therefrom on June 25, 1938. Certificate of rehabilitation issued July 31, 1944, by the Superior Court of San Mateo County. Granted December 29, 1944.

ROBERT BRUCE PALMER, San Quentin No. 52526, plead guilty to the crime of burglary first degree in Alameda County on July 13, 1932. He served approximately 7 years and 9 months in prison and approximately 1 year and 6½ months on parole, being discharged therefrom on June 2, 1941. Certificate of rehabilitation issued November 24, 1943, by the Superior Court of Alameda County. Granted April 27, 1944.

THOMAS PUSICH, San Quentin No. 43124, plead guilty to the crime of burglary second degree in Los Angeles County during January, 1927. He served approximately 1 year and 9 months in prison and 1 year and 6 months on parole, being discharged therefrom on May 3, 1930. Certificate of rehabilitation issued February 16, 1944, by the Superior Court of Los Angeles County. Granted December 28, 1944.

JOAQUIN RIOS, San Quentin No. 27158, plead guilty to the crime of assault with intent to commit murder in the City and County of San Francisco during January, 1914. He served approximately 1 year and 2½ months in prison and 1 year and 1½ months on parole, being discharged therefrom on May 31, 1916. Certificate of rehabilitation issued December 16, 1943, by the Superior Court of the City and County of San Francisco. Granted April 27, 1944.

LOUIS ROSEN, San Quentin No. 60464, was convicted of the crime of forgery of endorsement in Los Angeles County on November 5, 1934. He was granted 2½ years probation on this charge. However, while on probation, he was convicted of the crime of perjury in Los Angeles County on December 24, 1936. He served 1 year and 9½ months in prison and approximately 1 year and 9½ months on parole, being discharged therefrom on January 12, 1941. Certificate of rehabilitation issued October 21, 1943, by the Superior Court of Los Angeles County. Pardon recommended by a majority of the Justices of the California Supreme Court. Granted March 7, 1944.

STEPHEN ROSS, San Quentin No. 28810, plead guilty to the crime of robbery in the City and County of San Francisco during August, 1915. He served approximately 1 year and 9 months in prison and 18 months on parole, being discharged therefrom on November 19, 1918. Certificate of rehabilitation issued December 23, 1943, by the Superior Court of the City and County of San Francisco. Granted July 31, 1944.

CLEO B. H. RUSSELL, San Quentin No. 57260, plead guilty to the crime of arson in Los Angeles County on February 4, 1935. He served approximately 1 year and 9 months in prison and approximately 1 year and 10 months on parole, being discharged therefrom on September 9, 1938. Certificate of rehabilitation issued December 20, 1943, by the Superior Court of Los Angeles County. Granted April 27, 1944.

LOUIS SCALETTI, San Quentin No. 28461, plead guilty to the crime of burglary first degree in Marin County during April, 1915. He served approximately 2 years and 4 months in prison and 1 year and 3 months on parole, being discharged therefrom on November 28, 1918. Certificate of rehabilitation issued December 10, 1943, by the Superior Court of the City and County of San Francisco. Granted April 27, 1944.

PIETRO SCIANNA, San Quentin No. 45304, plead guilty to the crime of burning insured property in Santa Clara County during April, 1928. He served 1 year and 6 months in prison, and 2 years and ½ month on parole, being discharged therefrom on November 16, 1931. Certificate of rehabilitation issued March 17, 1944, by the Superior Court of Santa Clara County. Granted July 19, 1944.

WALLACE STARNES, San Quentin No. 37890, plead guilty to the crime of receiving stolen property in Sacramento County during May, 1923. He served approximately 1 year in prison and 1 year and 4 months on parole, being discharged therefrom on September 19, 1925. Certificate of rehabilitation issued November 22, 1943, by the Superior Court of Sacramento County. Granted December 22, 1943.

JOHN C. TAYLOR, San Quentin No. 34159, was convicted of the crime of criminal syndicalism in Alameda County during November, 1920. He served approximately 1 year and 1½ months in prison and approximately 6½ months on parole, being discharged therefrom on July 3, 1922. Certificate of rehabilitation issued June 1, 1944, by the Superior Court of Alameda County. Granted December 29, 1944.

CHARLES P. TEMPLE, San Quentin No. 58489, was convicted of the crimes of (Group I), conspiracy to commit grand theft, (to run consecutively), and (Group II), grand theft, (16 counts to run concurrently). Groups to run concurrently, in Los Angeles County on December 6, 1935. He served 3 years and 6 months in prison and 1 year and 7 months on parole, being discharged therefrom on January 31, 1941. Certificate of rehabilitation issued November 15, 1943, by the Superior Court of Los Angeles County. Granted March 7, 1944.

ALFRED TIDSWELL, San Quentin No. 39138, plead guilty to the crime of attempted burglary, second degree in the City and County of San Francisco on March 10, 1924. He served 1 year and 8 months in prison, being discharged therefrom on November 2, 1925. Certificate of rehabilitation issued December 13, 1943, by the Superior Court of San Mateo County. Granted March 7, 1944.

ROBERT DALE TOLTSCHIN, San Quentin No. 46227, plead guilty to the crime of grand theft in Los Angeles County on November 8, 1928. He served 1 year and 9½ months in prison and approximately 1 year and 11 months on parole, being discharged therefrom on June 10, 1932. Certificate of rehabilitation issued March 28, 1944, by the Superior Court of Los Angeles County. Granted April 7, 1944.

FRANK H. TOPPEL, San Quentin No. 54698, plead guilty to the crimes of forgery, (1 count), and issuing fictitious check, (3 counts), (all counts to run concurrently), in Riverside County during September, 1933. He served 1 year and 4 months in prison, and 1 year on parole, being discharged therefrom on January 16, 1936. Certificate of rehabilitation issued January 27, 1944, by the Superior Court of Riverside County. Granted July 19, 1944.

PAUL WILLIAM TUCKER, San Quentin No. 38148, plead guilty to the crime of bank check with intent to defraud in Orange County during January, 1921, and was granted 5 years probation. Probation was revoked after a similar charge in July, 1923. He served 1 year and 6 months in prison, being discharged therefrom on January 15, 1925, on parole. Parole was revoked on July 2, 1926, and reinstead on January 11, 1939, and discharge ordered by the Board of Prison Terms and Paroles as of July 15, 1926. Certificate of rehabilitation issued November 26, 1943, by the Superior Court of Orange County. Granted April 27, 1944.

ALEXANDER VIGNA, San Quentin No. 26537, plead guilty to the crime of attempt to explode giant powder under dwelling house in Siskiyou County during May, 1913. He served approximately 4 years and 3½ months in prison and 3 years and 11½ months on parole, being discharged therefrom on August 17, 1921. Certificate of rehabilitation issued March 1, 1944, by the Superior Court of Alameda County. Granted December 28, 1944.

EUGENE WATSON, San Quentin No. 57661, was convicted of the crime of assault by such means and force likely to do great bodily harm with prior conviction of a felony in Riverside County during May, 1935. He served 3 years and 7 months in prison, being discharged therefrom on December 17, 1938. Certificate of rehabilitation issued April 26, 1944, by the Superior Court of Los Angeles County. Pardon recommended by a majority of the Justices of the California Supreme Court. Granted December 29, 1944.

R. K. WEATHERILL, San Quentin No. 57410, was convicted of the crimes of, (Group I), grand theft, (4 counts to run consecutively), and (Group II), grand theft and violation of the corporate securities act, (5 counts to run concurrently), (Groups I and II to run concurrently) in Alameda County during February, 1935. He served approximately 3 years and 1 month in prison and approximately 1 year on parole, being discharged therefrom on April 9, 1939. Certificate of rehabilitation issued February 9, 1944, by the Superior Court of Los Angeles County. Granted July 31, 1944.

HUBERT WITT, San Quentin No. 48669, plead guilty to the crime of forgery in Los Angeles County during June, 1930. He served 1 year and 8 months in prison and approximately 9 months on parole, being discharged therefrom on November 14, 1932. Certificate of rehabilitation issued May 24, 1944, by the Superior Court of Los Angeles County. Granted December 29, 1944.

Pardons

Granted without reference to Chapter 3.5, Sections 4852.01 to 4852.2 of the Penal Code, after favorable recommendation by the Adult Authority or its predecessor, the Advisory Pardon Board, with the exception of one applicant who was recommended by the Board of Trustees of the California Institution for Women because of her critical illness.

In ten of the following cases pardons were granted upon good cause without reference to the rehabilitation procedure because the applicants were not eligible to apply under that procedure by reason of non residence in this state or by reason of their absence with the armed forces.

In two cases pardons were granted upon good cause without reference to the rehabilitation procedure because the applicants, serving life sentences on parole, were not eligible to apply under that procedure.

In four cases pardons were granted upon good cause without reference to the rehabilitation procedure because the applicants, convicted of misdemeanors, were not eligible to apply under that procedure and were faced with deportation action by the Federal Bureau of Immigration and Naturalization because of their conviction, or were prevented from entry or advancement in the armed forces by reason of their conviction.

CHAUNCEY J. CLARK, San Quentin No. 44186, plead guilty to the crime of burglary second degree in Los Angeles County during February, 1927, and was granted probation for a period of 3 years. Probation was revoked as a result of his having been convicted in Los Angeles County in October, 1927, of the crimes of burglary, second degree and attempt to commit burglary, second degree, (these counts to run concurrently and concurrently, with the first or original burglary charge). He served approximately 2 years and 8 months in prison and 6 months on parole, being discharged therefrom on December 12, 1930. Clark has been a member of the armed forces since 1942. Pardon recommended by the Advisory Pardon Board. Granted April 7, 1944.

CHARLES C. CONVERSE, San Quentin No. 44831, now a resident of the State of Oregon, plead guilty to the crime of burglary second degree in Tulare County during February, 1928. He served approximately 1 year and 3 months in prison and approximately 1 year and 10 months on parole, being discharged therefrom on February 8, 1931. Pardon recommended by Walter C. Haigh, District Attorney of Tulare County, and the Advisory Pardon Board. Granted March 7, 1944.

FRED COOPER, San Quentin No. 49247, plead guilty to the crime of robbery, first degree in Siskiyou County on November 3, 1930. He served 2 years and 8 months in prison and approximately 2 years and 7½ months on parole, being discharged therefrom on March 5, 1936. Pardon recommended by Sheriff Ben J. Richardson, Sheriff of Siskiyou County, Charles E. Johnson, District Attorney of Siskiyou County, C. J. Luttrell, former Judge of the Superior Court of Siskiyou County and the one before whom Cooper plead guilty, and the Advisory Pardon Board. Favorable recommendation was also received from Ben C. Flaxel, District Attorney of Coos County, Oregon, where Cooper has resided since his parole. Granted April 7, 1944.

JESSE ELLIOTT, San Quentin No. 34407, was convicted of the crime of murder first degree in Mendocino County on January 22, 1921, and was given a life sentence. He served approximately 13 years and 8 months in prison and was released on parole on October 3, 1934. Pardon recommended by R. B. Byrons, former Sheriff of Mendocino County, Allen Moore, Chief State Parole Officer, and the Advisory Pardon Board. Granted April 7, 1944.

ANTONIO GARCIA, Los Angeles County No. 92783, was convicted of the crime of statutory rape, (2 counts to run concurrently), in Los Angeles County on April 25, 1928. He served 6 months in the Los Angeles County jail, being discharged therefrom on September 24, 1928. Garcia is subject to deportation to Spain. Applicant's wife and child are American born. Pardon recommended by Cecil D. Holland, former Deputy District Attorney of Los Angeles County, Robert E. Clark, United States Marshal, and the Advisory Pardon Board. Granted December 29, 1944.

ELVIN RUSSELL GELVIN, San Diego County No. 63568, plead guilty to the crime of forgery in San Diego County on October 24, 1938. He served approximately 7 months in the San Diego County jail and approximately 5 months on parole, being discharged therefrom on November 25, 1939. Although applicant's conviction of a misdemeanor did not deprive him of citizenship rights, it led to his discharge as an officer in the U. S. Army Air Force. Pardon recommended by Gordon Thompson, Judge of the Superior Court of San Diego County, the trial judge in this case, and the Advisory Pardon Board, to enable Gelvin to be reinstated in the armed forces. Granted May 4, 1944.

JOHN HOLT, San Quentin No. 50283, was convicted in Los Angeles County on May 1, 1931, of the crime of robbery first degree. He served approximately 3 years and 5 months in prison and approximately 1 year and 4 months on parole, being discharged therefrom on February 23, 1936. Pardon recommended by Allen Moore, Chief State Parole Officer, and the Advisory Pardon Board. Favorable recommendation was also received from Alfred H. Greening, State's Attorney, Sangamon County, Springfield, Illinois, where Holt has resided since 1935. Granted April 7, 1944.

OLIVER EARL HOOVER, San Quentin No. 50327, was convicted of the crime of robbery, first degree, in San Bernardino County on May 29, 1931. He served 3 years and ½ month in prison and 2 years on parole, being discharged therefrom on June 14, 1936. Pardon recommended by Charles L. Allison, Judge of the Superior

Court of San Bernardino County, the trial judge in this case, Allen Moore, Chief State Parole Officer, and the Advisory Pardon Board. Favorable recommendation was also received from Carl C. Quackenbush, Prosecuting Attorney of Spokane County, Washington, where Hoover has resided since the date of his parole. Granted April 7, 1944.

WILLIAM JAMES, Contra Costa County No. 9968, plead guilty to the crime of petty theft in the Justice Court, Contra Costa County, during December, 1932. He served approximately 5 months in the county jail, being discharged therefrom on May 21, 1933. James is subject to deportation because he made several one day trips across the California-Mexican border to Tia Juana some years ago. Pardon recommended by the Advisory Pardon Board. Granted April 7, 1944.

JOHN H. MACCLANAHAN, San Quentin No. 62683, now United States Army, plead guilty to the crime of grand theft in Sacramento County on November 15, 1938. He served 1 year and 8½ months in prison and 1 year and 8½ months on parole, being discharged therefrom on April 19, 1942. Pardon recommended by Honorable Martin I. Welsh, Judge of the United States District Court, Northern District of California, who was Judge of the Superior Court of Sacramento County and trial judge in this case, John Quincy Brown, District Attorney of Sacramento County, O. H. Close, Superintendent, Preston School of Industry, and the Advisory Pardon Board. Favorable recommendation was also received from William Ehrlich, 2nd Lt., Corps of Engineers, U. S. Army, MacClanahan's commanding officer. Granted April 7, 1944.

SANDRA ALEXANDER MARTIN, Tehachapi No. 662, plead guilty to the crime of forgery on three counts in Los Angeles County on July 19, 1938. Sentence was suspended and she was placed on probation for 10 years. On September 3, 1942, she violated probation through forgery and the previous sentence was put into effect. She served approximately 1 year and 3 months in prison. On January 10, 1944, due to the precarious state of her health, she was granted a commutation of sentence eliminating the penalties and sentences on two of the counts upon which she was convicted, in order that she could be placed on parole. Pardon recommended by the Board of Trustees of the California Institution for Women because of her critical illness. Granted May 4, 1944.

HARRY C. McCLURE, San Quentin No. 62171, now United States Army who has received the Purple Heart with oak leaves, plead guilty to the crime of burglary first degree in Los Angeles County during June, 1938. He served approximately 2 years and 2 months in prison and approximately 1 year and 8 months on parole, being discharged therefrom on May 12, 1942. Pardon recommended by Allen Moore, Chief State Parole Officer, and the Advisory Pardon Board. Granted April 7, 1944.

EARL C. ORTELL, JR., Los Angeles County No. 311215, plead guilty to the crime of statutory rape in Los Angeles County on April 11, 1940. He served 5 days in the Los Angeles County Jail. Pardon recommended by Frank M. Smith, Judge of the Superior Court of Los Angeles County, the trial judge in this case, and the Advisory Pardon Board. Ortell is presently serving in the United States Coast Guard and would be eligible for promotion if pardoned. Granted May 4, 1944.

NICHOLAS LEO OWEN, San Quentin No. 51399, now in the United States Army, plead guilty to the crime of assault with deadly weapon in Los Angeles County on January 9, 1932. He served approximately 3 years and 1 month in prison and approximately 2 years on parole, being discharged therefrom on January 31, 1937. Pardon recommended by the Advisory Pardon Board. Granted May 4, 1944.

MIKE PAPPASJANES, San Quentin No. 49137, plead guilty to the crime of assault with deadly weapon in Shasta County during October, 1930. He served approximately 2 years and 1 month in prison and approximately 2 years and 4½ months on parole, being discharged therefrom on March 24, 1935. Pardon recommended by the Advisory Pardon Board, and Lewis R. Morris, County Attorney, County of Oklahoma, Oklahoma City, Oklahoma, where Pappasjanes has resided for the past 8 years. Granted March 7, 1944.

ABRAHAM STRUMENGHER, San Quentin No. 29342, plead guilty to the crime of robbery, (2 counts concurrently), in the City and County of San Francisco on February 11, 1916. He served approximately 2 years and 9 months in prison and approximately 5½ months on parole, being discharged therefrom on April 29, 1919. Pardon recommended by Allen Moore, Chief State Parole Officer, and the Advisory Pardon Board. Favorable recommendation was also received from Louis J. Hamel, Assistant County Solicitor of Dade County, Florida, where applicant has resided since 1930. Granted April 7, 1944.

JUAN ZAMORA, San Quentin No. 19826, was convicted of the crime of murder in San Benito County on November 1, 1902, and given a life sentence. He served approximately 10 years and 1½ months in prison and was released on parole December 20, 1912. Pardon recommended by Allen Moore, Chief State Parole Officer, and the Adult Authority. Granted December 28, 1944.

Commutations of Sentence

HARRY DUNN, Folsom No. 21707, was convicted of attempted robbery and two prior convictions and robbery, second degree, and two prior convictions, in Los Angeles County on March 30, 1938, as an habitual criminal under Penal Code Section 644, in the belief that Harry Dunn had two prior convictions in Nebraska. It subsequently developed that one of these prior sentences was served in a State Reformatory, a type of institution not included in Section 644 of the Penal Code. The commutation to remove the habitual criminal status was granted upon the recommendation of the trial judge, Charles W. Fricke, who stated that he had attempted to vacate the original judgment, but was advised that the court lacked jurisdiction and that the sentence could be modified only by executive clemency. Commutation of sentence to the extent of removing the habitual criminal status recommended by a majority of the Justices of the Supreme Court and the Advisory Pardon Board. Commutation of sentence to the extent of removing the habitual criminal status granted February 25, 1944.

HARRY FULLER GOOLD, San Quentin No. 50727, convicted of murder first degree in Los Angeles County on August 19, 1931, was sentenced to be executed on November 6, 1931. Governor Rolph extended the date of execution by reprieve from time to time until August 11, 1933. On August 2, 1933, the Superior Court of Marin County found Harry Fuller Goold insane and he was committed to the Mendocino State Hospital. On August 28, 1944, the Superintendent of the Mendocino State Hospital certified to the Governor that Harry Fuller Goold had regained his sanity. On November 28, 1944, the Governor issued his warrant pursuant to Section 3704 of the Penal Code, appointing Friday, December 15, 1944, for the execution of the judgment and sentence of death of Harry Fuller Goold. Commutation of sentence to life imprisonment without possibility of parole granted December 4, 1944.

JAMES D. HART, San Quentin No. 34515, plead guilty to the crime of murder first degree in the City and County of San Francisco on February 13, 1921, and was given a life sentence. He served 15 years and 1 month in prison or until his release on parole, which was March 25, 1936. Commutation of sentence to time served was recommended by Matthew Brady, former District Attorney of the City and County of San Francisco, C. C. Coxe, former State Parole Officer, Allen Moore, Chief State Parole Officer, Anthony J. Piazzi, Parole Officer for the Commonwealth of Massachusetts, and the Advisory Pardon Board. Commutation of sentence to time served granted April 7, 1944.

BEN W. G. JOSEPH, Folsom No. 6951, plead guilty to the crime of murder first degree in San Mateo County during April, 1908, and was given a life sentence. He served approximately 8 years and 8½ months in prison or until his release on parole which was December 30, 1916. Commutation of sentence to time served recommended by the Adult Authority. Commutation of sentence to time served granted December 28, 1944.

(Conditional Commutation of Sentence)

SANDRA ALEXANDER MARTIN, Tehachapi No. 662, plead guilty to the crime of forgery on three counts in Los Angeles County on July 19, 1938. Sentence was suspended and Sandra Alexander Martin was placed on probation for 10 years. On September 3, 1942, she violated probation through forgery and the previous sentence was put into effect. Commutation of sentence by eliminating the penalties and sentences on two of the counts upon which she was convicted was recommended by the Board of Trustees of the California Institution for Women at Tehachapi to make parole possible for Sandra Alexander Martin to secure treatment for a recurring cancerous condition which is not amenable to surgery. Commutation of sentence granted January 10, 1944, subject to the condition that Sandra Alexander Martin remain under parole supervision of the Board of Trustees of the California Institution for Women for not less than one year.

(Conditional Commutation of Sentence)

ORA B. NYE, San Quentin No. 54632, plead guilty to the crime of issuing checks without sufficient funds and 2 prior convictions in Los Angeles County on September 6, 1933, and given a life sentence as an habitual criminal. Commutation of sentence to remove the habitual criminal status recommended by the Board of Trustees of the California Institution for Women, James E. Davis, former Chief of Police of the City of Los Angeles, a majority of the Justices of the State Supreme Court, and the Advisory Pardon Board. Commutation of sentence granted December 24, 1943, to the indeterminate term prescribed by law for the last crime for which she was convicted, to wit: 1 to 14 years, subject to the condition that Ora B. Nye remain under the parole supervision of the Board of Trustees of the California Institution for Women for not less than one year.

ELMER WOK WAI, San Quentin No. 29606, was convicted by a jury in Monterey County during May, 1916, of the crime of murder first degree and was given a life sentence. He served approximately 15 years and 6½ months in prison and was released on parole on November 20, 1931. Commutation of sentence to time served recommended by Allen Moore, Chief State Parole Officer, Charles B. White, Executive Secretary to Clinton T. Duffy, Warden at San Quentin Prison, and the Advisory Pardon Board. Commutation of sentence to time served granted April 7, 1944.

(Conditional Commutation of Sentence)

OSCAR WEBB, San Quentin No. 70449, plead guilty to the crime of grand theft in Tulare County. He was received at San Quentin Prison on September 28, 1943, where he registered as being 18 years of age. On December 29, 1943, Warden Clinton T. Duffy of San Quentin Prison sent notification to the Governor that the records disclosed Oscar Webb to be only 14 years of age. Warden Clinton T. Duffy and the State Board of Prison Directors recommended the granting of executive clemency in order to comply with Section 2655 of the Penal Code, which prohibits the placing of a child under the age of 16 in any State prison in company with adult convicts. Similar recommendation was made by the Board of Prison Terms and Paroles; and Karl Holton, Director of the Youth Authority, recommended a commutation of sentence to permit transfer to the Youth Authority. Commutation of sentence granted February 25, 1944, to time served, with the condition that Webb be subject to jurisdiction of the Youth Authority for such time not exceeding the original maximum sentence.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 4
Senate Concurrent Resolution No. 5
Senate Concurrent Resolution No. 6
Senate Concurrent Resolution No. 7

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 11, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 8
Senate Concurrent Resolution No. 11

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 11, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 3

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 9, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1—An act making an appropriation for mileage of the members and officers of the Senate, to take effect immediately;
And reports that the same has been correctly enrolled, and presented to the Governor on the tenth day of January, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 10, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 2—An act making an appropriation for reimbursement of Members of the Senate for expenses necessarily incurred by them while attending a session of the Legislature, to take effect immediately;
And reports that the same has been correctly enrolled, and presented to the Governor on the eleventh day of January, 1945, at 2 p.m.

SEAWELL, Chairman

The President requested Senator Kuchel present himself at the bar of the Senate in order that the oath of office might be administered to him, and that he may subscribe to the same.

OATH OF OFFICE ADMINISTERED

Senator Kuchel came forward, presented his certificate of election, and took and subscribed to the following constitutional oath of office, administered by Hon. Paul Mason, Civil Executive Officer of the State of California:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of State Senator according to the best of my ability.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 40: By Senator McCormack—An act to amend Section 92 of the Agricultural Code, relating to the basis of allocation to county, district or combined county and district fairs.

Referred to Committee on Agriculture.

Senate Bill No. 41: By Senator McCormack—An act to amend Section 92 of the Agricultural Code, relating to the basis of allocation to county, district or combined county and district fairs.

Referred to Committee on Agriculture.

Senate Bill No. 42: By Senator DeLap—An act to amend Sections 1 and 2 of an act entitled "An act to provide for the conditional sale of railroad and street railway equipment or rolling stock, to regulate the making and recording of contracts therefor and declarations of the payment or performance thereof, and to authorize their recordation in the Office of the Secretary of State," approved June 13, 1913, relating to the recordation of instruments under said act.

Referred to Committee on Public Utilities.

Senate Bill No. 43: By Senator Fletcher—An act to amend Section 511.4 of, and to add Section 511.6 to the Vehicle Code, relating to regulation of the speed of vehicles.

Referred to Committee on Transportation.

Senate Bill No. 44: By Senator Desmond—An act to amend Section 44.1 of the Vehicle Code, relating to privately owned authorized emergency vehicles.

Referred to Committee on Transportation.

Senate Bill No. 45: By Senator Salsman—An act to add Article 7.5, comprising Sections 14490 to 14492, inclusive, to Chapter 2 of Part 3 of Division 12 of the Health and Safety Code, relating to capital outlays in county fire districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 46: By Senator Salsman—An act to add Section 2181.02 to the Welfare and Institutions Code, relating to aid to the aged, and providing for the manner of payment of relatives' contributions to the support of applicants for and recipients of such aid.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 47: By Senator Quinn—An act to add Chapter 4, consisting of Section 10700, to Division 12 of the Elections Code, relating to elections of county and township officers.

Referred to Committee on Elections.

Senate Bill No. 48: By Senators Quinn, Gordon, Slater, and Powers—An act making an appropriation to the Department of Agriculture for predatory animal control.

Referred to Committee on Agriculture.

Senate Bill No. 49: By Senator Fletcher—An act to add Section 1714.1 to the Civil Code, relating to liability of parents for torts of minors.

Referred to Committee on Judiciary.

Senate Bill No. 50: By Senator Fletcher—An act to amend Section 227aa of the Civil Code, relating to adoption.

Referred to Committee on Judiciary.

ADJOURNMENT

At 2.52 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10 a.m., Friday, January 12, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FIFTH LEGISLATIVE DAY

FIFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Friday, January 12, 1945

The Senate met at 10 a.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator DeLap, on motion of Senator Jespersen, account of illness.
Senator McBride, on motion of Senator Seawell, account of illness.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Crowell Eddy, San Diego County Assessor, San Diego, California.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. J. H. Hauks, County Assessor of Kern County, Bakersfield, California.

On the request of Senator Mayo, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Phillip Bradley, Jr., Chairman, State Mining Board, Jamestown, California.

MOTION TO PRINT IN JOURNAL

Senator Hatfield moved that the following Report of the Farm Production Council be printed in the Journal:

Motion carried.

STATE OF CALIFORNIA, FARM PRODUCTION COUNCIL
BERKELEY 4, January 11, 1945

Honorable George J. Hatfield, Chairman of Joint Agricultural Labor Committee California Legislature, Senate Chambers, Sacramento, California

MY DEAR SENATOR: Pursuant to the request of your committee for a report on the activities of the California Farm Production Council from July 1, 1943, to December 1, 1944, I am pleased to transmit to you herewith the report of those activities prepared by Robert Couchman, Secretary of Farm Production Council, which report has been submitted and approved by the Farm Production Council at its meeting held January 11, 1945.

Sincerely yours,

F. M. SHAY, Chairman

California Farm Production Council

Report of Activities—July 1, 1943 to December 31, 1944

F. M. Shay, Chairman

Loren Bamert	A. J. McFadden
Camille A. Garnier	W. L. Smith
Joe Hart	George H. Wilson

R. L. Adams, Director
January 1, 1945

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I. Introduction

Recruitment of California farm workers by rapidly expanding defense industries and the military services during 1942 so depleted the State's farm labor resources that agriculture experienced losses of essential food and fiber crops exceeding for 14 specific crops an estimated $14,500,000.

Legislators, convening in 1943, were confronted with a potentially great curtailment of farm production in the State, in the face of increasing food and fiber requirements to meet military, lend-lease, and civilian needs. Immediate, positive action had to be taken. That action was the passage of the Food and Fiber Production Act, with appropriations totaling $1,800,000 for the ninety-fifth Fiscal Year. The act charged an appointive, nonsalaried directing board of seven members representing citrus fruits, other fruits, dairying, live stock, field crops, truck crops and cotton, with achieving "the maximum production and availability of food and fiber possible from the farms of this State; to provide for the most effective use of existing farm labor and facilities; and to augment such labor facilities."

By this action, California became the first, and in fact the only State, to initiate a broad program, independently of the Federal Government, to enable farmers to achieve their wartime production goals through assistance in solving their extensive and varied production problems.

Somewhat later, the Federal Congress enacted Public Law 45 providing for importation of foreign farm workers, and delegating to the various State Agricultural Extension Services the responsibility of carrying on a Domestic Farm Labor Recruitment and Placement Program. Public Law 229 continued this program through 1944, and recent action by the Congress is continuing the Federal program through December 31, 1945.

Governor Appoints Council

Following his approval of the Food and Fiber Production Act on March 29, 1943, Governor Warren named a board of seven men to serve as the California Farm Production Council, acting in an advisory capacity until the act became effective on June 24, 1943. The members of the council are as follows: Frank M. Shay, deciduous fruits, San Jose, chairman; George H. Wilson, field crops, Clarksburg, vice chairman; Camille A. Garnier, truck crops, Puente; Loren Bamert, live stock, Ione; Joe Hart, dairying, Modesto; A. J. McFadden, citrus fruits, Santa Ana; W. L. Smith, cotton, Buttonwillow.

W. B. Parker served as director or executive officer from April 26, 1943, until July 5, 1944. R. L. Adams has served as director since August 1, 1944. An acting director served the brief, intervening period.

Following their appointment, the council members first met on April 9, 1943, to develop a program which would meet the needs of California farmers. Taking immediate cognizance of the action of the Congress, the council members sought the counsel of representative farm leaders and with their approval urged the two Federal agencies newly assigned to the farm labor field—the Office of Labor, War Food Administration and the California Agricultural Extension Service—to join with the council in the voluntary coordination of their programs. Their desire was to eliminate duplication of activity and to provide for ready interchange of information about their separate problems and activities so as to render a maximum service to agriculture.

Three Agencies Cooperate

Arrangements were made to set up the three agency offices in close proximity. The council members accepted the invitation of Director B. H. Crocheron to act as an advisory committee to the Farm Labor Project of the Agricultural Extension Service. Through its Regional Director, William A. Anglim, the Office of Labor, WFA, gave hearty assurance of its desire to participate cooperatively in the program. This arrangement has continued on a completely cooperative basis since it was initiated.

Under Public Law 45, and later Public Law 229, specific duties were assigned to the two Federal agencies. The Farm Production Council, however, was assigned similar duties, in addition to numerous others, by the State Legislature. So it was agreed that the council would undertake those phases of an over-all Farm Labor Program which were outside the scope of the other agencies.

Federal law made the Office of Labor, WFA, responsible for the recruitment of Mexican national workers, their transportation, and their general welfare. It also made the Agricultural Extension Service responsible for recruiting and placing domestic farm workers, and certifying to the need by individual farmers for Mexican nationals and prisoners of war.

Council Provides Housing

The Farm Production Council has undertaken to provide the additional housing required for the thousands of imported Mexican nationals and other workers, to arrange for their food, to aid in the most effective use of the limited labor supply, and to assist farmers in their other major production problems.

This latter activity involved transportation of workers as well as equipment and farm products; feedstuffs, fertilizers, insecticides and fungicides, priorities for scarce vital materials, bedding and mess gear for housing and feeding farm labor, emergency housing for processing labor, assistance to child care centers, and numerous other matters.

The Farm Production Council has been guided by several broad policies which have changed as conditions have altered. At the initiation of its program, because of the previous year's crop losses resulting from labor shortages, the council felt that immediate development of all possible farm labor housing was of primary importance.

Shortness of time, materials and manpower obviously were not conductive to efficiency in such an emergency operation, the council recognizing that maximum availability of food and fiber was paramount.

Aid Given on Basis of Need

The council determined that assistance should be given farmers and farmer groups only on the basis of actual need and to augment their own maximum efforts. As rapidly as possible, many of the council's earlier activities which could be undertaken by local groups have been transferred to farm labor procurement associations organized with council assistance.

The council has operated its program with the hope that farmers acting cooperatively would continue to provide themselves with the beneficial services which the council has been instrumental in initiating.

From April 7, to June 24, 1943, the council served in an unofficial advisory capacity to the Director of Agriculture, who was empowered by urgency legislation to start the Agricultural Assistance Program immediately. Approximately $25,000 was expended during this period.

Of the original appropriation, the council received $1,775,000 of which $1,489,979 was expended during the Ninety-fifth Fiscal Year. At the special session of the Legislature in June, 1944, an additional appropriation of $1,014,882 was made to continue the council activities through the Ninety-sixth Fiscal Year. It is estimated that by June 30, 1945, there will remain unexpended a total of $457,398, which is only slightly less than the $469,354 which it is estimated will be the net budgetary requirement for continuation of the council's program on its present basis until June 30, 1946. This difference is almost certain to be made up by returns from rentals and sales.

Contained herein is a report of these various council activities, describing the activity and services rendered, and also a statement of the cost of rendering these services.

II. Administrative Organization

Under the Food and Fiber Production Act, the seven council members and their executive officer are charged with numerous and broad responsibilities. That they have not undertaken all of the activities permissible under the act results from their decision not to engage in any activity in which any other agency, private, State or Federal, is already engaged in serving agriculture.

Members of the council have met regularly either one or two days per month to set policies, review council activities, authorize all expenditures of over $500, and advise the director concerning administration of the agency.

The council maintains its central office in Berkeley, in close association with the other two agencies in the farm labor field—Office of Labor, War Food Administration, and the Agricultural Extension Service. Its staff of 122 employees is directly responsible to the present director under whom, since the council's reorganization in July, 1944, administrative responsibility has been direct and clearly defined.

Responsibility Clearly Defined

The deputy director is directly responsible for the operation of the three area depots and warehouses at Stockton, Fresno, and Chino. A business manager at the Berkeley office is directly responsible for the acquisition, warehousing, rental, and sale of all material and supplies wholly in line with procedures approved by the State Department of Finance.

Within its organization, the council has several departments responsible directly to the director, or to him through designated assistants. These include the Transportation Department, Contracts Department, Purchasing and Priorities Department, Property Department, Personnel Department, and Fiscal Department. A field staff is maintained for the handling of business directly with farmers and farmer associations.

Camp maintenance and erection is handled out of the area depots. Motor repair departments are maintained at Stockton and Chino.

Fiscal procedure is in line with the requirements of the State Department of Finance and proper controls are maintained for the safeguarding of all State properties.

Legal service for the council is provided by the Attorney General. Assistance has been obtained from the Division of Architecture in the appraisal of buildings and real property offered for sale.

Rental schedules and sale prices of all commodities are set with the approval of the State Department of Finance. Purchases are made through the State Bureau of Purchases.

III. Farm Labor Camp Program

The major, immediate responsibility of the Farm Production Council was the provision of housing for an estimated 35,000 farm workers. In districts where the labor load remained fairly constant through a large part of the year, it was decided that housing should be at fixed locations. In districts where harvest requirements build up to extreme peaks for short periods, it was decided the need could best be met by providing demountable housing. Since a considerable amount of the latter type was required in particular districts during winter months, it was obvious that fairly substantial structures would be required.

Having charted the need, the council had the short period between July 1 and September 1, 1943, in which to achieve a major part of its housing goal. The steps taken were these:

1. Arrangements were made with the State Department of Finance to acquire by allocation from the SRA and State Guard liquidation accounts the former camps of these agencies then available at 18 widely scattered locations in the State.
2. Negotiations were entered into with agricultural district and county fair associations for the conversion of fair buildings for farm labor housing at 11 different sites.
3. Arrangements were made with the United States Army for lease to the council of Japanese assembly camps at the San Joaquin County, Merced County, and Tulare County Fair Grounds.
4. There was acquired by loan from Federal agencies and purchase 1,751 pyramidal tents, for which the council provided tent bottoms.
5. Arrangements were made through the War Food Administration for use of five available Guayule Project camps.
6. A transient camp accommodating 500 persons was purchased at Ryde so as to be available solely for farm labor.
7. Wooden demountable camps having a total housing capacity of 5,000 were purchased.
8. Mess gear, bedding facilities, kitchen gear, et cetera, for the outfitting of these camps, plus that required by farmers who were forced to replace former on-farm workers with transients, were secured by purchase and by transfer from the SRA liquidation account.

Effective operation of this Housing Program required that procedures be set up to determine the actual need for housing applied for by farmers and suitability of proposed sites. These camps had to be transported, erected, and supplied with necessary utilities, arrangements made for conversion of the assembly camp buildings to labor housing, and the State's interest fully protected upon their re-erection at new locations, and staffs recruited and trained in the operation and administration of camps.

The council, with the approval of the State Department of Finance, established a schedule of rental charges for equipment rented to farmers, and assigned members of the staff to handle the rental agreements and collections. In addition, provisions were made for the checking of items sent out from council depots and warehouses, for their periodic inspection in the field, and for rechecking upon their return.

It has been necessary, also, to carry on a Program of Maintenance and Repair in order to maintain equipment and especially buildings in a condition of maximum usefulness.

A. SRA and State Guard Camps

Demountable housing suitable for conversion to farm labor use was received by the Farm Production Council from the State Department of Finance through allocation from the SRA and State Guard liquidation accounts. The transfer included 270 buildings of various dimensions and uses having a total floor area of 297,072 square feet, and an inventory value of $74,268.

This housing was located at the 18 following places: Valley Center, San Diego County; Temescal, Chino, and Big Bear, San Bernardino County; Camp Hopkins, San Pedro, Los Angeles, and Marian Davies Hospital, Los Angeles, Los Angeles County; Crockett, Contra Costa County; Oakland and Calaveras, Alameda County; Camp Placer, Applegate, Placer County; Blythe, Riverside County; Crystal Springs, San Mateo County; Golden Gate, San Francisco; Stockton, San Joaquin County; and Rubidoux, Riverside County.

Partly redistributed to better serve agricultural areas, the housing with a capacity of 2600 workers, is now located as follows: (1) Camp Silverado, Napa County; (2) Marsh Creek Camp, Contra Costa County; (3) Camp Placer, Placer County; (4) Pescadero Camp, San Mateo County; (5) Camp Pleasanton, Alameda County; (6) California Conserving Company Camp, Hayward, Alameda County; (7) Ryde Prison Camp, Sacramento County; (8) Camp Rubidoux, Riverside County; (9) Camp Hemet, Riverside County; (10) Camp Blythe, Riverside County; (11) Camp Redlands Highland, San Bernardino County; (12) Chino Institute for Men, San

Bernardino County; (13) Artesia Camp, Los Angeles County; (14) Valley Center Camp, San Diego County; (15) Temescal Camp, Riverside County; (16) Camp Stockton, San Joaquin County; and (17) Camp Ayers, Chino, San Bernardino County. These latter two are used as area depots and warehouses.

Buildings of this type were sold to Jackson-Perkins, Pleasanton, and Leland Williams, Alameda County; Geneva Sunnydale Nurseries, Colma, San Mateo County; Calvert R. Erwin, Harry Harper, Victoria Avenue Citrus Association, and Riverside Farm Production Committee, Riverside, Riverside County, for a total of $4,695.68. Sale prices were set by the State Department of Finance, and funds received were applied to the SRA liquidation account.

The council has leased nine of these camps to farm labor procurement associations, provided farm labor housing for State agencies to Chino Institute for Men and the State Prison Authority at Ryde, and transferred camps to two counties. These latter two are the Marsh Creek Camp operated by the Contra Costa County Sheriff, and Camp Silverado, Napa County.

B. Agricultural Fairs Associations (Other than Stockton, Merced and Tulare)

Farm labor housing facilities were provided for 2,250 workers through the cooperation of the Farm Production Council with agricultural district and county fair associations.

This joint enterprise included the conversion of fairgrounds buildings to temporary use for farm labor housing and providing by the council of mess gear, stoves, refrigerators, water heaters, and other equipment, cots, mattresses, and bedding, so that available housing could be used to a maximum capacity.

In all but two instances, the fair district associations used their own funds, totaling $60,700 in the conversion of buildings. The council aided two associations to the extent of $3,400 for this purpose.

The housing facilities made available by the various fairs were as follows:

	No. of Workers
30th District Agricultural Association, Red Bluff	200
42d District Agricultural Association, Orland	125
Butte County Fair Association, Chico	300
Alameda County Fair Association, Pleasanton	150
44th District Agricultural Association, Colusa	300
40th District Agricultural Association, Woodland	300
49th District Agricultural Association, Lakeport	200
12th District Agricultural Association, Ukiah	200
21-A District Agricultural Association, Madera	225
46th District Agricultural Association, Hemet	150
El Dorado County Fair Association, Placerville	100
Total workers provided for	2,250

The Farm Production Council made the following cash contributions to fair associations to assist in providing this housing:

Butte County, Gridley Camp	$2,400 00
Alameda County Fair Association, Pleasanton	1,000 00
Total	$3,400 00

Fair associations contributed from their own funds to farm labor housing as follows:

20th District Agricultural Association, Red Bluff	$6,500 00
42d District Agricultural Association, Butte	5,000 00
Butte County Fair Association, Chico	13,000 00
Alameda County Fair Association, Pleasanton	3,500 00
44th District Agricultural Association, Colusa	8,000 00
40th District Agricultural Association, Woodland	6,000 00
49th District Agricultural Association, Lakeport	1,000 00
12th District Agricultural Association, Ukiah	6,500 00
21-A District Agricultural Association, Madera	5,700 00
46th District Agricultural Association, Hemet	5,000 00
El Dorado County Fair Association, Placerville	500 00
Total expended	$60,700 00

The following fairs made funds available, but other housing arrangements were completed which did not require use of these funds:

14th District Agricultural Ass'n., Watsonville	$ 4,500
50th District Agricultural Ass'n., Lancaster	3,500
25th District Agricultural Ass'n., Napa	5,000
Total Made Available	$13,000

C—Japanese Assembly Camps

At about the time the Legislature enacted the Food and Fiber Production Act, the Army transferred thousands of Japanese from various assembly centers in California to relocation centers elsewhere. Three such assembly centers located on the fairgrounds at Stockton, Merced, and Tulare were declared surplus to Army needs.

Inasmuch as they represented potential emergency housing for more than 10,000 farm workers, steps were taken by the Farm Production Council to secure allocation of these assembly centers for farm labor use. The three centers were transferred by the Army to the War Food Administration and in succession to the Farm Production Council.

The council received this property under lease which restricted use of the buildings and accessories to the housing of farm labor, but permitted dismantling and removal of the buildings for this use.

State Must Reimburse United States Government

However, the agreement requires the State of California to reimburse the Government for losses resulting from fire; requires the State, upon termination of the agreement, to deliver the property in the condition received, wear and tear excepted, at such places as the Government may direct; and requires the State to return fairgrounds premises to their original condition prior to Government occupancy.

In connection with these latter conditions of the agreement, the council has incurred obligations which at this time are undetermined, but which may involve substantial expenditures.

Transfer of the property to the State was authorized June 18, 1943, and the council formally accepted the property July 1, 1943.

Buildings acquired by the council, with accessories and fixtures, were as follows:

San Joaquin County Fair Grounds, Stockton:

189	Barracks	20x100	ft.
2	Barracks	20x150	ft.
4	Laundries	20x100	ft.
10	Mess halls	20x100	ft.
20	Latrines	14x16	ft.
20	Shower buildings	20x38	ft.
1	Gate house	5x5	ft.

Tulare County Fair Grounds, Tulare:

152	Barracks	20x100	ft.
1	Office building	10x20	ft.
1	Gate house	20x20	ft.
30	Latrines	8x16	ft.
20	Shower buildings	20x28	ft.
3	Hospitals	20x160	ft.
5	Laundries	20x100	ft.
11	Mess halls	20x100	ft.

Merced County Fair Grounds, Merced:

196	Barracks	20x100	ft.
11	Mess halls	20x100	ft.
3	Hospitals	20x160	ft.
5	Laundries	20x100	ft.
20	Shower buildings	20x28	ft.
30	Latrines	8x12	ft.
1	Post exchange (2 units)	20x100	ft.
7	Sentry towers	6x6	ft. on 25 ft. towers

Buildings in these three Japanese assembly camps have been largely converted into 16x20 foot structures for the housing of farm workers on individual farms or in community units operated by farm labor procurement associations.

From the Stockton camp, 32 growers were supplied with the equivalent of 83 16x20 foot units. These were placed on farms in the following 12 communities: Acampo, Escalon, Isleton, Linden, Lodi, Manteca, Ripon, Santa Clara, Spreckels, Stockton, Thornton, and Tracy.

From the Merced camp, 342 growers were supplied with the equivalent of 980 16x20 foot units. These were placed on farms and in procurement association community centers in the following 41 communities: Atwater, Ballico, Carruthers, Ceres, Chowchilla, Cressy, Crows Landing, Delhi, Denair, Dos Palos, El Nido, Firebaugh, Fowler, Fresno, Gustine, Hickman, Hollister, Hughson, LeGrand, Livingston, Lodi, Los Banos, Madera, Manteca, Merced, Milpitas, Modesto, Oakdale, Orange Cove, Patterson, Planada, San Francisco, Sanger, Selma, Stockton, Reedley, Turlock, Volta, Waterford, Westley, and Winton.

From the Tulare camp, 53 growers were supplied with the equivalent of 677 16x20 foot units. These were placed on farms and in procurement association community

centers in the following 19 communities: Alpaugh, Corcoran, Delano, Dinuba, Earlimart, Goshen, Ivanhoe, Kingsburg, Lindsay, Orosi, Pixley, Porterville, Selma, Strathmore, Terra Bella, Tipton, Tulare, Visalia, and Woodlake.

Housing for 11,531 Workers

In all, 427 growers and farm labor procurement associations in 68 communities were supplied from this source with 1,640 housing units. This represents a maximum housing capacity of 11,531 workers.

In the conversion of Japanese assembly camps for housing, some of the camp structures were dismantled to provide ends to close in the 16x20 foot units which were cut from larger structures. Others were dismantled to provide lumber for constructing tent platforms, of which 848 were built, 439 for 12x14 foot tents, and 409 for 16x16 foot tents.

Lumber was also purchased in the amount of $31,228.39 for converting the barracks and other structures into the 16x20 foot units.

In distributing these housing units, it was the council's general policy to supply at the camp site the closed-in units at no cost to the farmer, the farmer bearing the expense of moving and setting up the units, and providing foundation and flooring and such other alterations and additions as were required.

D—Ryde Transient Camp

To insure availability of farm labor housing in the Sacramento River Delta District, the Farm Production Council on July 12, 1943, purchased from Libby, McNeil and Libby a transient farm labor camp at Ryde for $10,145.

The property was originally used for housing employees of a cannery formerly operated at the site by the canning firm. Since the destruction of the cannery by fire, it has been used by transients of various types. The possibility that its facilities would not be available for housing farm workers prompted the council to purchase the property.

When purchased, there were 83 apartments and two other buildings. Twenty-eight apartments in 20 buildings were sold in December, 1943, to nearby farmers for on-farm housing of workers, the sale netting $3,530. The council also declared as surplus to its needs the following equipment at the Ryde Camp: two 90-h.p. Kewanee boilers, one duplex steam pump, one Fairbanks-Morse injection pump, one steel storage tank, above ground, 8x32 ft., one steel storage tank, underground 60x190 in., all connecting pipes, including valves and fittings. This was sold, subject to removal at purchaser's cost, to Sheldon Oil Company, Suisun, for $1,000.

Subsequently there has been expended on the reroofing, painting and repair of the Ryde Camp buildings approximately $12,000.

Originally, the rental rate for the various dwellings was $2.50 per unit, per week. With OPA approval, this has been increased to $3.50 and $4 per unit per week beginning December 1, 1944.

As presently operated, the camp has a capacity of 350, with trailer space available for 200 additional.

There is now pending an offer of $11,100 for purchase of the property by a resident of the district. The Legislature is to be asked to authorize the sale by the State Department of Finance.

E—Camp Construction and Outfitting

Of the total expenditure by the Farm Production Council during the Ninety-fifth Fiscal Year of $1,577,858, the sum of $877,609 was spent on camp construction and outfitting.

This fact alone evidences the emphasis placed upon the Camp Program.

The budgeting of $267,879.78 for camp construction and outfitting during the Ninety-sixth Fiscal Year manifests the council's conclusion that the State's critical need for farm labor housing had largely been met, for 1944 at least, and that until it was clearly evident that a new critical housing shortage had arisen, the council would not further expand its housing facilities. Of this, only $106,152.15 has been expended to date, with no additional expenditures for new construction authorized at this time.

Largest single item in the expenditures was purchase of 211,360 square feet of demountable buildings of the Nissen type, costing $277,080, plus electrical and plumbing equipment and accessories, for a total of $337,827.

There has been added to this complement of demountable buildings, five so-called central units, which are supplemented with tent housing where temporary camps are required, costing $33,713. This latter purchase comprises 24,240 square feet of demountable buildings.

The mobile camps have a housing capacity of 5,148 persons.

Briefly, the original purchase of demountable buildings included the following:

	Units
16-Man dormitory, 16x40 ft.	186
Camp manager's office and living quarters	20
Dormitory, kitchen help, 16x20 ft.	20
Mess hall, 20x40 ft.	20
Mess hall, 20x60 ft.	26
Kitchen wing, 20x20 ft.	20
Latrine, wash room, shower, heater room bldgs., 16x28 ft.	40

The five central units consisted of the following:

	Units
Mess hall and kitchen, 20x102 ft.	5
Barracks, 16x40 ft.	5
Office building, 16x40 ft.	5
Latrine building, 16x36 ft.	5
Garbage building, 4x8 ft.	5
Shower building, 20x46 ft.	5

Principal purchases in equipping camps during the Ninety fifth Fiscal Year follow:

Mattresses, bed springs and cots	$ 91,534
Cooking and mess equipment	64,647
Tents and platforms	16,174
Water heaters	3,479
Cooling units	22,282
Heating units	3,100
Additions, betterments to buildings	43,913
Construction crew labor expenditures totaled	$204,769

Principal purchases in equipping camps during the first five months of the Ninety sixth Fiscal Year follow:

Mattresses, bed springs and cots	$ 4,630
Cooking and mess equipment	4,464
Tents and platforms	6,051
Cooling units	2,704
Heating units	1,140
Additions, betterments to buildings	5,301
Construction crew labor expenditures for this period totaled	$ 30,780

This tabulation should be compared with the following items showing amounts budgeted for the entire Ninety-sixth Fiscal Year:

Mattresses, bed springs and cots	$20,750 00
Cooking and mess equipment	26,710 00
Tents and platforms	19,000 00
Cooling units	6,962 00
Heating units	2,000 00
Additions, betterments to buildings	----------

Expenditures for the first six months of the Ninety sixth Fiscal Year as compared with total expenditures for the Ninety-fifth Fiscal Year are given in several important items relating to this particular activity:

	95th Fiscal Year	*96th Fiscal Year*
Repairs and maintenance	$108,940 39	$6,565 07
Property and equipment	633,217 01	29,797 71
Specialist labor, carpenters, plumbers, labor, etc.	233,116 19	38,732 37
Supervision, clerical help, etc.	27,440 83	16,566 03

Under this activity, the council acquired its mobile camp buildings, and the equipment necessary to set up and operate its camps, erect the camp buildings and later disassemble and reerect them at their new sites. Mobile camps were set up and operated at 32 locations in 1943, and at 28 locations in 1944.

Location of equipment essential to camp construction and outfitting, negotiating necessary purchases, assembling the equipment and material and issuing it, and keeping buildings and equipment in proper repair has necessitated the employment of a staff that has been very large for short periods and quite small at others when work has slackened off. Details are presented in another section of this report.

F. Holding Camps for Mexican Nationals

Since the importation of Mexican national workers into California was wholly dependent upon the availability of railroad transportation, it was necessary for the State's labor requirements to be anticipated considerably in advance of the actual need.

That meant that on some occasions workers had to be transported into the State before they were actually required.

In addition, the fact that successive places of employment are often considerable distances apart requires that temporary holding camp facilities be maintained for housing and feeding the workers en route and while new camps are being made ready. As these were not already available, and other agencies seemed unable to provide them, the Farm Production Council retained a part of the camp facilities at the three Japanese assembly centers for this purpose.

These holding camps consisted of the Tulare Camp with a housing capacity of 3,669 workers, the Stockton Camp with a housing capacity of 1,200 workers, and the Merced Camp with a housing capacity of 600 workers, or a total of 5,469.

When required for local labor housing, the camps have been used for that purpose. In addition, as is mentioned elsewhere, the Stockton and Tulare holding camp facilities have been used for housing German prisoners of war.

In connection with the use of these facilities for holding camps, the council has received from the War Food Administration as reimbursement for boarding the workers $9,445.57, a substantial part being returned to growers for advances made by them. Additional claims, now being determined, are pending.

In addition, the council has filed with the War Food Administration a claim for lodging the workers, on the basis of a weekly charge of $1.25 per man. These claims, as of this date, total $3,232, but have been turned down, pending submission of additional evidence acceptable to the War Food Administration.

G. Negro Camp

In its effort to make maximum use of domestic farm labor resources, the Farm Production Council attempted to recruit Negro workers with farm experience and transients from so called "skid-rows" in metropolitan areas, neither project being successful.

On August 20, 1943, the council transported several bus loads of Negro workers from San Francisco to a camp set up at Caruthers. This camp operated for just a month and was closed. It varied in population from 80 to 150. Growers were dissatisfied with the workers and the workers were dissatisfied with the available work. It also was impossible to secure payment for all meals. This activity resulted in a loss to the council of $1,055.27, collection of which is now being attempted

H. Transient Camp

On September 1, 1943, the council opened a camp for transients at Biola with 80 men transported to the camp from Los Angeles. The following morning, after they had eaten breakfast, 40 of these men left camp without paying for their transportation or meals. The camp population varied from 40 to 160 men, but it was apparent that the transients would not provide a dependable source of labor and that the council would not be reimbursed for all meals and transportation. The project was discontinued on September 25, 1943.

I. Student Harvest Camp Assistance

During 1943, in order to make most effective use of volunteer labor, the Farm Production Council authorized the expenditure of $31,686.61 for the employment of 174 supervisors in 30 volunteer harvest camps which were set up with the assistance of the California Agricultural Extension Service. A total of 3,179 boys, girls, and women were housed in the camps, the workers being recruited by seven high schools, the American Women's Voluntary Services, the Y.M.C.A., the Y.W.C.A., the Boy Scouts, and miscellaneous organizations.

Camps were located as follows: Selma and Kingsburg, Fresno County; Arvin, Kern County; Kelseyville and Lakeport, Lake County; Covina, Los Angeles County; Livingston, Merced County; Calistoga, St. Helena, and Napa, Napa County; Auburn, Loomis, and Penryn, Placer County; Hemet, Riverside County; Courtland, Isleton, and Walnut Grove, Sacramento County; Vacaville, Solano County; Geyserville, Healdsburg, Sebastopol, and Sonoma, Sonoma County; Denair and Hughson, Stanislaus County; Moorpark, Ventura County, and Marysville, Yuba County.

Assistance toward the successful operation of these camps was given on several occasions, particularly in securing allocation of adequate meat allowances to permit the workers to be fed properly. This assistance required the preparation of data and their presentation to proper OPA officials.

J. Prisoner of War Camps

Beginning about August 1, 1944, increasing use of German prisoners of war in agriculture for the two fold purpose of usefully employing the prisoners and to assist in making up a part of the deficit in farm labor ranks has imposed on the Farm Production Council some responsibility for providing housing where other housing is not available.

At present, of the 4,200 prisoners employed in agriculture in California, the council is providing housing for 2,840, as follows:

Camp Ayers, Chino	540
Edwards Ranch, Goleta	250
Tagus Ranch, Tulare County	250
Stockton Holding Camp	1400
Tulare Holding Camp	400

The responsibility of the council to provide housing results from the inability of the Army or the employing growers to secure the necessary housing and equipment on short notice, or from the inability of the Army to provide the necessary housing within the restriction on expenditures imposed upon it.

There are certain obvious disadvantages in the use of prisoners of war. Their rate of production is lower than that of other types of workers. More housing is required in the accomplishment of the same amount of production work. There are certain revenues which the council receives in connection with the use of its housing facilities for other types of workers which it does not receive when prisoners of war are housed. The council feels obliged, however, to provide housing regardless of revenue where farmers must depend upon prisoners of war for necessary farm work.

At the Edwards Ranch and Tagus Ranch, listed above, the council's mobile camps and equipment are rented to the grower at established rental rates. At the Japanese assembly center, no charge is made for the buildings, but equipment is rented at regular rental rates. At Camp Ayers, Chino, the camp and equipment are leased to the Southern California Independent Grape Growers Association.

K. Ryde Prison Camp

To enable the California Conserving Company to employ at its Ryde plant prisoners from San Quentin Prison, the Farm Production Council set up a prison camp for 150 men at the rear of the company's plant.

Buildings included the following:

4—18x88 ft. State Guard barracks
4—18x60 ft. 6 in. State Guard barracks
1—20x60 ft. 6 in. State Guard barracks
1—20x60 ft. 6 in. State Guard mess hall
1—20x100 ft. demountable mess hall
1—20x100 ft. barracks from the Stockton Japanese Assembly Center.

The demountable mess hall has since been removed.

Men in the camp were employed by the conserving company from July 15, 1943, through September 30, 1943, but thereafter until August 1, 1944, prisoners were employed by nearby farmers. Up to 150 prisoners were made available to more than 70 farmers at one time or another.

Rentals for camp equipment, which the council supplied, were paid by California Conserving Company up to August 1, 1943, but thereafter the council permitted the camp equipment to be used under the assumption that the Department of Corrections was in fact responsible for the camp.

Negotiations have recently been entered into to determine the responsibility for rentals, and the camp has been turned over to the Department of Corrections to be operated by that agency.

L. CCC Camps

The Farm Production Council has assisted farm groups requiring farm labor housing in securing three CCC camps declared surplus by Federal agencies: Camp Sebastopol at Sebastopol, Camp Pinto Lake near Watsonville, and Camp Springville near Porterville.

In each case, at council request, the Federal Government has transferred title to the camp to the State of California without reimbursement, and the State, in turn, has made the housing available to the local farmers.

Camp Sebastopol was dismmantled and the 10 buildings in the camp distributed to 13 growers in Healdsburg, Sebastopol, Geyserville, Graton, and Santa Rosa. Removal of buildings and cleaning up of the camp grounds was at the expense of the growers receiving the buildings.

Camp Pinto Lake, including 29 buildings, was turned over to the Santa Cruz County Growers, a farmers' cooperative labor procurement association.

Camp Springville, including 13 buildings, is being made available to the J. G. Boswell Company, Corcoran, for housing farm workers employed by this company and other farmers in the community. The cost of relocating the camp and cleaning up the former camp site is to be borne by the Boswell Company.

M. Camp Commissary Service

At the inception of the Mexican National Camp Program, a major problem was to provide commissary service for the various camps so that acceptable meals would be provided where, when and in the quantity necessary for all workers in Farm Production Council camps. This need resulted in the council entering into contract with several commissary companies to provide commissary services as required.

All meals served, save in special cases involving Mexican national workers in the

council-sponsored pool, were on a reimbursable basis, either by the worker or the employer. Commissary contracts were secured by bids, were entered into with five firms serving in different localities and at different periods. Bids were more or less uniform, being either $1.50 per man per day, including State sales tax, or $1.499 per man per day, including State sales tax.

As the council's efforts increasingly resulted in the organizing of farm labor procurement associations, management of the various camps was turned over to these associations on a contract basis and the council terminated its contracts with the commissary companies. On December 15, 1944, the final commissary contract terminated.

During the period of the contracts, approximately 1,169,677 meals were served, representing 389,892 man-days of service. The council paid out for meals a total of $584,738.63, and collected from workers and growers for payment to commissary companies $550,066.34. In addition, it collected from the War Food Administration $3,439.35, and still has claims under consideration which, when and if collected, will be applied to this account.

There is, currently, a discrepancy of $31,232.94 in this account, which represents, in part, charges for meals for which the council paid but failed to make collection, prior to December 15, 1943. Since that date, the account has balanced to the penny.

Lack of proper accounting procedure at the beginning of the program, failure of inexperienced camp managers to check their daily count of meals with those of commissary company stewards, and the unsuccessful attempts to set up a camp for transients at Biola and for Negro workers at Caruthers can be held responsible for a substantial part of the loss which will be sustained by the council in this activity.

Council expenditures and collections for meals by counties were as follows:

County	*Collections*	*Expenditures*
Alameda	$ 6,307 56	$ 6,849 48
Fresno	149,895 08	167,892 95
Kern	13,041 17	15,879 04
Lake	9,357 81	9,906 00
Los Angeles	26,248 19	27,527 95
Merced	22,672 46	22,650 96
Orange	409 50	
San Benito	33,323 63	35,394 54
San Bernardino	56,401 19	57,113 10
San Diego	6,960 76	7,673 52
San Joaquin	32,030 74	31,641 98
San Mateo	10,786 42	11,027 53
Santa Barbara	6,388 58	7,051 03
Santa Clara	11,179 05	12,586 00
Stanislaus	45,453 50	45,044 58
Tehama	5,602 63	5,766 67
Tulare	37,455 53	40,640 25
Ventura	45,642 00	48,470 02
Yolo	30,910 54	31,623 03

Differences between collections and expenditures in individual counties is largely explained by the fact that growers in one county on numerous occasions received workers from a camp located in an adjoining county.

N. Camp Allocating, Setting Up and Maintenance

In connection with the Council's Camp Program, it has been necessary to use staff members in the Berkeley and area offices and in the field to review grower application for labor camps, inspect the sites and determine the availability of utilities, direct the setting up of the camps, and carry on necessary maintenance of building and equipment.

Until recently, the council also operated the camps for groups of individual growers, pending assistance to growers in forming associations to which the camp management could be transferred.

These activities required a very large work force at the beginning of the operation, including carpenters, plumbers, electricians, and laborers, since it was imperative at the start to set up camps as rapidly as possible. Thus in July, August, September, and October, 1943, this work force employed in camp erection averaged 200 persons, whereas in July, August, September, and October, 1944, this comparable work force averaged only 34 persons.

In October, 1943, the council employed 58 camp superintendents, assistants, and camp aids, whereas in October, 1944, the council had seven such employees.

The expenditure for camp operation in the Ninety-fifth Fiscal Year totaled $727,561, against which the council received the following income: $494,744 for meals; $64,363 for operating and housing charges at the rate of 50 cents per man per day; and $132,621 for camp facilities for Mexican nationals in the council-operated pool at the rate of 4 cents per man per hour. The net deficit of camp maintenance and operation for the Ninety-fifth Fiscal Year was $35,833.

During the first five months of the Ninety-sixth Fiscal Year, the expenditures for

camp maintenance totaled $76,186. In return, the council received for meals $51,796 and for housing and supervision $28,621, a total of $80,418. There was a net profit on this operation of $4,233.

IV. Transportation

During the period July 1, 1943, to December 31, 1943, the Farm Production Council expended a total of $172,821 on transportation. During the next succeeding six months, ending June 30, 1944, it expended $75,361, a total of $248,182 for the Ninety-fifth Fiscal Year. During the six months, July 1, 1944, to December 31, 1944, it is estimated the expenditure for this purpose will total $45,681.

During the Ninety-fifth Fiscal Year, council passenger equipment operated 639,209 miles, and freight equipment 895,066 miles—a total of 1,534,275 miles. In the first five months of the Ninety-sixth Fiscal Year, council passenger equipment operated 167,295 miles, and freight equipment 222,588 miles—a total of 389,883 miles.

These data are cited to indicate the very large transportation operation in which the council first engaged, the increasing efficiency of this operation as better organization was effected and equipment was bettered, as well as the changing nature of the over all operation.

The council has received from several sources 223 pieces of automotive equipment of various types, ranging from 18-ton semitrailers to passenger cars, and in various conditions of wear and disrepair.

From the State Guard, by transfer, the following was received:

Passenger cars	67
Pickup and deliveries	22
Express trucks and trucks	104
Buses	3
Jeeps	6
Ambulances	2
Trailers	3
Total	207

From the State Department of Agriculture, by transfer:

Passenger cars	5

From the State Board of Harbor Commissioners by transfer:

Passenger car	1
Truck	1
Total	2

From the State Controller by purchase:

Passenger car	1

From the State Relief Administration, by transfer:

Passenger cars	4

From the Adjutant General's Office, by transfer:

Passenger cars	2

From the Adjutant General's Office, by loan:

Semitrailers	2

Today, the council's automotive fleet, following the sale or planned sale of 147 vehicles, transfer to other State agencies, and otherwise, is as follows:

Panel trucks	5
Stake body trucks	19
Sedans	27
Carryalls	1
Buses	4
Tow trucks	2
Sedan deliveries	3
Pickups	5
Semitrailers	5
Station wagons	2
Jeeps	1
Total	74

In addition, it has on loan from the Adjutant General's Office:

Semitrailers	2

Equipment not required by other State departments was sold as follows:

10 frames, 5 motors	$ 205 00
42 Vehicles	9,005 28
4 Truck beds	168 94
Total	$ 9,379 22

There is now pending a sale of 37 vehicles surplus to the council's needs and surplus to the needs of other State agencies.

All equipment acquired was either driven or towed into motor pools previously established by the California State Guard at Oakland and Chino and taken over by the council. These two motor depots had repair shops partially equipped to maintain, repair, and rebuild equipment. Practically all equipment used during the first several months of council operation was put into operating condition at these pool garages. Only those vehicles requiring specialized mechanical operations were sent out to other shops.

Much of the equipment acquired was inoperable or unsafe for highway use. Trucks were immediately required to assemble housing and equipment, and passenger cars for field staff operations covering principal agricultural areas from one end of the State to the other.

This situation required that as many mechanics as could be found be employed for as many hours as they would work to get equipment into safe operable condition, and that drivers keep equipment in use on the highways with as few lay offs as possible.

To indicate the transportation problem, several instances are cited:

Setting up of a single mobile camp is in itself a large transportation problem. As for example, the 200 man camp at Buttonwillow, for which demountable buildings and equipment were supplied principally from the Fresno Area Depot, required 7,700 truck miles of hauling and return trips, broken down as follows in truck loads:

Mobile buildings	20 truck loads
Fire barrels, wire, pipe, poles, plumbing, wash trays, hot water storage tanks, sinks, mess tables, mattresses, cots, ranges, refrigerators, mess, and eating equipment	15 truck loads

This was but a single mobile camp of 200-man capacity. Other camps varied from 150-man capacity to 300-man capacity. Thirty-two such camps were transported and set up in 1943 and 28 in 1944, each involving a comparable transportation problem, varying according to the camp capacity and the distance of the haul.

Items acquired by purchase and hauled from the seller's warehouse to Council camps and assembly depots involved the following:

Items	*Number*	*Truck Loads*
Tents	1,800	30
Refrigerators	99	65
Cots	20,831	197
Mattresses	23,014	200
Blankets	41,040	30
Ranges	84	80
Sinks	118	24
Miscellaneous items	------	500

During the first six months of council activity, transportation from metropolitan districts to canneries, farms, etc., was provided for 10,138 workers, 5,551 being employed in canneries in the Oakland-East Bay Area.

During the period July 1, 1943, to June 30, 1944, the council assisted other State agencies by supplying transportation upon demand whenever council equipment was available. Agencies served include the Bureau of Purchases, Department of Finance, Youth Correction Authority, and the Adjutant General. For one agency, the council made 41 round-trip truck hauls from a point in Sonoma County to Fricots City, Calaveras County.

Mattresses formerly rented for farm labor use were required to be sterilized before reissue. This required hauling of such mattresses from the point of use or council depot to a sterilizer and their return following sterilization. Stoves and other equipment requiring repairs or servicing have had to be hauled from depots or camps to repair shops and later returned to the council depots or camps.

On many occasions, emergency trips had to be made with less than a full truck load, either to supply a camp with essential equipment or because the items required were not available at a particular depot.

V. Supplies and Equipment to Growers—Priorities

Farmers have had greatly increased production difficulties during wartime as the result of scarcity of equipment and supplies. In view of this situation, the Farm Production Council has offered all possible assistance to farmers in securing priorities for such equipment and supplies. This has included applications for priorities on their behalf, and presentation of the farmer's particular conditions warranting the issuance of priorities, often involving much correspondence and negotiation.

An example of the handling of a single priority application will indicate the type of assistance given. In March, 1944, the council was informed that an application had been made three months previously for three truck tractors by the California Fruit Growers Supply Company of Los Angeles, purchasing subsidiary of the California Fruit Growers Exchange, a cooperative of 12,000 citrus growers.

The truck tractors were required by the supply company in its logging operations at Susanville and Hilt to provide box shook for packing citrus fruit. The very large Valencia orange crop made the added shook sought absolutely essential.

When the matter came to the council's attention, no action had been taken by the War Production Board. The council immediately telegraphed Senator Sheridan Downey and Mr. James A. Whiteside of the San Francisco Regional Office of WPB, then in Washington, presenting the urgency of the situation. The matter was reviewed for the Governor, who by telegram solicited the assistance of the War Food Administrator.

As a result of these efforts, WPB approval of the truck applications was granted, the general manager of the Fruit Growers Suply Company informing the council that "I feel sure that without your help we might well have suffered delay in getting it (priority for the trucks) or possibly it might not have been forthcoming at all."

Following is a brief listing of the assistance given growers or groups of growers in this field:

1943

July 6—Aided Tapo Citrus Association of Simi in obtaining priorities to rebuild housing destroyed by fire.

July 16—Extended rating on meat cutters and water pails to the Tehama County Farm Production Committee for use in the Mexican Camp at Red Bluff. Also advised that the other item requested could be purchased without a priority rating.

July 22—Extended ratings to the Lake County Farm Production Committee for the remodeling of a part of the Lake County Fairgrounds for use as an agricultural labor camp.

July 24—Advised Mr. F. T. Robson of Vina that under existing WPB orders, he could obtain muslin cloth for agricultural use without a priority rating.

July 27—Advised Mr. R. B. Barbour of Lodi on the limitation order which controls the production of lumber.

Aug. 3—Wired WPB requesting approval of Southern California Grape Growers' application for a camp to house 400 Mexican nationals.

Aug. 6—Wrote to WPB and requested the allocation of a supply of cyananide for use as a defoliant of cotton. It would permit the use of mechanical cotton pickers. The request was denied.

Aug. 21—Aided Redlands-Highlands Farm Labor Association in obtaining approval of housing project for 300 Mexican nationals.

Aug. 25—Advised Mr. A. G. Salter, San Bernardino County Farm Advisor, on proper priority procedure to purchase an electric water heater for a farm labor camp.

Aug. 25—Aided Buckman, Benholm & Holden Seed Company, Lompoc, in obtaining approval of a PD-1A application for equipment for use in seed production.

Sept. 4—Aided Mr. Edwin Pressy, lemon grower, Vista, in obtaining approval of his application for plumbing material on Form PD 851.

Sept. 8—Extended ratings for additional plumbing material needed for Artesia Farm Labor Camp.

Sept. 15—Sent wire to Mr. W. G. Meal, Chief of Fruit and Vegetable Branch of FDA, concerning a proposed fruit dehydrator at Stockton.

Sept. 12—Extended priority ratings to the California State Automobile Association and the Automobile Club of Southern California for the manufacturing of roadside signs advertising the Farm Labor Procurement Office of the Agricultural Extension Service.

Sept. 10—Aided the Los Angeles County Farm Production Committee in obtaining approval of PD 200-C application to construct Artesia Labor Camp.

Oct. 7—Wired WPB in Washington, recommending approval of the application of the Clear Lake Water Company of Woodland. This application pertained to an irrigation project.

Oct. 19—Aided Ivanhoe Farm Labor Association in obtaining approval of a power application for their camp in Tulare County.

Oct. 29—Aided South Tulare Farm Labor Procurement Association in obtaining approval from the WPB for the construction of their farm labor camp at Woodlake.

Nov. 9—Aided Western Tulare County Procurement Association in obtaining approval of their construction application for a farm labor camp.

1944

Feb. 28—Extended ratings to the Automobile Club of Southern California and the California State Automobile Association for the construction of roadside signs advertising the Farm Labor Offices of the Agricultural Extension Service.

Mar. 13—Wrote to Construction Division of WPB, urging the approval of the construction application of Citrus Growers, Inc., for additional housing facilities to be used for Mexican nationals harvesting citrus in Southern California.

Mar. 21—Assisted California Fruit Growers Supply Company in securing priority from War Production Board for three truck tractors for use in logging operations to provide box shook for citrus fruit.

May 9—Wrote to WPB, calling its attention to a critical shortage of hand hoes reported by Mr. E. C. Kimball of Ventura. On June 14th, the WPB wrote that it was taking steps to relieve the situation.

May 13—Aided the Adohr Milk Farms in obtaining approval of an application to construct six concrete houses at Camarillo.

June 2—Obtained information from WPB regarding priorities for evaporative coolers needed in the Imperial Valley.

June 16—Aided Mr. Edwin Pressy of Vista in obtaining approval of a construction application for on-farm family housing.

June 16—Secured information on priorities from WPB for Mr. Marshall Tilden of Riverside, a builder of pre-fabricated housing suitable for use as agricultural labor housing.

Nov. 15—Aided the West Tulare Farm Labor Procurement Association in obtaining approval of its application to construct 40 apartments for citrus packing-house labor at Porterville.

Dec. 8—Advised the Empire Farmers Cooperative Association on the means of obtaining priority assistance for operations, maintenance and repair.

VI. Mexican National Farm Labor Pool

During the Fiscal Year 1943-44, the Farm Production Council maintained a Mexican national farm labor pool to serve farmers who had not yet organized their own or joined existing farm labor procurement associations. The pool included 4,033 Mexican nationals, housed in 31 camps in 24 counties and working under 1,144 contracts for 913 different farmers.

The Mexican nationals performed approximately 258,528 man days of work, for which they were paid approximately $2,090,178.10 in wages.

The 24 counties in which growers and grower associations were supplied Mexican national workers from the Council-operated pool are as folows: Alameda, Colusa, El Dorado, Fresno, Kern, Lake, Los Angeles, Madera, Merced, Orange, San Diego, San Benito, San Bernardino, San Joaquin, San Mateo, Santa Barbara, Stanislaus, Sacramento, Santa Clara, Solano, Tehama, Tulare, Ventura, and Yolo.

The pool operation covered the period July 1, 1943, to December 15, 1943.

It should be explained briefly that the council's setting up of the Mexican national worker pool and its operation for a single season was accompanied by concurrently changing conditions which the council believed did not warrant further pool operation.

Large scale importation of Mexican workers began in 1942 under the Federal Security Administration. Under its regulations, the minimum contract called for 100 workers for 30 days' employment. This precluded use of the imported workers by smaller operators. Through organization of labor procurement associations in many communities, this disadvantage was later overcome.

However, when the council came into being, while the imported worker program had been shifted to the newly organized Office of Labor, War Food Administration, the policies of that organization were not well established and there seemed to be some uncertainty about the availability of the Mexican national workers to farmers operating on a small scale.

The pool operation by the council thus enabled small farmers to be served while they were being assisted in the organization of cooperative farm labor procurement associations, to 67 of which the council has rendered assistance through aid in organization, or otherwise. Recent policy of the Office of Labor, WFA, to contract a minimum of 10 workers for a minimum of 60 days to growers has enabled most employers to meet their needs from this source without undue burden.

The pool was maintained at considerable expense to the council since much detailed accounting was required covering the earnings of workers, deductions transmitted to the Mexican Government, and charges made for food, and camp management. This work was mostly handled in connection with the regular activity of the council's fiscal staff, but at times it required the employment of from three to 10 additional persons.

VII. Property Department

The property department operated by the Farm Production Council serves a threefold purpose, that of properly receiving, warehousing, and accounting for all property from whatever source; that of issuing for rental such housing, mess, sleeping, and other equipment as farmers require, collecting the rentals when due, securing the return of all equipment to council depots, and sale of equipment and making collections therefor.

The following summaries will indicate the extent of these operations:

Sales

Property received from S.R.A. liquidation account 7/1/43 to 12/27/44:

	Items	Returns
Mess gear	27,807	$ 21,383 63
Sleeping gear	42,006	83,404 79
Miscellaneous	3,848	19,155 03
	73,661	$123,943 45

Property purchased by C.F.P.C. and sold 7/1/43 to 12/27/44:

	Items	Returns
Mess gear	56,175	$ 43,527 31
Sleeping gear	15,099	67,139 91
Miscellaneous	1,155	21,215 37
	72,429	$131,882 59
Grand Totals	146,090	$255,836 04

Rentals

	First Half 95th F.Y.	*Last Half 95th F.Y.*	*96th F.Y. to 11/30/44*	*Totals*
Equipment	$ 8,955 96	$28,349 67	$38,386 83	$ 75,692 46
Housing	21,163 54	43,240 10	33,313 89	97,717 53
Totals	$30,119 50	$71,589 77	$71,700 72	$173,409 99

It should be noted that receipts from equipment sales and rentals of both equipment and housing total $429,246.03. Receipts from sale of S.R.A. liquidation account equipment are turned over to the Department of Finance for the S.R.A. liquidation account.

A very large part of the equipment remaining from SRA and State Guard activities, which glutted State warehouses and had been declared surplus by other State departments, was turned over to the council. This is being disposed of at current market values, giving the State a much better return for this merchandise than it had anticipated. The cost of renovating sleeping and mess gear, its transportation, and all costs incident to disposal, have been wholly borne by the council.

As the summaries above suggest, there has been an increasing activity in this department, despite the very large quantities of equipment which the council has made available to farmers since July 1, 1943. Equipment rentals during the first five months of the Ninety-sixth Fiscal Year exceeded those for the entire Ninety-fifth Fiscal Year, while housing rentals the first five months of the Ninety-sixth Fiscal Year were more than half the rentals for the entire Ninety-fifth Fiscal Year.

Supplies and equipment purchased for resale are sold at prices sufficient to cover original cost plus handling charges. Selling prices are approved by the State Department of Finance.

This activity has not resulted from any intention on the part of the Council to engage in supplying equipment in competition with established business firms. The council has sought only to provide such necessary equipment as farmers could not obtain through regular channels of trade.

The property receiving, accounting, and warehousing procedures are all approved by the State Department of Finance, and all personnel handling money or equipment are properly and adequately bonded.

In view of the very large amount of housing and equipment received by the council from the Federal Government, particularly that in the former Japanese assembly centers, and the haste in which it was distributed, the council staff is now engaged in checking the location and accountability of all equipment, including that of Federal origin, and steps are being taken to acquire title to all Federal property received by the council.

VIII. County Farm Production Committees

The Food and Fiber Production Act provides for establishment in the various counties of county farm production committees to assist the Farm Production Council in determining local farm labor, farm housing, and farm equipment needs. Committees have been appointed in 44 counties with a total membership of 504 farmers.

Not only have these county farm production committees been of aid to the council, in most counties they have served as advisory farm labor committees to the Farm Labor Offices of the Agricultural Extension Service, assisting that agency in determining local farm labor and crop requirements and resources.

The act also provides for establishment in the various counties of the office of county farm production coordinator, with the Farm Production Council sharing in the compensation and expense of the coordinator where the council deems it advisable.

Thirty-six counties have appointed county farm production coordinators, nine of them receiving contributions from the council toward compensation and office expense during the Ninety-fifth Fiscal Year and 10 during the first six months of the Ninety-sixth Fiscal Year. During the Ninety fifth Fiscal Year, there was expended for this purpose $14,575. During the first six months of the Ninety-sixth Fiscal Year, the expenditure is estimated at $5,890, as against an expected outlay of $23,750.

Counties in which coordinators are partly paid by the council are as follows: Contra Costa, Imperial, Los Angeles, Riverside, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Tulare, and Yolo.

Other counties having coordinators are as follows: Alameda, Butte, Colusa, El Dorado, Fresno, Glenn, Humboldt, Kern, Kings, Lake, Madera, Marin, Mendocino, Merced, Modoc, Orange, Sacramento, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Solano, Stanislaus, Sutter, Tehama, Ventura, and Yuba.

At the start of the council's program, the coordinators aided greatly in supplying the administrative staff with information concerning local labor and housing needs. They assisted in the rapid distribution of mess gear, bedding gear, and housing. They worked closely with local farm groups, explaining the services which the council could or could not render and provided an effective local contact for the council in each agricultural county.

Through these two agencies—the county committees and the coordinators—the council staff has carried on a large part of its work in assisting in the organizing of local farm labor procurement associations and in determining the nature and extent of local production problems.

IX. Child Care Centers

To assist in making it possible for mothers of small children to accept employment in canneries and fruit packing houses, the Farm Production Council has granted limited assistance to child care centers. Since funds in limited amounts have been available for this purpose from other sources, the council has agreed to take care of the deficits of such centers as have met its requirements as to maximum use of other resources.

During 1943, such assistance extended by the council totaled $5,143.68, and in 1944, $1,000.

In 1943, aid was extended to child care centers operated in Oakland and Lodi by the American Women's Voluntary Services. Operation of these two centers released for vital work 3,573 woman-day's work.

In 1944, assistance was confined to the Lodi Child Care Center, the council granting $1,000 toward the center's deficit.

X. Personnel

Personnel requirements of the Farm Production Council have varied greatly with the extent of the operation, dropping from a high of 690 employees in August, 1943, to a low of 119 in November, 1944.

The following table gives the peak employment in the three principal categories and the total for each month of the council's operation:

Month	*Administrative*	*Clerical and Office*	*Labor, etc.*	*Total*
1943—				
July	133*	50	259	442
August	202**	70	418	690
September	159***	70	293	522
October	99	70	250	419
November	85	58	213	356
December	69	57	195	321

Month	Administrative	Clerical and Office	Labor, etc.	Total
1944—				
January	49	61	158	268
February	41	56	157	254
March	39	55	152	246
April	41	49	120	210
May	41	48	114	203
June	38	53	87	178
July	30	44	69	143
August	30	46	66	142
September	27	47	61	135
October	25	40	62	127
November	24	38	57	119
December	24	40	58	122

*Includes 97 camp group supervisors
**Includes 131 camp group supervisors
***Includes 71 camp group supervisors

Maintenance of a competent working staff has been greatly complicated by an excessive high turnover, a characteristic of most war agencies. There have been an average of 8.35 appointments per employee, the highest rate of turnover being 17.3 for camp group supervisors.

The following summary, covering the period July 1, 1943, to November 30, 1944, shows the distribution of personnel by classification:

	Average No. Employees Per month	Total Number Appointments	Average No. Appointments Per Employee
Administrative Aid	8.3	36	4.3
Administrative Assistant	10.	52	5.2
Assistant Camp Supt.	14.6	100	6.8
Assistant to the Director	4.3	7	1.6
Auto mechanics	9.	45	5.
Camp Group Supervisor	17.	295	17.3
Camp Superintendent	6.8	31	4.5
Carpenter	26.3	244	9.2
Electrician	2.8	26	9.2
Inter-steno-clerk	13.5	78	5.7
Inter-typist-clerk	28.7	135	4.3
Junior typist clerk	7.3	49	6.7
Laborer	65.2	791	12.1
Mechanic's helper	1.2	9	7.5
Plumber	3.1	23	7.4
Secretary	3.2	9	2.8
Truck driver	29.6	192	6.4
Watchman	9.1	57	6.2
Miscellaneous	11.2	84	7.4
Total	271.2	2,263	8.35

XI. General

The Farm Production Council has engaged in several other activities of importance to agriculture requiring time and effort on the part of the council members themselves, the director, and members of the staff.

A few of these are cited.

In December, 1943, the council sent Director W. B. Parker to Washington to testify before Congressional Committees on behalf of the Farm Labor Project and its continuance through 1944. It is under this project that the Farm Labor Recruitment and Placement Program of the Agricultural Extension Service and the Mexican national farm worker importation program are authorized and financed. Both of these services have been of utmost importance to California agriculture.

In December, 1944, the council sent Deputy Director Don W. McColly to Washington to appear on behalf of California farmers in appealing for a further continuance of the program.

These efforts were successful on both occasions.

Meat Quotas Opposed

When large numbers of Mexican national farm workers were brought into California in 1943, much dissatisfaction arose among these workers because of the meals served them. The Farm Production Council made a strong appeal to the War Food

Administration and the Director of War Mobilization for the relaxing of meat quotas, citing the growing discontent among farm workers. The Office of Price Administration released meat quota restrictions on August 18, 1943. The council does not claim full credit for this accomplishment, but feels its efforts had much to do with the result obtained.

Oppose Butane Restriction

It was disclosed in July, 1943, that Federal authorities proposed to divert butane and other liquefied petroleum gases for the manufacture of aviation gasoline and synthetic rubber. This diversion would have caused extreme hardship among California farmers who operate hundreds of trucks and tractors with these fuels, and also rely upon them for cooking and heating their homes. Statistics were assembled and a protest prepared which were submitted to the Petroleum Administrator for War through the office of Governor Warren. Shortly thereafter assurance was given that essential users of liquefied petroleum gas would continue to be supplied.

Appeal for Feedstuffs

Appeals have been made to the proper Federal officials on behalf of the live stock industry for increased supplies of feedstuffs, particularly protein feeds.

Assistance to Processors

Assistance has been given food processors in recruiting labor, and reports have been compiled during the critical processing seasons on the adequacy of the labor force, crop conditions in the field, transportation facilities, and so forth.

Outlets for Surplus Crops

When it appeared that a considerable tonnage of cling peaches would be unprocessed during the 1944 Season, the council sought new outlets for fruit through processing by home and community groups. A considerable demand was built up, but as canners increased their acceptance of fruit, no supplies were made available.

Surplus Property Disposal

At the urgent request of the State Reconstruction and Reemployment Commission, the council has made preliminary inquiry into the possible services it might render agriculture through aiding in the distribution of Federal surplus property and equipment. Because of the fact that Federal legislation was only recently enacted governing such disposal and that the Federal Surplus Property Board has not been fully constituted, it has not been possible to do much thus far.

However, council staff members have familiarized themselves with agencies disposing of surplus properties in California, noted the type of surplus property being sold, and supplied this information to interested farmers. Anticipating increasing disposal of such surplus property, the council has sought to determine the equipment particularly needed by farmers to assist in routing such equipment to them if and when it becomes available. This is now being done on a limited test basis in Stanislaus County through personal canvass of a specified number of farmers, and through circulation of a questionnaire. Equipment dealers are also being canvassed.

There is no interest or intention on the council's part to enter into wholesale or retail purchase and sale of surplus goods, nor to enter into competition with established business. Its efforts thus far are restricted to fact finding, and fact dissemination among farmers.

Keep Growers Informed

California farmers have looked to the Farm Production Council for information concerning farm labor, farm labor housing, and other production problems. To meet the daily requests for information—and occasionally, guidance—has required that staff members keep themselves abreast of changes and developments in the farm labor field, and informed as to such matters as fertilizers, feeds, seeds, sprays, containers, transportation, and so forth.

Numerous requests have come from various groups for talks about these matters, and members of the council and the staff have met frequently with various groups in various parts of the State to discuss current farm production problems and conditions and to inform them concerning the place, purpose, and scope of the council's work and aims.

In addition, there has been developed by the staff since August 1st, a news letter entitled "Pertinent Paragraphs," summarizing recent actions of the council, new policy changes, and pertinent information on production matters. The news letter is mailed to 750 county farm production committeemen and farm leaders in the State. From time to time, other summaries, such as a recent one indicating farm labor prospects for 1945, are prepared and distributed.

These activities, usually designated as public relations matters, are designed to be of maximum usefulness to farm operators. They include, of course, the preparation of special material for newspaper use and radio presentation.

Volunteer Worker Recruitment
Cooperative Advertising Campaign

During the Summer of 1943, the Farm Production Council took the lead in initiating a State-wide cooperative advertising campaign to recruit volunteer workers for employment on farms and in food processing plants.

The council secured the assistance of the San Francisco and Los Angeles Advertising Clubs, which in turn assigned to N. W. Ayer & Son, a leading National advertising agency, the task of preparing copy for advertisements and billboards as a wartime contribution. Eight hundred portfolios of the advertisements prepared were printed and distributed to newspapers, local advertising clubs, chambers of commerce, and other groups.

Through the efforts of these private agencies and the council, the labor recruitment advertising was inserted by local business firms throughout the State.

Foster and Kleiser and Company, outdoor advertising firm, cooperated in the preparation of billboard advertising copy, which it posted at its own expense on 271 billboards. This firm also secured the assistance of many of its clients, who at their expense posted more than 200 additional billboard advertisements.

This Advertisement Recruitment Program required an expenditure by the council for art work, engraving, printing, et cetera, of $5,684.61.

It is estimated that the resultant advertising secured would have cost in excess of $200,000.

Assist Agricultural Extension Service

The council is regularly called upon to counsel with and assist the Agricultural Extension Service in the consideration of farm labor problems in its special field, and to supply information which is essential to the conduct of its program.

Prepare Organizational Charts

To aid in the better understanding of its organization and activities, the council has prepared organizational charts. These have been supplied as supplements to budget requests.

Agriculture's Remarkable Record in 1944

In concluding this report, the council calls special attention to the remarkable production accomplishment of California farmers in 1944. The State Department of Agriculture tentatively estimates the State cash farm income for the year at $1,650,000,000, 10 per cent above that of 1943, and 2½ times above the 1936-1940 average. Ceiling prices on farm commodities kept this figure substantially below what it otherwise would have been. Several new crop production records are represented in attainment of the figure, estimated at more than 13 per cent of the Nation's farm production.

The same record-breaking production tempo is slated for California farmers in 1945. Crop production goals have already been set for this year. The only significant decreases are in production of poultry, eggs, and early potatoes, products that have but little effect upon the general farm labor situation. Increases are called for in sugar beets, certain seed crops, Ladino clover. There is a likelihood that 1944 returns and labor difficulties may lead to a decrease in the production of tomatoes and onions.

The orchard and vineyard acreages must remain unchanged, and dry farm lands will be planted to grain and hay, as usual, with no material change in requirements for farm labor. There is a tendency for farmers to stick with the crops with which they are familiar and for the production of which they are equipped.

The indications are that farm worker requirements in 1945 will be largely a repetition of what has been needed in 1944. During the first week of September, that need reached a peak of 442,312 workers.

The Mexican Farm Worker Importation Program, financed by the Federal Government, has been assured for 1945 on about the same basis as in 1944, with a continuation of the 1944 Recruitment and Placement Program.

Chief reliance must be placed the coming year upon our normal labor supply, which in 1944 accounted for 76 per cent of agricultural workers. The Mexican nationals, who supplied slightly over 10 per cent of the labor supply, will have to be housed again—and they have been largely taken care of with council facilities. Volunteer workers account for a little over 9 per cent. The prisoner of war supply will doubtless be increased somewhat, accompanied by requests to the council for housing to help care for these prisoners and the accompanying military personnel.

These figures indicate that any shifting of workers from the normal labor supply, either into defense industry or into the military forces, will critically affect the State's entire Farm Production Program. There is a general feeling in agriculture that farmers must expect a tighter farm labor situation in 1945 than they have ever had. In spite of that, it is generally felt that California farmers are confidently going ahead with their plans to plant and harvest another record-setting output of food and fiber crops, the weather permitting, as their contribution to the State's war effort.

Appendix

1. Summary of Expenditures
   a—First Half, Ninety-fifth Fiscal Year
   b—Second Half, Ninety-fifth Fiscal Year
   c—First Half, Ninety-sixth Fiscal Year
2. Emergency Rubber Project Camps Made Available for Housing Agricultural Labor
3. Summary of Farm Labor Camps
4. Chart—Organization, Lines of Authority
5. Chart—Functional Organization

This report has been prepared by Robert Couchman, Secretary, Farm Production Council

California Farm Production Council—Statement of Expenditures
For the First Half of the Ninety-fifth Fiscal Year

Function	*Salaries and wages*	*Service and expense*	*Property and equipment*	*Total*
ADMINISTRATION				
Executive—salary	$4,999 98			
Administrative—staff salary	40,419 52			
Clerical—office salaries	32,708 83			
Seasonal—temporary help	815 31			
Contractual services of other State departments		$1,896 65		
Printing and mimeographing		318 50		
Office materials and supplies		3,475 72		
Travel		11,992 29		
Telephone and telegraph		5,893 06		
Postage		1,388 20		
Light, heat, water and power		117 29		
Automobile		4 05		
Travel—gas and oil		81 52		
Rent		3,529 91		
Bond and insurance premium		406 81		
Freight, cartage, express		76 22		
Official advertising, recruitment		6,005 73		
Repairs to office equipment		541 71		
Office equipment			$1,577 15	
	$78,943 64	$35,727 66	$1,577 15	$116,248 45
STUDENT CAMP SUPERVISION				
Camp directors—salary	$3,096 00			
Camp supervisors—salary	28,514 61			
	$31,610 61			$31,610 61

California Farm Production Council—Statement of Expenditures
For the First Half of the Ninety-fifth Fiscal Year—Continued

Function	*Salaries and wages*	*Service and expense*	*Property and equipment*	*Total*
FARM LABOR MIGRANT CAMP				
Salaries—supervisors	$59,337 16			
Salaries—office	6,810 75			
Salaries—seasonal and temporary help	4,125 91			
Salaries—protection of property	12,715 81			
Office materials and supplies		$9 44		
Camp materials and supplies		4,469 30		
Contractual services of other State departments		123 00		
Travel		8,534 27		
Telephone and telegraph		2,005 20		
Postage		901 25		
Light, heat, water and power		3,925 81		
Automobile		8 63		
Gasoline and oil		45 13		
Rent		927 14		
Bonds, insurance premiums		29 50		
Hauling, freight, cartage		1,528 19		
Catering, cost of meals and general welfare		325,684 40		
Repairs, office machinery and equipment		21 37		
Service and repair to camp equipment		840 22		
Repairs to buildings		12 45		
Tools—nonexpendable			$47 25	
Office equipment			5 13	
Additions and betterment to equipment			7 91	
	$82,989 63	$349,065 30	$60 29	$432,115 22
ASSISTANCE TO COUNTIES				
Housing—material and supplies		$3,762 44		
Pro-rata share of county coordinator and office expense		4,150 00		
Day care centers		3,981 22		
County contracts		2,500 00		
Advertising and recruitment		293 36		
		$14,687 02		$14,687 02
CONSTRUCTION AND OUTFITTING				
Salaries—supervision	$12,425 82			
Salaries—office	2,655 01			
Salaries—seasonal and temporary	149,997 25			
Contractual services of other State departments		$39 40		
Office materials and supplies		16 44		
Sundry materials and supplies		25,821 89		
Postage		86 20		
Light, heat, water and power		99 00		
Hauling, freight, express		2,186 02		
Renovation, sterilization of mattresses		6,247 84		
Cooking and mess equipment, expendable		39,346 12		
Repairs to office equipment		2 34		
Service and repair to camp equipment		7 57		

California Farm Production Council—Statement of Expenditures
For the First Half of the Ninety-fifth Fiscal Year—Continued

Function	*Salaries and wages*	*Service and expense*	*Property and equipment*	*Total*
CONSTRUCTION AND OUTFITTING				
Mattress covers		1,238 42		
Steel for mess trays		2,353 63		
Plating and cutting trays		6,047 65		
Mattresses, bed springs and cots			$91,316 10	
Cooking and mess equipment, nonexpendable			54,271 82	
Tents and platforms			16,174 50	
Water heater			3,275 97	
Camp units			337,944 09	
Pressure pumps			3,222 35	
Additions and betterment to buildings			20,077 61	
Tools, nonexpendable			1,140 77	
Purchase of property at Ryde			10,144 78	
Cooling			18,438 29	
Heating			1,255 47	
	$165,078 08	$83,492 52	$557,261 75	$805,832 35
TRANSPORTATION AND MAINTENANCE OF MOTOR POOLS				
Salaries—supervision	$5,164 79			
Salaries—office	8,859 38			
Labor—motor pool, Chino	39,366 82			
Labor—motor pool, Oakland	67,286 11			
Printing		$58 59		
Office supplies		39 24		
Miscellaneous supplies and materials		1,519 42		
Travel		25,890 67		
Telephone and telegraph		1,753 31		
Postage		22 50		
Light, heat, water and power		39 88		
Auto and truck parts, tires and repairs		8,989 89		
Gas and oil		12,028 44		
Hauling and freight, express		136 39		
Acetylene and oxygen		36 70		
Repairs to office equipment		15 00		
Repairs to buildings		17 84		
Motor pool equipment			$180 36	
Automotive equipment purchases			355 27	
	$120,677 10	$50,547 87	$535 63	$171,760 60
RECAPITULATION				
Administration	$78,943 64	$35,727 66	$1,577 15	$116,248 45
Student Camp Supervision	31,610 61			31,610 61
Farm Labor Migrant Camp	82,989 63	349,065 30	60 29	432,115 22
Assistance to Counties		14,687 02		14,687 02
Construction and Outfitting	165,078 08	83,492 52	557,261 75	805,832 35
Transportation and Maintenance of Motor Pools	120,677 10	50,547 87	535 63	171,760 60
	$479,299 06	$533,520 37	$559,434 82	$1,572,254 25

California Farm Production Council—Statement of Expenditures
For the Second Half of the Ninety-Fifth Fiscal Year

Function	*Salaries and wages*	*Service and expense*	*Property and equipment*	*Total*
ADMINISTRATION				
Executive salaries	$4,999 98			
Administrative staff salaries	32,590 29			
Clerical office salaries	34,527 45			
Seasonal temporary help	613 42			
Contractual services of other State departments		$621 96		
Printing and mimeographing		447 64		
Office materials and supplies		1,545 90		
Travel		11,151 24		
Telephone and telegraph		7,476 34		
Postage		987 61		
Automobile				
Travel—gas and oil		493 16		
Rent		4,694 05		
Bond and insurance premium		106 15		
Freight, cartage and express		36 92		
Official advertising, recruitment		1,185 06		
Repairs to office equipment		372 43		
Office equipment			$426 54	
Light, heat, water and power		46 46		
	$72,731 14	$29,164 92	$426 54	$102,322 60
STUDENT CAMP SUPERVISION				
Camp supervisors—salary	$75 00			
	$75 00			$75 00
FARM LABOR MIGRANT CAMP				
Salaries—supervisors	$30,548 25			
Salaries—office	3,712 72			
Salaries—seasonal and temporary help	7,439 44			
Salaries—protection of property	5,711 81			
Office materials and supplies		$45 10		
Camp materials and supplies		2,892 83		
Contractual services of other State departments		194 90		
Travel		5,128 22		
Telephone and telegraph		3,525 82		
Postage		576 43		
Light, heat, water and power		11,963 74		
Automobile		145 37		
Gasoline and oil		791 44		
Rent		580 00		
Bonds, insurance premiums		87 50		
Hauling, freight, cartage		42 00		
Catering, cost of meals and general welfare		212,751 25		
Repairs, office machinery and equipment		150 00		
Service and repairs to camp equipment		7,734 75		
Repairs to buildings		1,832 47		
Office equipment				
Tools—nonexpendable			$40 72	
Additions and betterments to equipment			132 39	
	$47,412 22	$248,441 82	$173 11	$296,027 15

California Farm Production Council—Statement of Expenditures
For the Second Half of the Ninety Fifth Fiscal Year—Continued

Function	*Salaries and wages*	*Service and expense*	*Property and equipment*	*Total*
ASSISTANCE TO COUNTIES				
Housing—material and supplies				
Pro-rata share of county coordinator and office expense		$10,425 00		
Day care centers		1,161 60		
County contracts		11,000 00		
Advertising and recruitment				
		$22,586 60		$22,586 60
CONSTRUCTION AND OUTFITTING				
Salaries—supervisors	$9,798 58			
Salaries—property officer				
Salaries—office	2,561 42			
Salaries—seasonal and temporary help	83,118 94			
Contractual services of other State departments		$881 10		
Office materials and supplies				
Sundry materials and supplies		6,399 84		
Travel		299 18		
Postage				
Light, heat, water and power				
Hauling, freight, express		6,325 59		
Renovation and sterilization of mattresses		7,187 44		
Cooking and mess equipment—expendable		486 46		
Repairs to office equipment				
Service and repairs to camp equipment				
Mattress covers				
Steel for mess trays		12 00		
Plating and cutting trays		3,168 72		
Repairs to buildings		1,568 64		
Miscellaneous materials and supplies				
Mattresses, bed springs and cots			$217 56	
Cooking and mess equipment—nonexpendable			10,939 73	
Tents and platforms				
Water heaters			202 67	
Camp units			34,546 80	
Pressure pumps			164 01	
Additions and betterments to buildings			23,835 48	
Tools—nonexpendable			360 19	
Purchase of property at Ryde				
Cooling			3,843 82	
Heating			1,845 00	
Renovation and sterilization of mattresses				
	$95,478 94	$26,328 97	$75,955 26	$197,763 17

California Farm Production Council—Statement of Expenditures
For the Second Half of the Ninety-fifth Fiscal Year—Continued

Function	*Salaries and wages*	*Service and expense*	*Property and equipment*	*Total*
TRANSPORTATION AND MAINTENANCE OF MOTOR POOLS				
Salaries—supervision	$4,218 22			
Salaries—office	6,317 73			
Labor—motor pool, Chino	18,976 23			
Labor—motor pool, Stockton	33,250 53			
Truck drivers, labor				
Printing		$117 76		
Office supplies				
Miscellaneous materials and supplies		2,687 62		
Travel		14,122 26		
Telephone and telegraph		870 68		
Postage				
Light, heat, water and power		385 98		
Auto and truck parts; tires and repairs		9,780 76		
Gas and oil		12,701 14		
Hauling and freight, express		20 72		
Acetylene and oxygen		8 90		
Repairs to office equipment				
Repairs to buildings		130 19		
Office equipment			$13 70	
Motor pool equipment			64 42	
Automotive equipment purchases			7,062 61	
Tools—nonexpendable			80 39	
	$62,762 71	$40,826 01	$7,221 12	$110,809 84
RECAPITULATION				
Administration	$72,731 14	$29,164 92	$426 54	$102,322 60
Student Camp Supervision	75 00			75 00
Farm Labor Migrant Camp	47,412 22	248,441 82	173 11	296,027 15
Assistance to Counties		22,586 60		22,586 60
Construction and Outfitting	95,478 94	26,328 97	75,955 26	197,763 17
Transportation and Maintenance of Motor Pools	62,762 71	40,826 01	7,221 12	110,809 84
	$278,460 01	$367,348 32	$83,776 03	$729,584 36

California Farm Production Council—Statement of Expenditures
For the First Half of the Ninety-sixth Fiscal Year

Function	*Salaries and wages*	*Service and expense*	*Property and equipment*	*Total*
ADMINISTRATION				
Executive salary	$4,717 73			
Administrative staff salary	29,713 55			
Clerical office salaries	30,266 44			
Seasonal temporary help				
Contractual services of other State departments				
Printing and mimeographing		$59 01		
Office materials and supplies		717 02		
Travel		6,873 74		
Telephone and telegraph		1,765 72		
Postage		285 75		
Light, heat, water, and power				
Automobile				
Travel, gas, and oil				
Rent		4,548 20		
Bond and insurance premiums		157 50		
Freight, cartage and express		7 29		
Official advertising, recruitment				
Repairs to office equipment		124 03		
Office equipment				
	$64,697 72	$14,538 26		$79,235 98
FARM LABOR MIGRANT CAMP				
Salaries—supervisors	$12,504 47			
Salaries—office	436 94			
Salaries—seasonal and temporary help	3,576 08			
Salaries—protection of property	760 00			
Office material and supplies				
Camp material and supplies		$766 15		
Contractual services of other State departments				
Travel		958 23		
Telephone and telegraph		1,882 85		
Postage		359 00		
Light, heat, water, power		2,373 98		
Automobile				
Gasoline and oil				
Rent		2 81		
Bonds, insurance premiums		520 50		
Hauling, freight, cartage		19 36		
Catering, cost of meals and general welfare		51,604 36		
Repairs, office machinery, and equipment				
Service and repairs camp equipment		4,878 82		
Repairs to buildings		1,620 47		
Office equipment				
Tools—non-expendable				
Additions and betterments to equipment				
	$17,277 49	$64,986 53		$82,264 02

California Farm Production Council—Statement of Expenditures
For the First Half of the Ninety-sixth Fiscal Year—Continued

Function	*Salaries and wages*	*Service and expense*	*Property and equipment*	*Total*
ASSISTANCE TO COUNTIES				
Housing—materials and supplies				
Pro-rata share of county coordinator and office equipment		$5,587 50		
Day care centers		1,000 00		
Advertising and recruitment				
		$6,587 50		$6,587 50
CONSTRUCTION AND OUTFITTING				
Salaries—supervisors	$ 6,648 06			
Salaries—property officer	3,608 72			
Salaries—office	6,309 25			
Salaries—seasonal and temporary help	38,732 37			
Contractual services of other State departments				
Office material and supplies				
Sundry material and supplies				
Travel		$3,090 85		
Postage				
Light, heat, water and power				
Hauling, freight, express				
Renovation and sterilization of mattresses		3,136 85		
Cooking and mess equipment—expendable				
Repairs to office equipment				
Service and repairs to camp equipment				
Mattress covers				
Steel for mess trays				
Plating and cutting trays				
Repairs to buildings				
Miscellaneous materials and supplies		337 37		
Mattresses, bed springs and cots			$8,300 08	
Cooking, mess equipment—nonexpendable			4,784 23	
Tents and platforms			6,051 41	
Water heaters				
Camp units				
Pressure pumps				
Additions and betterments to buildings			5,301 50	
Renovation and steriliza-tion of mattresses				
Tools—nonexpendable				
Purchase of property at Ryde				
Cooling			2,704 97	
Heating			1,140 67	
Renovation and steriliza-tion of mattresses			1,514 85	
	$55,298 40	$6,565 07	$29,797 71	$91,661 18

California Farm Production Council—Statement of Expenditures
For the First Half of the Ninety-sixth Fiscal Year—Continued

Function	*Salaries and wages*	*Service and expense*	*Property and equipment*	*Total*
TRANSPORTATION AND MAINTENANCE OF MOTOR POOLS				
Salaries—supervision	$2,708 28			
Salaries—office	2,227 45			
Labor—motor pool, Chino	4,213 88			
Labor—motor pool, Stockton	5,248 66			
Labor—truck drivers	19,523 61			
Printing				
Office supplies				
Miscellaneous materials and supplies		$350 97		
Travel		2,632 95		
Telephone and telegraph		3 20		
Postage		1 50		
Light, heat, water, and power				
Auto and truck parts; tires and repairs		1,770 70		
Gas and oil		4,452 14		
Hauling and freight; express		90		
Acetylene and oxygen				
Repairs to office equipment				
Repairs to buildings				
Office equipment				
Motor pool equipment				
Automotive equipment purchases			$720 00	
Tools-nonexpendable			79 49	
	$33,921 88	$9,212 36	$799 49	$43,933 73
RECAPITULATION				
Administration	$64,697 72	$14,538 26		$79,235 98
Farm labor migrant camp	17,277 49	64,986 53		82,264 02
Assistance to counties		6,587 50		6,587 50
Construction and outfitting	55,298 40	6,565 07	$29,797 71	91,661 18
Transportation and maintenance of motor pools	33,921 88	9,212 36	799 49	43,933 73
	$171,195 49	$101,889 72	$30,597 20	$303,682 41

Emergency Rubber Project Camps Made Available for Housing Agricultural Labor

During 1943, the Farm Production Council learned of the impending discontinuance of a large part of the Emergency Rubber Project—the so-called Guayule Project. In connection with this project, the Federal Government had established series of camps at various locations in agricultural districts in the State. The council directed an appeal to the Emergency Rubber Project through the War Food Administration to make these camps, not then required by the Emergency Rubber Project, available for housing farm workers. Six such camps were made available for this purpose, as follows:

San Mateo Camp—San Diego County

Orange County Citrus Growers—36 family units from June 12 to September 7, 1943. Donald A. Briggs—12 family units from September 17 to October 14, 1943.

Wasco Camp—Kern County

Poso Land and Products Company—18 family units from June 10 to August 15, 1943. Agricultural Labor Bureau of San Joaquin County—18 family units from June 25 to July 15, 1943.

War Food Administration—Entire camp of 180 family units from August 16, 1943, to April, 1944, at which time the camp was transferred to the WFA.

Rodgers Road Camp—Stanislaus County

Flotill Products Company—Entire camp with capacity of 200 single men from July 1 to November 19, 1943.

Arbuckle Camp—Colusa County

War Food Administration—156 family units from August 5 to September 30, 1943.

Woodland Camp—Yolo County

War Food Administration—Entire camp of 168 family units from August 5, 1943, to February 1, 1944. This camp was leased to the Farm Production Council for the housing of Mexican nationals from August 5 to December 5, 1943.

Camp McCallum—Monterey County

Spreckels Sugar Company—Five barracks, capacity 250 single men, from August 23 to December 15, 1943.

California Farm Production Council Camp Program 1943

Mobile Type—Operated by Council

City	County	Capacity
Lakeport	Lake	200
Cupertino	Santa Clara	150
Coyote	Santa Clara	150
Hollister	San Benito	300
Manteca	San Joaquin	150
Corning	Tehama	200
Saticoy	Ventura	200
Buttonwillow	Kern	300
Fowler	Fresno	150
Five Points	Fresno	150
San Joaquin	Fresno	200
Caruthers	Fresno	150
Parlier	Fresno	200
Biola	Fresno	150
Reseda	Los Angeles	150
Goleta	Santa Barbara	150
Total		2,950

Permanent SRA—Operated by Council

Chino	San Bernardino	500
Pescadero	San Mateo	50
Colma	San Mateo	50
Pleasanton	Alameda	100
Artesia	Los Angeles	125
Valley Center	San Diego	300
Total		1,125

Permanent SRA—Operated by Grower Groups

Blythe	Riverside	125
Temescal	Riverside	300
Hemet	Riverside	150
Rubidoux	Riverside	330
Redlands-Highlands	San Bernardino	270
Ryde Prison	Sacramento	200
Silverado Trail	Napa	300
Marsh Creek	Contra Costa	100
Total		1,775

Jap Camps—Operated by Council

City	County	Capacity
Stockton	San Joaquin	500
Merced	Merced	600
Tulare	Tulare	400
Farmersville	Tulare	200
Dinuba	Tulare	246
Woodlake	Tulare	300
Orange Cove	Fresno	246
Total		2,492

Jap Camps—Operated by Grower Groups

Saylor Farms	Tulare		180
Stark & Wadell Packing Corp.	Tulare		185
South Tulare County Labor Procurement Association	Tulare		452
Cutler Orosi Labor Procurement Association	Tulare		300
Lindsay Procurement Association	Tulare		400
Kingsburg Association	Tulare		180
West Tulare Procurement Association	Tulare		180
West Tulare Procurement Association	Tulare		400
San Joaquin Valley Walnut Growers Association	San Joaquin		300
Youngstown Farm Labor Association	San Joaquin		400
Total			2,977

Miscellaneous Camps—Furnished by Council

Santa Maria	Mobile	Grower Owned & Operated	125
Carpinteria	Mobile	Grower Owned & Operated	100
Puente	Mobile	Grower Operated	180
Woodland	Guayule	Council Operated	500
Hueneme	Tent	Grower Owned & Council Operated	150
Madera	Mobile	Grower Owned & Council Operated	125
Ryde Transient	Mobile	Council Operated	500
Total			1,680

California Farm Production Council Camp Program—1944

Mobile Type—Operated by Council

City	County	Capacity
Saticoy	Ventura	300
Parlier	Fresno	150
Fowler	Fresno	150
San Joaquin	Fresno	200
Empire	Stanislaus	150
Hughson	Stanislaus	200
Reseda	Los Angeles	200
Total		1,350

Permanent SRA—Operated by Council

Chino	San Bernardino	500
Artesia	Los Angeles	150
Total		650

Jap Camps—Operated by Council

Woodlake	Tulare	300
Orange Cove	Fresno	246
Merced	Merced	600
Stockton	San Joaquin	500
Total		1,646

Mobile Type—Operated by Grower Groups

Puente	Los Angeles	225
Saugus	Los Angeles	75
Vernon	Los Angeles	225
Hitch Ranch	Ventura	100
Ojai	Ventura	33
Hueneme	Ventura	150
Goleta	Santa Barbara	300
Santa Ynez	Santa Barbara	50
Cupertino	Santa Barbara	100
Santa Maria	Santa Barbara	125
Buttonwillow	Kern	300
Five Points	Fresno	225
Biola	Fresno	100
Hollister	San Benito	300
Tong Ranch	San Joaquin	75
Forest Riley	Kings	100
Hanford	Kings	40
El Rico	Kings	600
Corning	Tehama	100
Tagus	Tulare	450
Ukiah	Mendocino	125
Total		3,798

Permanent SRA—Operated by Grower Groups

City	*County*	*Capacity*
Redlands-Highlands	San Bernardino	270
Blythe	Riverside	125
Hemet	Riverside	150
Rubidoux	Riverside	600
Temescal	Riverside	300
Victoria Citrus	Riverside	25
Pescadero	San Mateo	75
Colma	San Mateo	50
Pleasanton	Alameda	100
Marsh Creek	Contra Costa	100
Ryde Prison	Sacramento	150
Silverado Trail	Napa	300
Placer	Placer	175
Total		2,420

Tulare County

Jap Camps—Operated by Grower Groups

Tulare County Fairgrounds-Hospital	400
Salor Farms	180
Orange Cove Labor Procurement Association	246
Stark & Waddell Packing Corporation	185
City of Woodlake	300
Dinuba Labor Procurement Association	246
South Tulare County Labor Procurement Association	452
Cutler Orosi Labor Procurement Association	300
Lindsay Procurement Association	400
Kingsburg Association	180
West Tulare County Procurement Association	180
West Tulare County Procurement Association	400
Farmerville	200

San Joaquin County

San Joaquin Valley Walnut Growers Association	300
Youngstown Farm Labor Association	400
Stockton Tomato Growers Association	500

Merced County

Merced Eastside Growers Association	600
Total	5,469

CCC Camps—Operated by Grower Groups

Springville	Kings	150
Pinto Lake	Santa Cruz	150
Sebastopol	Sonoma	100
Total		400
Grand Total for 1943 and 1944		28,732

MOTION TO PRINT COPIES OF REPORT

Senator Hatfield moved that 300 additional copies of the Report of the Farm Production Council be printed, and made available to the members.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 8
Senate Concurrent Resolution No. 11

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
GERALDINE B. HADSELL, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 131

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
GERALDINE B. HADSELL, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 131—An act making an appropriation for the mileage of the members and statutory officers of the Assembly, to take effect immediately.

Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Assembly Bill No. 131, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 131

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

Resolved, That Assembly Bill No. 131 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—33.
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 131—An act making an appropriation for the mileage of the members and statutory officers of the Assembly, to take effect immediately.

Bill read second time.

Assembly Bill No. 131—An act making an appropriation for the mileage of the members and statutory officers of the Assembly, to take effect immediately.

Bill read third time, and presented by Senator Seawell.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Powers:

Senate Resolution No. 19

Resolved, That the following named person be and he is hereby appointed to the position hereinafter set forth as provided by law with the compensation set opposite his name, payable weekly seven days per week beginning Monday, January 8, 1945, and the Controller is hereby directed to draw his warrant in favor of the said person for the said amount and the Treasurer is hereby directed to pay the same:

Cleve Taylor, Assistant History Clerk..... $8 00 per day

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.
NOES—None.

By Senator Swing:

Senate Resolution No. 20

Relating to the death of Charles M. Brown

WHEREAS, God, in his Wisdom, has but recently brought an end to the span of life of one of California's leading citizens, the Honorable Charles M. Brown of Redlands, California; and

WHEREAS, The people of California and the Members of the Legislature have many reasons for perpetuating his memory in the official records of our State; now, therefore, be it

Resolved by the Senate of the State of California, That when we adjourn, we do so out of respect for the memory of Charles M. Brown; and, be it further

Resolved, That this resolution and the remarks of its sponsor be entered in the Senate Journal.

Resolution read.

Remarks by Senator Swing Concerning the Honorable Charles M. Brown

Historians have frequently recorded the name of Charles M. Brown as one of those whose vision and foresight has done so much in the development of the citrus industry of our Southland. Mr. Brown was a resident of Redlands, in the Sunkist Valley of California. During his lifetime he was surrounded by a host of friends who frequently sought his advice and counsel in matters ranging from those of National scope to the simplest irritation of the most lowly citizen. Since the adjournment of our last session, the bells have tolled his departure and his soul has departed for the Kingdom of the Almighty. Few men depart this life leaving behind such a host of friends to mourn his departure. Many there will be who will miss the kindly salute of the man who never turned a deaf ear to the call of the needy or the person in distress. In politics he was registered as a Democrat. He was loyal to the party with which he was affiliated; yet, with him, friendship surmounted politics and his regard and respect for those who opposed him politically was never affected by such political differences.

While California has lost a truly great and generous citizen, the people of my county and I, as well as many others, have lost a friend whose place no other can fill. His earthly march with time has ceased, but his deeds of kindness will linger on and our love for him while on earth will continue as a cherished memory of a lasting friendship. While life has ceased, and Charles M. Brown has gone into the Realm of Mystery, it would be unfortunate indeed if we did not here hesitate to give expression of our appreciation of the accomplishments and character of our departed citizen. It is, therefore, with the thought of officially perpetuating this memory, but with sorrow in my heart, that I move the adoption of this resolution.

Senate Resolution No. 20 adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 51: By Senators Judah and Jespersen—An act to amend Sections 65, 66, 75a, 79, 83, 83b, 84, 86, 88, 90, 92, and 93 of, to repeal Section 100b of, and to add Section 100b to, the State Employees' Retirement Act, and to amend Sections 20601, 20605, 20610, 20951, 20953, 21028, 21031, 21253, 21254, 21255, 21258, 21290, 21291, 21296, 21298 and 21300 of, to repeal Section 21297 of, and to add Section 21367.5 to, the Government Code, relating to the State Employees' Retirement System, revising bases of rates of contribution thereto and benefits payable therefrom, reducing the ages for normal and optional retirement, and providing for payment of benefits upon death of retired persons.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 52: By Senators Judah and Jespersen—An act to amend Sections 65, 66, 75a, 79, 83, 83b, 86, 88, 90, 92, and 93 of the State Employees' Retirement Act, and to amend Sections 20601, 20605, 20610, 20951, 20953, 21028, 21031, 21253, 21254, 21255, 21290, 21291, 21296, 21298 and 21300 of, and to repeal Section 21297 of, the Government Code, relating to the State Employees' Retirement System, revising bases of rates of contribution thereto and benefits payable therefrom, and reducing the ages for normal and optional retirement.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 53: By Senators Judah and Jespersen—An act to amend Sections 75a and 84 of the State Employees' Retirement Act and to amend Section 21258 of the Government Code, relating to the State Employees' Retirement System, and providing for minimum retirement allowances for public employees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 54: By Senators Judah and Jespersen—An act to repeal Section 100b of, and to add a new Section 100b to, the State Employees' Retirement Act, and to add Section 21367.5 to the Government Code, relating to the State Employees' Retirement System, and providing for benefits payable upon death of retired members.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 55: By Senators Judah and Jespersen—An act to add Section 4a to, and to amend Section 67 of, the State Employees' Retirement Act, and to add Sections 20307 and 20681.5 to, and to amend Section 20684 of, the Government Code, relating to the State Employees' Retirement System, and providing for the inclusion therein of certain State employees whose compensation is paid other than by the State, and for contributions by members and by the State.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 56: By Senators Judah and Jespersen—An act to add Sections 99a, 99b and 99c to the State Employees' Retirement Act, and to add Article 4.5, comprising Sections 21350 to 21354, inclusive, to Chapter 9 of Part 3 of Division 5 of Title 2 of the Government Code, relating to the State Employees' Retirement System, and increasing the retirement benefits payable thereunder, including the benefits payable to persons already retired.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 57: By Senators Judah and Jespersen—An act to amend Section 95 of the State Employees' Retirement Act and Section 21331 of the Government Code, relating to the State Employees' Retirement System, and providing for the election of optional benefits in lieu of retirement allowance.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 58: By Senators Judah and Jespersen—An act to amend Section 49 of the State Employees' Retirement Act, and to amend Sections 20830, 20831 and 20834 of the Government Code, relating to the State Employees' Retirement System, and providing for the crediting of prior service.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 59: By Senators Judah and Jespersen—An act to add Sections 10a, 47a, and 47b to the State Employees' Retirement Act, and to add Article 5, comprising Sections 20920 to 20922, inclusive, to Chapter 7 of Part 3 of Division 5 of Title 2 of the Government Code, relating to the State Employees' Retirement System, providing for crediting service to the United States Government as State service to

certain members and under certain conditions specified therein, and providing for contributions by members and by the State in respect to such service.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 60: By Senators Judah and Jespersen—An act to amend Section 82 of the State Employees' Retirement Act and to amend Section 21252 of the Government Code, relating to the State Employees' Retirement System, and redefining the pension payable in respect to current service upon retirement for service.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 61: By Senators Judah and Slater—An act to amend Section 2204 of the Education Code, relating to the governing boards of school districts.

Referred to Committee on Education.

Senate Bill No. 62: By Senator Judah—An act to add Section 18679.5 to the Business and Professions Code, relating to the regulation of boxing and wrestling.

Referred to Committee on Business and Professions.

Senate Bill No. 63: By Senator Mixter—An act to amend Section 737bbb of the Political Code, relating to the salaries of judges in counties of the thirteenth class.

Referred to Committee on Local Government.

Senate Bill No. 64: By Senator Mixter—An act to amend Section 4242 of the Political Code, relating to compensation for public service in counties of the thirteenth class.

Referred to Committee on Local Government.

Senate Bill No. 65: By Senator Fletcher—An act to repeal The Personal Income Tax Act, Chapter 329 of the Statutes of 1935, as amended, and to repeal Part 10 of Division 2 of the Revenue and Taxation Code, relating to personal income taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 66: By Senator Fletcher—An act to amend Sections 251 and 254 of, and to add Sections 214 and 259.5 to, the Revenue and Taxation Code, relating to exemptions from taxation.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 67: By Senators Hulse, Hatfield, and Jespersen—An act to add Article 7, consisting of Sections 997, 997.1, 997.2, 997.3, 997.4, 997.5 and 997.6 to Chapter 6 of Division 4 of the Military and Veterans Code, relating to aid to veterans of World War II through cooperation with the United States or agencies thereof and of this State in making Federal lands available and suitable for settlement by such veterans.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 68: By Senators Hulse, Hatfield, and Jespersen—An act to amend Sections 986.4 and 986.5 of the Military and Veterans

Code, relating to farm and home purchases by veterans of World War II.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 69: By Senators Hulse, Hatfield, and Jespersen—An act to add Article 6, consisting of Sections 995, 995.1, 995.2, 995.3 995.4, 995.6, 995.7, 995.8, 995.9, and 996, inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, relating to aid to veterans of World War II in establishing businesses.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 70: By Senators Hulse and Jespersen—An act to add Article 5A, comprising Sections 993 to 994.3, inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide aid for veterans in accordance with the provisions of Chapter 6 of Division 4 of the Military and Veterans Code; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1946.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 71: By Senator Salsman—An act to amend Section 1161 of the Civil Code, relating to the recordation of instruments.

Referred to Committee on Judiciary.

Senate Bill No. 72: By Senator Salsman—An act to add Section 541.1 to the Probate Code and to amend Section 51 of the Bank Act, relating to the deposit of money or securities of decedents.

Referred to Committee on Judiciary.

Senate Bill No. 73: By Senators Donnelly, Hatfield, Dorsey, Quinn, and Slater—An act to add Sections 7 and 8 to an act entitled "An act to provide for the licensing, visitation and supervision of schools teaching foreign languages, and to define and prescribe the powers and duties of the State Board of Education in respect thereto," approved May 31, 1943, relating to license fees, and making an appropriation.

Referred to Committee on Education.

Senate Bill No. 74: By Senator Breed—An act to amend Section 2331 of the Health and Safety Code, relating to annexation of territory to mosquito abatement districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 75: By Senator Desmond—An act to be known as the "Local Area Rehabilitation Act" to authorize cities, counties and cities and counties to reorganize, rehabilitate and reconstruct retrograde areas within the territories thereof; defining such retrograde areas and declaring the existence thereof; declaring the necessity of such reorganization, rehabilitation and reconstruction of such retrograde areas for the preservation of the public peace, health and safety and that same constitutes a public use and purpose for which private property may be condemned and granting such cities, counties and cities and counties the right to exercise the power of eminent domain and to enter into contracts for such purposes and that for such purposes public moneys may be spent and other aid given; establishing planning commissions in certain cases and conferring certain powers and duties upon such planning commissions and the legislative bodies of such communities for the purpose of carrying out the purposes of this act; empowering such legislative bodies to make contracts with property owners and others; to sell such properties in the manner prescribed in this act and to take and foreclose mortgages, and to take and enforce undertakings given in the performance of the terms of this act; to maintain actions for the enforcement of such contracts, and prescribing procedure for the performance of the duties of such legislative bodies and planning commissions under this act, and establishing such commissions as State agencies and waiving the trust status of the properties bought and sold in pursuance of the purposes of this act and declaring that this act and the powers thereby conferred are for public use and purpose.

Referred to Committee on Local Government.

Senate Bill No. 76: By Senators Desmond and Tenney—An act making an appropriation to the Salary Emergency Fund, providing salary and wage increases for State employees who are compensated at monthly rates of pay, and providing that this act take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 77: By Senators Desmond and Tenney—An act making an appropriation to the Salary Emergency Fund, providing wage increases for State employees who are compensated at daily or hourly rates of pay, and providing that this act take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 78: By Senator Desmond—An act to add Section 13988.1 to the Revenue and Taxation Code, relating to inheritance taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 79: By Senator Brown—An act to amend Section 4286 of the Political Code, relating to the compensation for public service in counties of the fifty-seventh class.

Referred to Committee on Local Government.

Senate Bill No. 80: By Senator Brown—An act to amend Section 4281 of the Political Code, relating to compensation for public services in counties of the fifty-second class.

Referred to Committee on Local Government.

Senate Bill No. 81: By Senator Brown—An act to amend Section 737n of the Political Code, relating to the salary of the judge of the superior court in and for the County of Inyo.

Referred to Committee on Local Government.

Senate Bill No. 82: By Senator Mayo—An act to amend Section 1 of an act entitled "An act, relating to the relief of gold and silver mining operators, permitting postponement of sales under certain chattel mortgages, mortgages, deed of trust or contracts of purchase on gold and silver mines and gold and silver mining machinery and equipment, or postponement of forfeitures and terminations under gold and silver mining contracts and leases, regulating appointment of receivers in certain cases, extending the time in which the purchase price may be paid and extending the statute of limitations, declaring the urgency thereof, to take effect immediately," approved April 24, 1943, relating to the gold and silver mining moratorium.

Referred to Committee on Natural Resources.

Senate Bill No. 83: By Senator Mayo—An act to amend Section 3041 of the Elections Code, relating to independent nominations.

Referred to Committee on Elections.

Senate Bill No. 84: By Senator Mayo—An act to amend Section 10601.5 of the Elections Code, relating to candidates for judicial offices.

Referred to Committee on Elections.

Senate Bill No. 85: By Senator Mayo—An act to amend Section 4750 and to add Sections 4751, 4752, 4753, and 4754 to the Labor Code, relating to disabled workmen who sustain subsequent injury and making an appropriation to carry out the purposes thereof.

Referred to Committee on Labor.

Senate Bill No. 86: By Senator Biggar—An act to add Section 521 to the Streets and Highways Code, relating to State highway routes.

Referred to Committee on Transportation.

Senate Bill No. 87: By Senator Mixter—An act to amend Sections 2801, 2802, 2803, 2805, and 2808 of the Revenue and Taxation Code, relating to property taxation.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 88: By Senator Salsman—An act to amend Sections 2893, 2896, 2897, and 2898 of the Elections Code, relating to ballots in case of the death or disqualifications of a candidate.

Referred to Committee on Elections.

Senate Bill No. 89: By Senator Mayo—An act to amend Section 104.5 of the Welfare and Institutions Code, relating to proceedings before the State Social Welfare Board, specifying the time within which appeal or application for hearing must be made, authorizing the board to hold rehearings, and providing for the conduct of such proceedings.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 90: By Senator Mayo—An act to add Section 17.01 to the Welfare and Institutions Code, relating to determination of residence.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 91: By Senators McCormack and Keating—An act to amend Section 92 of the Agricultural Code, relating to the basis of allocation to county, district or combined county and district fairs.

Referred to Committee on Agriculture.

Senate Bill No. 92: By Senator Keating—An act to amend Sections 13401 and 13407 of the Education Code, relating to teacher's institute.

Referred to Committee on Education.

Senate Bill No. 93: By Senators Desmond and Swing—An act to amend Section 6052 of the Penal Code relating to employees in the Department of Corrections, declaring the urgency thereof, and providing this act shall take effect immediately.

Referred to the Committee on Judiciary.

Senate Concurrent Resolution No. 12: By Senator Tenney—Relative to approving a certain amendment to the charter of the County of Los Angeles, State of California, submitted to, voted for, and ratified by, the electors of said county at the general election held in said county on the seventh day of November, 1944.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 12, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 12

Senate Concurrent Resolution No. 12—Relative to approving a certain amendment to the charter of the County of Los Angeles, State of California, submitted to, voted for, and ratified by, the electors of said county at the general election held in said county on the seventh day of November, 1944.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Concurrent Resolution No. 13: By Senators Donnelly, Slater, Quinn, Dorsey, and Hatfield—Relative to a reexamination and

survey of real property transfers for the discovery of evasions and violations of the Alien Land Act, and requesting the advice of the Attorney General as to legislation necessary or desirable in furtherance thereof.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 14: By Senators Donnelly, Hatfield, Dorsey, Quinn, and Slater—Relative to annual reports filed by certain guardians and trustees pursuant to the provisions of the Alien Land Act, and requesting of the Secretary of State and each district attorney in the State information and data in respect thereto.

Referred to Committee on Rules.

ADJOURNMENT

At 10.55 a.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Monday, January 15, 1945, out of respect to the memory of Hon. Charles M. Brown, of Redlands.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

SIXTH LEGISLATIVE DAY
EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Monday, January 15, 1945

The Senate met at 2 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:
Senator McBride, on motion of Senator Seawell, account of illness.
Senator Carter, on motion of Senator Seawell, account of illness.
Senator Jespersen, on motion of Senator Seawell, account of illness.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lt. Col. William O. Schlotter, of Ottumwa, Iowa; and Major John V. Brereton, Infantry, U. S. A., of Sacramento and Santa Barbara, California.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Elmer D. Doyle, Secretary of the Superior Court and Jury Commissioner of Los Angeles County, Los Angeles, California; and Harry R. Person, Official Court Reporter, Los Angeles County, Los Angeles, California.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Earl V. Black of Sacramento, California, and Meredith Littlefield of San Francisco, California.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rodney Douglas of Mount Shasta, California.

COMMUNICATIONS

The following communications were received, read, and ordered printed in the Journal:

OFFICE OF THE SECRETARY OF STATE
SACRAMENTO 3, January 12, 1945

Hon. Frederick F. Houser, President of the Senate
State Capitol, Sacramento, California

DEAR SIR: I wish to respectfully suggest that a Committee of the Senate be appointed to cooperate with the Committee of the Assembly to study the feasibility of doing all voting by mail.

This office has received hundreds of copies of editorials from the various newspapers concerning this subject, and they seem to be equally divided for and against the proposal. However, practically all of them seem to agree that a study should be made of this question.

This office will cooperate with the committee to the fullest.

Sincerely yours,

FRANK M. JORDAN, Secretary of State

THE JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA
STATE BUILDING, SAN FRANCISCO, January 12, 1945

Hon. Frederick F. Houser, President of the Senate
State Capitol Building, Sacramento, California

DEAR MR. HOUSER: The Judicial Council has completed the report which it was requested to make by the 1943 Legislature, relating to the procedure of State administrative boards and agencies. (Statutes of 1943, Chapter 991; Deering's Gen. Laws 1944, Act 40.)

The legislation directs that the report be made to the Governor and to the Legislature by the tenth legislative day of the present session. The report of the council is in the hands of the State Printer, but since final printed copies will not be available on the date specified, this letter is to inform you of the completion of the work which the Judicial Council was asked to do.

Sincerely yours,

PHIL S. GIBSON, Chairman

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 12, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 12

And reports the same correctly engrossed.

SEAWELL, Chairman

MOTION TO APPROVE JOURNALS

Senator Seawell moved that the Senate Journals of Monday, January 8, 1945; Tuesday, January 9, 1945; Wednesday, January 10, 1945; Thursday, January 11, 1945; and Friday, January 12, 1945, be approved as corrected by the Journal Clerk and the Minute Clerk.

Motion carried.

MOTION TO PRINT IN JOURNAL

Senator Swing moved that the Report of Southern Counties' Subcommittee on Postwar Construction and Unemployment be printed in the Journal.

Motion carried.

Report of Southern Counties' Sub-Committee on Postwar Construction and Unemployment

The undersigned members of the Senate Postwar Committee, appointed as a subcommittee to make investigation of and concerning postwar plans of the various public officials and private industries within the Counties of Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura, and ascertaining and determining the probable postwar conditions within such counties as such conditions relate to both public and private construction employment and general welfare, report that we visited each and all of said counties except Ventura and Santa Barbara and held extensive hearings therein, and have ascertained and assembled all available facts and data bearing upon the matters within the scope and purposes of our investigations. From and during such hearings we have assembled large masses of data and information of and concerning the plans of the various public bodies within said counties which required weeks to analyze and study. A condensed summary of data relating to the counties visited by the committee, as it relates to expenditures, man hours, and so forth, is hereto attached and made a part of this report.

Most of the public officials within the various counties have a keen appreciation of the situation which will confront the public entities following the declaration of peace and have conceived and developed plans for various public improvements which normal and anticipated development will of necessity require.

Briefly, and without attempting to segregate into municipal, county, and other public entities, the investigations disclose that, within the various counties within our jurisdiction, plans for improvement extending over a period of approximately six years, and which have been fairly well decided upon, disclose projects, expenditures, man days, costs, and so forth, as follows:

Counties	*Total Projects*	*Cost Estimates*	*Man Days*
Los Angeles	5,867	$897,980,889 00	53,744,113
San Diego	184	80,459,950 00	4,380,159
Orange	158	17,339,943 00	1,074,169
San Bernardino	147	30,426,725 00	2,637,982
Riverside	68	5,689,400 00	264,470
Imperial	63	12,251,557 00	1,039,476
Kern	107	13,521,407 00	646,476

General information in possession of the committee indicates that both Santa Barbara and Ventura are as fully advanced in planning as the other southern counties. It is true the plans for these various projects have not all been fully developed, but each project represents an improvement made necessary by the public interests and demands, as now visualized, and will of necessity be constructed as and when material and man power become available.

In many instances plans for financing have been fairly well developed. In some instances, particularly the smaller cities and in some of the larger ones, a plan for financing the necessary construction will yet have to be developed and depends somewhat on the State's post war program.

With a total expenditure for public improvements within the counties above named during the six years immediately following the declaration of peace, aggregating more than 6,594 separate projects, the expenditure of more than $1,057,669,871 and furnishing more than 63,806,847 man days of labor, a very healthy and bright future may be anticipated for the counties referred to, especially if the State does not fall down on its job of preparing to meet the post war conditions which we may reasonably anticipate.

While these expenditures relate solely to those proposed by the various municipalities, counties and political subdivisions within Southern California, a sound legislative policy for future State construction was initiated at the last session of the Legislature wherein certain proportions of the taxes were earmarked for post war construction uses. Unfortunately, we failed to take full advantage of what might have been done in the way of preparing the State to meet the demands which will be made upon it following the war. However, the Legislature did earmark and set aside an amount now aggregating approximately $115,000,000. This sum, however, is dwarfed by the ambitious plans of the cities and counties of the southern district, and is but a drop in the bucket of what the State must have if it is to do its full duty to its citizens in the way of preparation to meet conditions which will surely confront it following the declaration of peace.

There is not the slightest doubt but that the demands which will be made upon the State for safe and convenient highways, adequate air fields, Governmental expansion, social and economic welfare, to accommodate the great horde of people which hope and will within a comparatively short time flock to California, will require a tremendous expenditure of public funds within a comparatively few years, if we are to take advantage of our opportunities and attain and hold our position as one of the greatest industrial and residential States of the Union. With our present favorable tax structure and the present tremendous buying power of our people, California is in a position to be the leading State of the Union in its postwar construction. A Building Program

should now be mapped out and financed to meet future needs rather than wait until we are confronted with the acute problems which increased population of necessity will create. This can not be accomplished without the creation of a Postwar Building Fund far in excess of that which is now available in the State Treasury. A sane and wise policy dictates that this fund should be created during prosperous times when the tax burden can best be sustained and carried.

While the Postwar Building Program of the State, cities, and counties is predicated upon the necessity for and utility of the proposed projects, still the prime and by far the most important thought which prompted and caused the adoption of our Postwar building policy was the providing of employment for men and women of the armed forces upon their return to civilian life. Of course, the ideal situation to which these men and women can return and in which the greatest opportunity for financial and social advancement is offered is free enterprise and private industry operated under conditions of industrial peace, but in the meantime, and until reconversion and reestablishment of private industry, the State can not neglect its obligation to those who have made the sacrifice during this unholy war.

The legislative policy, as established last session, is to provide suitable employment for every returning veteran, man or woman, immediately upon release from service. This policy involves the fulfillment of our promise to these men and women that their services to their Country will not be forgotten. At the last session of the Legislature certain tax reductions were made for a period of two years in the interests of the civilians, but from which the Soldiers received no benefits. It will be up to the Legislature to determine whether these reductions should be continued or whether the taxes should resume their normal rate and thereby provide for a fund which will be necessary if we are to make good our promises to those in the armed service. Tremendous increases in cost of State Government will of necessity be made during the next few years. Salary adjustments, official and employees salary increases, as well as normal increases in cost of Government, will make substantial inroads on any surplus there may now be in the State Treasury. If the Legislature must choose between tax reduction and its established policy of providing peace-time employment for our Soldiers and Sailors, then confessedly we should choose the latter. It is far better that we, who have been and are enjoying warm beds, home comforts, and excessive incomes, carry the little extra tax burden during these prosperous times necessary for a satisfactory Postwar Employment Program than to disappoint a single returning veteran in his hopes for a job and home security.

Not only did we give consideration to the proposed improvements by the public entities, but we likewise made inquiry concerning industry as it relates to postwar reconversion and as to what may be hoped for in the way of employment by industries on the Pacific Coast following the declaration of peace. Practically every Pacific Coast industry functioning prior to the war has converted its facilities into war-producing equipment of some character. New industries have sprung up on the Pacific Coast as the result of war demands. The reconversion of the old plants back to their original purposes and the conversion of the new wartime industries into peacetime industries is one of the serious problems facing California. Yet in the success of such reconversion and the continuance of such industries in the manufacture of civilian necessities lies the future of California. Heretofore the freight rates have discriminated against Pacific Coast States and have created a barrier over which the industries of California had difficulty in hurdling. The future California will, of necessity, have to deal with and provide homes and employment for many more millions of people than now claim that State as a residence. It is not at all visionary to assume that within 10 years the population will exceed fifteen millions of people. These people must be housed. They must have employment. They must have means of subsisting if we are to be a prosperous State. Public improvement offers no satisfactory, permanent solution for the problems which will confront the State and the various political subdivisions in the postwar area. Private industry, and only private industry, can meet the demands which will be made upon us within a comparatively short time in the future. While new markets in the Orient and other foreign empires, have their persuasive influence upon industry in its efforts to meet the situation, this alone will not suffice.

Fair freight rates, such as are now being promised to the Southern States by the Government in Washington, must be accorded to the Pacific Coast. Inducement by the way of fair taxation must likewise be extended if industries are to furnish the employment so necessary for our success, but fair freight rates and reasonable taxation alone can not solve the problem. We must have industrial peace. We must have working conditions under which the employed feel not only secure but adequately compensated for the services rendered. To bring this about some change in our economic system and industrial management, as well as our revenue producing laws, must occur. Most great industries require large capital. Seldom is this capital produced from a single source. The most development is through the instrumentality of a corporate entity, but under our present Federal Tax Laws corporations offer little inducement to capital or to labor. The tremendously high tax rates imposed upon corporate profits discourage new capital venturing into what may or may not prove a successful gamble. To have industrial peace we must have a common interest—a common goal

for both management and labor. That mutual interest can best be attained when both share in the profits. The stock of many of the great corporations is generally held by the public. If the corporations which must finance industry could be so taxed that the profits would not be doubly penalized, then the inducement for investment would be more attractive. The man who helps produce could and in most instances would feel inclined to put a part of his earnings back into the plant which he, himself, was helping to operate, enlarge, and expand, and thereby become a part owner, but under the present Federal plan of taxation where the corporate profits are smacked with a heavy tax and the dividends again taxed as income of the stockholder, and the employee again taxed upon his wages, such a plan offers little to enthuse about. With a revised Tax System, so that profits would carry their just share of the tax, but not be doubly taxed, the situation would be entirely different. While we can not control the Federal Government in its plan of taxation, it is to be hoped that there will be a revision of this Tax System as it affects corporations, so that industry as it operates through a corporate entity will be attractive to both capital and labor as a suitable investment.

In conclusion, permit us to say that throughout the southern part of the State we found nothing but commendation for the policy initiated by the Legislature in urging timely preparation for our return to normalcy. Generally speaking, the sentiment is unanimous in continuing our policy of providing an adequate fund for postwar development and construction, not only by the State but also by the various subdivisions. We found very little sentiment favoring a continuation of the present temporary tax reduction, if such continued reduction would prevent the accumulation of an adequate fund for the State to go on a Pay-As-You Go Building Program sufficient to meet all of the present and anticipated needs which changing postwar conditions will develop. Many of the smaller communities hope for real cooperation by the State in carrying on the plans which they respectively have conceived.

It will be the function of the entire committee to map out and recommend to the Legislature a safe and sane policy and program for California. To the policies so adopted, California's future is largely staked. To us has been entrusted this duty, and in the performance of it we must not fail.

Sincerely,

E. GEORGE LUCKY, Chairman.
JACK B. TENNEY,
RALPH E. SWING,
Members of Subcommittee.

Schedule Attached and Made a Part of the Senate Postwar Reconstruction Report

Counties	*Total Projects*	*Cost Estimates*	*Man Days*
Los Angeles	5,867	$897,980,889 00	53,744,113
San Diego	184	80,459,950 00	4,380,159
Orange	158	17,339,943 00	1,074,169
San Bernardino	147	30,426,725 00	2,637,982
Riverside	68	5,689,400 00	284,470
Imperial	63	12,251,557 00	1,039,476
Kern	107	13,521,407 00	646,478
Grand Total	6,594	$1,057,669,871 00	63,806,847

Los Angeles County—Postwar Construction Projects

Recapitulation

No. Projects		*Total Cost Estimate*	*Total Man Days*
5,867		$897,980,889 00	53,744,113
No. Projects	*City*		
4,341	Los Angeles County	$355,396,208 00	20,731,278
1,078	Los Angeles City	406,372,929 00	27,091,526
30	Alhambra	5,284,200 00	320,881
12	Arcadia	2,256,080 00	151,560
3	Azusa	310,000 00	15,500
10	Beverly Hills	800,000 00	40,000
18	Compton	2,706,000 00	135,300
10	Claremont	No estimate	No estimate
4	El Segundo	No estimate	No estimate
11	Gardena	394,000 00	19,700
70	Glendale	23,684,306 00	576,210
4	Glendora	225,000 00	11,500
66	Long Beach	56,487,050 00	2,438,691
6	Lynwood	1,353,500 00	77,675
10	Monrovia	675,000 00	33,750
139	Pasadena	38,725,816 00	1,936,040
1	Pomona	250,000 00	12,500
8	San Fernando	621,500 00	35,712
22	San Marino	279,500 00	13,975
10	South Gate	1,146,300 00	57,315
24	Whittier	1,013,500 00	45,000
5,867		$897,980,889 00	53,744,113

NOTE.—The following cities failed to file a report: Avalon, Bell, Burbank, Claremont, Covina, Culver City, El Monte, El Segundo, Hawthorne, Hermosa Beach, Huntington Park, Inglewood, La Verne, Manhattan Beach, Maywood, Montebello, Monterey Park, Palos Verdes Estates, Redondo Beach, San Gabriel, Santa Monica, Sierra Madre, Signal Hill, South Pasadena, Torrance, Vernon, West Covina.

(Detail of the cities within the County of Los Angeles as to their respective plans, programs, finances, etc., is omitted from this publication.)

San Diego County—Estimated Postwar Projects

Recapitulation

No. of Projects	*Estimated Total Cost*	*Labor Man Days*
184	$80,459,950 00	4,380,159
City of San Diego (61)	$57,899,800 00	3,215,706
County of San Diego (75)	18,616,550 00	930,827
City of Coronado (20)	400,000 00	20,000
City of Escondido (4)	54,000 00	2,700
City of Oceanside (16)	1,509,600 00	75,380
National City (9)	615,000 00	86,130
Laguna Beach (9)	1,365,000 00	49,416

(Detail of the cities within the County of San Diego as to their respective plans, programs, finances, etc., is omitted from this publication.)

Orange County—Postwar Construction Projects
(Including incorporated and unincorporated districts)
Recapitulation

No. of Projects	*Estimated Total Costs*	*Man Days*
158	$17,339,943 00	1,074,169
		18,000 skilled man months
		7,700 unskilled man months
Orange County (84)	$11,096,125 00	768,200
Santa Ana (8)	1,287,400 00	64,370
Newport Beach (6)	822,000 00	41,100
City of Huntington Beach (7)	368,400 00	18,420
City of Fullerton (11)	788,218 00	39,411
City of Orange (6)	615,000 00	39,220
City of Anaheim (22)	600,000 00	30,000
City of San Clemente (2)	197,800 00	16,198
City of Brea	--------	No report
City of Laguna Beach (12)	1,565,000 00	78,250
City of La Habra	--------	No report
City of Placentia	--------	No report
City of Seal Beach	--------	No report
City of Tustin	--------	No report
Orange County Schools:		
Unincorporated	500,000 00	{Not included
Incorporated	530,000 00	{in estimates
	1,030,000 00	

(Detail of the cities within the County of Orange as to their respective plans, programs, finances, etc., is omitted from this publication.)

San Bernardino County—Postwar Construction Projects
(Including incorporated and unincorporated cities and districts)
Recapitulation

No. of Projects	*Estimated Total Cost*	*Man Days*
147	$30,426,725 00	2,637,982

Projects	*City*	*Amount*
4	Needles	$108,300 00
6	Redlands	1,434,069 00
12	Colton	542,360 00
9	Upland	300,600 00
22	Ontario	1,412,000 00
5	Chino	118,847 00
28	San Bernardino	5,602,000 00
60	San Bernardino County	17,113,516 00
1	National Orange Show	1,495,000 00

(Detail of the cities within the County of San Bernardino as to their respective plans, programs, finances, etc., is omitted from this publication.)

Riverside County—Postwar Construction Projects
(Including incorporated and nonincorporated districts)
Recapitulation

No. of Projects	*Estimated Total Cost*	*Man Days*	*Labor Cost*
68	$5,689,400 00	284,470	------

City	*Projects*	*Amount*	*No. Man Days*	*Material Costs*
Blythe	2	$70,000 00	3,500	$23,000 00
Hemet	2	No estimates	No estimates	No estimates
Elsinore	3	60,000 00	3,000	No estimates
Corona	7	497,500 00	24,875	No estimates
Banning	7	333,000 00	16,650	No estimates
Riverside	6	1,160,000 00	58,000	No estimates
Indio	-	--------	No report	No report
San Jacinto	-	--------	No report	No report
Perris	-	--------	No report	No report
Palm Springs	-	--------	No report	No report
Beaumont	-	--------	No report	No report
County (unincorporated)	40	$3,568,900 00	178,445	

(Detail of the cities within the County of Riverside as to their respective plans, programs, finances, etc., is omitted from this publication.)

Imperial County—Estimated Projects

Recapitulation

No. Projects	*Estimated Costs*	*Labor Man Days*
63	$11,474,000 00	998,379
City of El Centro (8)	$1,641,000 00	72,050
City of Calexico (9)	170,000 00	8,416
City of Imperial (1)	24,000 00	1,200
City of Westmorland (4)	No estimates	----
City of Calipatria (1)	No estimates	----
City of Holtville (5)	$89,080 00	40,357
City of Brawley (8)	185,000 00	740
County of Imperial (6)	12,251,557 00	1,039,476
Meloland State Agricultural Station (16)	135,000 00	5,263
Imperial Irrigation District (9)	9,325,000 00	902,500
Miland Proposed Sanitary District (1)	700 00	----

(Detail of the cities within the County of Imperial as to their repective plans, programs, finances, etc., is omitted from this publication.)

Kern County—Postwar Construction Estimates

Recapitulation

Projects	*Estimated Costs*	*Man Days*
107	$13,521,407 00	646,478
City of Bakersfield	$2,048,840 00	73,100
City of Taft	147,800 00	7,140
Kern County	11,324,767 00	566,238
City of Delano	No report	----
City of Maricopa	No report	----
City of Shafter	No report	----
City of Tehachapi	No report	----

(Detail of the cities within the County of Kern as to their respective plans, programs, finances, etc., is omitted from this publication.)

RESOLUTIONS

The following resolution was offered:

By Senator Shelley:

Senate Resolution No. 21

Relating to the continuance of the committee created by Senate Resolution No. 35 of the Fifty-fifth Regular Session to study the operation and maintenance of the Golden Gate Bridge.

Resolved by the Senate of the State of California, as follows:

1. The committee created by Senate Resolution No. 35 of the Fifty-fifth Regular Session to investigate the operation and maintenance of the Golden Gate Bridge is continued as a Senate committee at this session with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring shall be filled by the Committee on Rules of this session.

2. The committee continues until final adjournment of this session, with authority to file its final report at any time before final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate that are applicable to such a committee, as soon as such Rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

4. The sum of two thousand dollars ($2,000), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

The money made available by this resolution is less than the unused part of the amount heretofore made available to the committee which will revert to the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Rules.

By Senator Shelley:

Senate Resolution No. 22

Relating to the continuance of the Senate Interim Committee on Unemployment Insurance, created by Senate Resolution No. 143 of the Fifty-fifth Regular Session

Resolved by the Senate of the State of California, as follows:

1. The Senate Interim Committee on Unemployment Insurance created by Senate Resolution No. 143 of the Fifty-fifth Regular Session is continued as a Senate Committee at this session, except as hereinafter provided, with all the rights, powers, and duties possessed by the committee and its members immediately prior to the commencement of this session. The committee shall hereafter consist of the membership which it possessed immediately prior to the commencement of this session and, in addition thereto, the two other Members of the Senate who immediately prior to the commencement of this session were also members of the committee created by Senate Resolution No. 15 of the Third Extraordinary Session of the Fifty-fifth Legislature. Vacancies occurring shall be filled by the Committee on Rules of this session.

2. The committee continues until final adjournment of this Fifty-sixth Regular Session, and may file its report at any time prior to such final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate that are applicable to such a committee, as soon as such Rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

4. The sum of five thousand dollars ($5,000), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

The money made available by this resolution is less than the unused part of the amount heretofore made available to the committee which will revert to the Contingent Fund of the Senate.

Resolution read, and re-referred to Committee on Rules.

By Senator Cunningham:

Senate Resolution No. 23

Relative to the passing of Charles King

The Senate of California has learned with regret of the passing of Charles King, a former Colleague and friend of many now serving in this body. At the home of his son, Aubrey King of Los Angeles, on May 1, 1944, his full and varied life was brought to a close.

Born August 2, 1855, in Bedford County, Tennessee, he came to California in 1858, arriving in Hanford with worldly possession of only 88 but richly endowed with vision and energy. In a few years he had accumulated considerable means and went into the fruit packing business, following which he dealt in real estate and similar activities.

In 1893 he was active in bringing about the formation of Kings County which was then a part of Tulare County, and in 1909 he greatly assisted in the passage of legislation resulting in the annexation to Kings County of a portion of Fresno County comprising 110 to 115 sections.

Inherently a builder, he began construction of the Hanford and Summit Lake Railroad in 1912 but before its completion the Southern Pacific Railroad took it over and continued the road to connect with their West Side line at Ingle, Fresno County.

In the 1914 primary election he was a candidate on the Democratic ticket for Governor of the State of California but failed to secure his party nomination.

Beginning in 1917 he constructed the Kings Lake Shore Railroad which ran from the City of Corcoran some 15 miles southwesterly into the heart of the fertile Tulare Lake Basin Region, and he operated this road for some years.

Elected to the State Senate from Kings County in 1932, he served during the Fiftieth and Fifty-first Sessions. Had he so desired he no doubt could have continued in such capacity until his passing. His services in the Legislature were faithfully and honorably performed and he retired with the respect and friendship of all who knew him.

In tribute to the memory of this fine gentleman and former Colleague, be it

Resolved by the Senate of the State of California, That when the Senate adjourns this day it shall do so in memory of Charles King; and be it further

Resolved, That the Secretary of the Senate is directed to prepare and transmit to Aubrey King a properly engrossed copy of this resolution.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 16: By Senator Swing—Relative to approving those certain amendments to the charter of the City of San Bernardino, a municipal corporation in the County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at a special election held thereon on the seventh day of November, 1944.

Request for Unanimous Consent

Senator Swing asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 16, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 16

Senate Concurrent Resolution No. 16—Relative to approving those certain amendments to the charter of the City of San Bernardino, a municipal corporation in the County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at a special election held thereon on the seventh day of November, 1944.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 94: By Senator Fletcher—An act to amend Sections 690.3, 690.4, 690.11, and 690.24 of the Code of Civil Procedure, relating to property exempt from execution or attachment.

Referred to Committee on Judiciary.

Senate Bill No. 95: By Senator Fletcher—An act to amend Sections 2617, 2622, and 2623 of the Revenue and Taxation Code, relating to taxation.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 96: By Senator Fletcher—An act to amend Section 1237 of, and to add Section 1238.5 to, the Code of Civil Procedure, relating to the exercise of the right of eminent domain.

Referred to Committee on Judiciary.

Senate Bill No. 97: By Senator Fletcher—An act to amend Section 407 of the Code of Civil Procedure, relating to issuance of the summons.

Referred to Committee on Judiciary.

Senate Bill No. 98: By Senator Fletcher—An act to amend Section 543 of the Code of Civil Procedure, relating to procedure in garnishment.

Referred to Committee on Judiciary.

Senate Bill No. 99: By Senator Fletcher—An act to add Section 1060 to the Civil Code, relating to the release of powers of appointment, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Judiciary.

Senate Bill No. 100: By Senator Burns—An act to amend Section 4135 of the Business and Professions Code, relating to licentiates in pharmacy.

Referred to Committee on Business and Professions.

Senate Bill No. 101: By Senator Burns—An act making an appropriation for the purchase or acquisition of land and the construction of a State building thereon in the City of Fresno.

Referred to Committee on Finance.

Senate Bill No. 102: By Senator Swing—An act to amend Section 131 of the Civil Code, relating to actions for divorce.

Referred to Committee on Judiciary.

Senate Bill No. 103: By Senator Swing—An act to amend Section 578.1 of the Welfare and Institutions Code, relating to appointment of a referee in juvenile court matters.

Referred to Committee on Judiciary.

Senate Bill No. 104: By Senator Swing—An act to amend Section 4237.1 of the Political Code, relating to court phonographic reporters in counties of the eighth class.

Referred to Committee on Judiciary.

Senate Bill No. 105: By Senator Swing—An act to amend Section 55 of the Civil Code, relating to marriages.

Referred to Committee on Judiciary.

Senate Bill No. 106: By Senator Swing—An act to validate marriages performed under Section 79 of the Civil Code.

Referred to Committee on Judiciary.

Senate Bill No. 107: By Senator Swing—An act to repeal Section 1505 of the Penal Code, relating to damages for failure to issue or obey writ of habeas corpus.

Referred to Committee on Judiciary.

Senate Bill No. 108: By Senator Swing—An act to amend Sections 1, 1.5, 4, and 5 of, to add Sections 1.1, 1.2, 1.3, 1.7, 4.5, and 4.7 to, and to repeal Section 2 of, the Judges' Retirement Act, and to amend Sections 2, 3, 4, 4.5 and 7 of, and to add Sections 4.7 and 4.9 to, the Judges' Retirement Fund Act, relating to retirement, with retirement allowances, of judges and justices, and to contributions to the Judges' Retirement Fund to provide such retirement allowances.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 109: By Senator Collier—An act to amend Section 4010 of the Natural Resources Code, relating to forest fire protection.

Referred to Committee on Natural Resources.

Senate Bill No. 110: By Senator Weybret—An act authorizing the State Park Commission to sell certain real property located in the County of San Benito.

Referred to Committee on Natural Resources.

Senate Bill No. 111: By Senator DeLap—An act to amend Section 1621 of the Streets and Highways Code and Section 8356 of the Revenue and Taxation Code, relating to allocations to counties of moneys for highway purposes.

Referred to Committee on Transportation.

Senate Bill No. 112: By Senator DeLap—An act to amend Section 860 of the Fish and Game Code, relating to the taking of salmon.

Referred to Committee on Fish and Game.

Senate Bill No. 113: By Senator DeLap—An act to amend Sections 16 and 43 of the County Employees' Retirement Act of 1937, relating to employees of fire protection districts.

Referred to Committee on Local Government.

Senate Bill No. 114: By Senator DeLap—An act to amend Section 44 of the County Employees' Retirement Act of 1937, relating to officers holding an elective office or elected by popular vote.

Referred to Committee on Local Government.

Senate Bill No. 115: By Senator DeLap—An act to amend Section 6062 of the Business and Professions Code, relating to attorneys.

Referred to Committee on Business and Professions.

Senate Bill No. 116: By Senator DeLap—An act to add Section 6049.1 to the Business and Professions Code, relating to attorneys.

Referred to Committee on Business and Professions.

Senate Bill No. 117: By Senator DeLap—An act to amend Section 6031 of the Business and Professions Code, relating to attorneys.

Referred to Committee on Business and Professions.

Senate Bill No. 118: By Senator DeLap—An act to amend Section 5 of an act entitled 'An act relating to the determination of the wartime population of cities or cities and counties for purposes of allocation of moneys from the State Highway Fund and from the Motor Vehicle License Fee Fund for expenditures therein, and declaring the urgency thereof', approved May 18, 1943, relating to the time said act remains in effect, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

Senate Bill No. 119: By Senator Brown—An act to amend Sections 4075 and 4076 of, and to add Section 4076.5 to, the Political Code, relating to claims against counties.

Referred to Committee on Local Government.

Senate Bill No. 120: By Senator Crittenden—An act to amend Section 7015 of the Insurance Code, relating to county mutual fire insurers.

Referred to Committee on Financial Institutions.

Senate Bill No. 121: By Senator Crittenden—An act to amend Section 5056 of the Insurance Code, relating to county mutual insurers and the election and terms of directors thereof.

Referred to Committee on Financial Institutions.

Senate Bill No. 122: By Senator Crittenden—An act to add Section 5081 to the Insurance Code, relating to county mutual fire insurers.

Referred to Committee on Financial Institutions.

Senate Bill No. 123: By Senator Crittenden—An act to amend Section 6047 of the Insurance Code, relating to county mutual fire insurers.

Referred to Committee on Financial Institutions.

Senate Bill No. 124: By Senator Crittenden—An act to amend Section 6048 of the Insurance Code, relating to county mutual insurers.

Referred to Committee on Financial Institutions.

Senate Bill No. 125: By Senator Crittenden—An act to repeal Section 6051 of the Insurance Code, relating to county mutual fire insurers.

Referred to Committee on Financial Institutions.

Senate Bill No. 126: By Senator Crittenden—An act to amend Sections 8071 and 8072 of the Insurance Code, relating to the county mutual fire reinsurers.

Referred to Committee on Financial Institutions.

Senate Bill No. 127: By Senator Crittenden—An act to repeal Sections 6010 to 6020, inclusive, of, and to add Sections 6010 to 6014, inclusive, to, the Insurance Code, relating to county mutual insurers.

Referred to Committee on Financial Institutions.

Senate Bill No. 128: By Senator Crittenden—An act to add Section 13.15a to the Building and Loan Association Act, relating to the return of the business, property, and assets of building and loan associations to such associations.

Referred to Committee on Financial Institutions.

Senate Bill No. 129: By Senator Crittenden—An act to amend Section 13.16a of the Building and Loan Association Act, relating to claims against associations pending or during liquidation.

Referred to Committee on Financial Institutions.

Senate Bill No. 130: By Senator Crittenden—An act to amend Sections 13.13 and 13.16 of the Building and Loan Association Act, relating to the business, property, and assets of associations in the possession of the commissioner and providing for the appointment of custodians in such cases and for the custody, care, and disposition thereof.

Referred to Committee on Financial Institutions.

Senate Bill No. 131: By Senator Crittenden—An act to amend Sections 1500, 1501, 1503, and 1511 and to repeal Section 1523 of the Welfare and Institutions Code, relating to aid to needy children.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 132: By Senator Ward—An act to add Section 6359.5 to the Revenue and Taxation Code, relating to the sales and use taxes and exemptions therefrom, including the declaration of a continuing legislative intent to exempt containers, ice, packing materials and labels used or employed in packing, shipping, or transporting food products for human consumption, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 133: By Senators Ward, McBride, Desmond, Hatfield, Tenney, McCormack, DeLap, and Burns—An act to amend Section 6872 of the Public Resources Code, relating to oil and gas leases by the State Lands Commission of tide and submerged lands and beds of navigable rivers and lakes.

Referred to Committee on Natural Resources.

Senate Bill No. 134: By Senator Brown—An act to amend Section 661 of the Welfare and Institutions Code, relating to detention homes.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 135: By Senator McCormack—An act to amend Section 4252 of the Political Code, relating to compensation for public services in counties of the twenty-third class.

Referred to Committee on Local Government.

Senate Bill No. 136: By Senator Seawell—An act to amend Section 6902 of the Labor Code, relating to operation personnel of railroads.

Referred to Committee on Labor.

Senate Bill No. 137: By Senator Fletcher—An act to add Section 14.1 to "The Public Utility District Act," relating to public utility districts.

Referred to Committee on Public Utilities.

Senate Bill No. 138: By Senator Collier—An act to amend Sections 3477 and 3479 of the Revenue and Taxation Code, relating to property tax sales to private parties before deed to the State.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 139: By Senators Donnelly, Hatfield, Quinn, Slater, and Dorsey—An act to amend an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and adopted and approved by the electors of the State of California, November 2, 1920, as amended, by amending Sections 7, 8, and 9 relating to conveyances to prevent escheat, and to escheats of property acquired in violation of the act, and proceedings to enforce such escheats.

Referred to Committee on Judiciary.

Senate Bill No. 140: By Senator Salsman—An act to add Chapter 4, consisting of Section 10700, to Division 12 of the Elections Code, relating to elections of county and township officers.

Referred to Committee on Elections.

Senate Bill No. 141: By Senator Salsman—An act making an appropriation to pay the claim of Oliver Blanchard.

Referred to Committee on Finance.

Senate Bill No. 142: By Senator Salsman—An act to provide for the construction of a State office building in the City of San Jose and making an appropriation therefor.

Referred to Committee on Finance.

Senate Bill No. 143: By Senator Salsman—An act to repeal Section 1183.5 of, and to add Section 1183.5 to, the Civil Code, relating to the proof or acknowledgment of instruments and the administering of oaths or affirmations, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

Senate Bill No. 144: By Senator Dilworth—An act to amend the County Water District Act, approved June 10, 1913, as amended, by amending Sections 3, 4, 5, 6, 8, and 14, relating to county water districts, and by adding new Sections 12.16, relating to payment of expenses of organization of districts; 14.5, relating to liability of district directors, officers, agents and employees; 14.6, relating to claims against districts, their directors, officers, agents and employees and actions thereon; 14.7, relating to liability of districts, their directors, officers, agents and employees; and 22d, relating to the use of various improvement acts in district improvements.

Referred to Committee on Local Government.

Senate Bill No. 145: By Senator Dilworth—An act to amend the County Water District Act, approved June 10, 1913, as amended, by adding Section 14.8, relating to judgments against district directors, officers, agents and employees.

Referred to Committee on Local Government.

Senate Bill No. 146: By Senator Crittenden—An act to amend Section 678 of the Vehicle Code, relating to restrictions as to tire equipment.

Referred to Committee on Transportation.

Senate Bill No. 147: By Senator Crittenden—An act to amend Section 1029 of the Streets and Highways Code, relating to road commissioners.

Referred to Committee on Transportation.

Senate Constitutional Amendment No. 3: By Senator Fletcher—Proposed amendment to Article I, Section 14, of the Constitution, relative to eminent domain.

Referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 15, 1945

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Bill No. 16
Senate Bill No. 22

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes 4; absent 1.

SEAWELL, Chairman

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 22—An act making an appropriation for support of the Colorado River Board, and declaring the purpose thereof, to take effect immediately.

Bill read second time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 22:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO 14, January 11, 1945

To the Honorable Members of the Senate
Sacramento, California

GENTLEMEN:

Senate Bill No. 22—An act making an appropriation for support of the Colorado River Board, and declaring the purpose thereof, to take effect immediately

in my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore recommend consideration of Senate Bill No. 22 as necessary for the immediate preservation of the public peace, health or safety and as an emergency measure.

Respectfully submitted,

EARL WARREN, Governor

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

Resolved, That Senate Bill No. 22 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with,

and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 22

Senate Bill No. 22—An act making an appropriation for support of the Colorado River Board, and declaring the purpose thereof, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

SECOND READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 16—An act to suspend those provisions of Article XI, Section 5, of the Constitution relating to the compensation of county, township and municipal officers, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Mayo:

Resolved, That Senate Bill No. 16 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 16

Senate Bill No. 16—An act to suspend those provisions of Article XI, Section 5, of the Constitution relating to the compensation of county, township and municipal officers, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO SUSPEND RULE 21

Senator Seawell moved that Rule 21 of the Standing Rules of the Senate be suspended for the purpose of considering an amendment to Rule No. 12.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.
NOES—None.

AMENDMENTS TO RULE NO. 12

Senator Seawell moved to amend Senate Rule No. 12 as follows:

Standing Committees

12. The standing committees of the Senate, the number of members, and subjects to be referred to each are as follows:

1. **Agriculture,** 11 members—
   All bills amending the Agricultural Code and uncodified legislation relating to the same subject.

2. **Business and Professions,** 9 members—
   All bills amending the Business and Professions Code and uncodified legislation relating to the same subjects.

3. **Education,** 9 members—
   All bills amending the School Code or relating to the University of California and any uncodified legislation relating to either.

4. **Elections,** 9 members—
   All bills amending the Elections Code or uncodified legislation relating to the same subject and constitutional amendments, after consideration by committees having jurisdiction of the appropriate subjects, for consideration of any question relating to submission to the voters.

5. **Finance,** 11 members—
   All appropriation bills including the Budget Bill and claim bills but excepting appropriations from the funds of the Senate made by resolution.

6. **Financial Institutions,** 9 members—

All bills amending the Insurance Code and bills amending the Bank Act, Building and Loan Act, Corporate Securities Act and acts relating to the loan of money and credit unions, and any other legislation relating to these subjects.

7. **Fish and Game,** 11 members—

All bills amending the Fish and Game Code, and uncodified legislation relating to the same subject.

8. **Governmental Efficiency,** 11 members—

All legislation not specifically referred to another committee relating to:

a. State policy
b. New State functions
c. State property
d. Reorganization
e. State employees

9. **Institutions,** 9 members—

All bills relating to the State Department of Institutions, or to institutions under its jurisdictions including:

1. State Hospitals
2. Home for the Feebleminded
3. Inebriate Colonies
4. Institutions for Delinquents
5. Home for the Blind
6. Industrial Workshops
7. Any other institutions of a similar nature;

and

All bills relating to the Youth Authority and to institutions under its jurisdiction.

10. **Judiciary,** 12 members—

All bills amending the following codes:

a. Civil Code
b. Code of Civil Procedure
c. Probate Code
d. Penal Code, and
e. All statutes of a penal nature not related closely to a subject embraced in some other code.

11. **Labor,** 7 members—

All bills amending the Labor Code and uncodified legislation relating to the same subject.

12. **Local Government,** 9 members—

All bills relating to

a. County government
b. Municipal corporations
c. Special assessment and other local districts when not regulated by the provisions of some other code and uncodified legislation on the above subjects.

13. **Military and Veterans Affairs,** 9 members—

All bills amending the Military and Veterans Code and uncodified legislation relating to the same subjects.

14. **Natural Resources,** 9 members—

All bills amending the Public Resources Code and uncodified legislation relating to mines and mining, oil, forestry, parks, and to the public domain.

15. **Public Health and Safety,** 9 members—

All bills amending the Health and Safety Code and uncodified legislation relating to the same subjects.

16. **Public Utilities,** 9 members—

All legislation relating to public utilities and their regulation and not embraced within any other code.

17. **Revenue and Taxation,** 11 members—

All bills amending the Revenue and Taxation Code and other uncodified legislation relating to State and county taxes.

18. **Rules,** 5 members—

All proposed amendments to the Rules, and all resolutions relating to the business of the Senate which are not acted upon without reference to committee.

19. **Social Welfare**, 11 members—
    All bills relating to the Department of Social Welfare, or to aid to the aged, to the blind, to children, to the unemployed, to the indigent and to other public assistance.

20. **Transportation**, 11 members—
    All bills amending the
    a. Vehicle Code
    b. Streets and Highways Code
    c. Harbors and Navigation Code, and
    d. Uncodified legislation relating to the same subjects or to aviation.

21. **Water Resources**, 9 members—
    All bills amending the Water Code and uncodified legislation relating to the same subject.

The roll was called, and the amendments adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

NOES—None.

REPORTS OF STANDING COMMITTEES

On Rules

SENATE CHAMBER, SACRAMENTO, January 15, 1945

MR. PRESIDENT: The Committee on Rules has appointed the following Senators chairmen, vice chairmen, and members of the various standing committees of the Senate.

SEAWELL, Chairman
Committee on Rules

Standing Committees of the Senate and Their Members

Agriculture (11 Members)—

Crittenden (Chairman)	Powers
Hatfield (Vice Chairman)	Gordon
Hulse	Sutton
McCormack	Donnelly
Mixter	Weybret
Jespersen	

Business and Professions (9 Members)—

DeLap (Chairman)	Desmond
Judah (Vice Chairman)	Burns
Shelley	Tenney
Fletcher	Dilworth
McBride	

Education (9 Members)—

Slater (Chairman)	Ward
Salsman (Vice Chairman)	Dilworth
Jespersen	Donnelly
Deuel	Tenney
Biggar	

Elections (9 Members)—

Biggar (Chairman)	Dilworth
Kuchel (Vice Chairman)	Donnelly
Ward	Brown
Weybret	Slater
Breed	

Finance (11 Members)—

Rich (Chairman)	Jespersen
Desmond (Vice Chairman)	Fletcher
Breed	Quinn
Collier	Crittenden
DeLap	Biggar
Swing	

Financial Institutions (9 Members)—

McBride (Chairman)	Parkman
Sutton (Vice Chairman)	Seawell
Salsman	Shelley
Swing	Cunningham
Deuel	

Fish and Game (11 Members)—

Gordon (Chairman)	Mayo
Burns (Vice Chairman)	Carter
Slater	Judah
Powers	Dillinger
Keating	Swing
Brown	

Governmental Efficiency (11 Members)—

Swing (Chairman)	Keating
Powers (Vice Chairman)	DeLap
McCormack	Collier
Rich	Burns
Parkman	Hatfield
Seawell	

Institutions (9 Members)—

Breed (Chairman)	Keating
Dorsey (Vice Chairman)	Desmond
McBride	Biggar
Crittenden	Slater
Gordon	

Judiciary (12 Members)—

Keating (Chairman)	Dorsey
Carter (Vice Chairman)	Tenney
Swing	Salsman
Rich	Kuchel
Quinn	Desmond
Ward	DeLap

Labor (7 Members)—

Shelley (Chairman)	Carter
Judah (Vice Chairman)	Weybret
Fletcher	Hulse
Sutton	

Local Government (9 Members)

Cunningham (Chairman)	Sutton
Dillinger (Vice Chairman)	Desmond
Salsman	Kuchel
Deuel	Dilworth
Hulse	

Military and Veterans' Affairs (9 Members)—

Quinn (Chairman)	Sutton
Dilworth (Vice Chairman)	Dorsey
Hulse	Tenney
Mixter	Hatfield
DeLap	

Natural Resources (9 Members)—

Fletcher (Chairman)	McBride
Brown (Vice Chairman)	Mayo
Parkman	Dorsey
Biggar	Kuchel
Cunningham	

Public Health and Safety (9 Members)—

Collier (Chairman)	Burns
Donnelly (Vice Chairman)	McCormack
Keating	Seawell
Gordon	Hatfield
Carter	

Public Utilities (9 Members)—

Parkman (Chairman)	Collier
Weybret (Vice Chairman)	Burns
Fletcher	Mayo
McBride	Gordon
Seawell	

Revenue and Taxation (11 Members)—

Mixter (Chairman)	Quinn
Tenney (Vice Chairman)	Collier
Crittenden	Breed
Rich	Ward
McCormack	Kuchel
Parkman	

Rules (5 Members)—

Seawell (Chairman)	Powers
Deuel (Vice Chairman)	Salsman
Brown	

Social Welfare (11 Members)—

Mayo (Chairman)	Dillinger
Ward (Vice Chairman)	Judah
Mixter	Donnelly
Weybret	Deuel
Shelley	Cunningham
Brown	

Transportation (11 Members)—

McCormack (Chairman)	Breed
Dillinger (Vice Chairman)	Mayo
Hatfield	Shelley
Slater	Judah
Jespersen	Powers
Quinn	

Water Resources (9 Members)—

Jespersen (Chairman)	Cunningham
Hulse (Vice Chairman)	Carter
Rich	Dorsey
Mixter	Dillinger
Crittenden	

SENATE CHAMBER, SACRAMENTO, January 15, 1945

MR. PRESIDENT: The Committee on Rules has established the following Committee Meeting Schedules and assignment of committee meeting rooms.

SEAWELL, Chairman
Committee on Rules

Schedule of Committee Meetings

Time	*Committee*	*Room No.*
	Monday	
11:00 a.m.	Water Resources	415
On Adjournment	Natural Resources	415
8:00 p.m.	Judiciary	414
8:00 p.m.	Transportation	406
	Tuesday	
9:00 a.m.	Public Health and Safety	415
11:00 a.m.	Governmental Efficiency	414
On Adjournment	Fish and Game	414
On Adjournment	Revenue and Taxation	406
8:00 p.m.	Agriculture	406
	Wednesday	
9:00 a.m.	Finance	414
11:00 a.m.	Financial Institutions	415
On Adjournment	Institutions	415
On Adjournment	Military and Veterans' Affairs	406
8:00 p.m.	Social Welfare	415
8:00 p.m.	Judiciary	414

Schedule of Committee Meetings—Continued

Thursday

11:00 a.m.	Business and Professions	406
9:00 a.m.	Education	414
On Adjournment	Local Government	406
8:00 p.m.	Governmental Efficiency	414
8:00 p.m.	Labor	406

Friday

9:00 a.m.	Public Utilities	406
11:00 a.m.	Elections	415

On Call of Chairman

Committee on Rules

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE, SACRAMENTO, January 15, 1945

To the Senate of the State of California

I have the honor to inform you that I have made the following appointments, and respectfully request your confirmation thereof and consent thereto:

J. A. GUTHRIE, a resident of San Bernardino, president of San Bernardino Daily Sun, member of advisory board, Automobile Club of Southern California and city traffic and safety commission, also member of Board of Directors of San Bernardino Chamber of Commerce—

as Member of the California Highway Commission, vice self, term expired, for the term perscribed by law. Appointed January 15, 1945.

CHESTER H. WARLOW, a resident of Fresno, lawyer, banker, and oil company executive, member of the roads and resorts committee of the Fresno County Chamber of Commerce and of the executive committee of the local council, serving on committee of roads and highways—

as Member of the California Highway Commission, vice self, term expired, for the term prescribed by law. Appointed January 15, 1945.

EMERY E. OLSON, a resident of Los Angeles, Dean of the School of Public Administration of University of Southern California; former president of the Los Angeles City Civil Service Commission from 1939 to 1941; past President of the Civil Service Assembly of the United States and Canada; was Assistant Chief of the Executive Division of the United States Division of the United States Civil Service Commission in 1942 and 1943; at present, Chairman of the Commission on Administrative Personnel of the United States Civil Service Commission; in 1943 and 1944 was manager of the training division of the Lockheed Aircraft Corporation—

as Member of the State Personnel Board, vice Arthur J. Brown, term expired, for the term prescribed by law. Appointed January 15, 1945.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 15, 1945

MR. PRESIDENT: Your Committee on Rules makes the following suggestions for committee organization:

Suggestions for Committee Organization

The officers of this committee shall be a chairman, vice chairman, and secretary.

The chairman shall preside at meetings when present and when absent the vice chairman shall preside.

The secretary shall keep a complete record of the meetings and of action taken by the committee.

The committee shall meet in regular session, in Room_____, on_____and _____of each week, at the hour of_____. Adjourned meetings or special meetings shall be held at the time fixed in the adjourning motion or on the call for the special meeting.

Special meetings may be called by the chairman by giving at least three hours' notice, specifying the purpose of the meeting and the time and place

thereof and the matters to be considered at such special meeting, and no bill or other formal matter shall be considered at such meeting other than those specified in the notice.

_____members shall constitute a quorum and no bill shall be voted out of committee except on the affirmative vote of_____members.

No bill shall be signed out of committee.

The chairman shall arrange the calendar for the various meetings and shall set bills to be heard at the various meetings and give notice thereof. No bills except those on the calendar shall be considered at any meeting except with the unanimous consent of those present. The calendar shall be made up at least twelve (12) hours before time of meeting. Notice of hearing of bills shall be given the author and such other persons requesting notice in writing. Bills will not be considered in the absence of the author without his consent. All bills shall be carefully considered and all controversial measures shall be fully and completely heard in such manner and at such time as the committee shall determine.

In controversial matters it might be advisable for the committee to take action in executive session.

Any bill laid upon the table shall not be removed unless one day's notice of intention to remove the same from the table shall have been first given. Reconsideration of the vote by which a bill is voted out, tabled or defeated, may be made at the same meeting or at a subsequent meeting upon at least one day's notice, in writing, to the chairman of the committee and no motion to reconsider a vote or to take it to the table at a subsequent meeting shall be considered unless one day's notice of intention to make such motion shall have been given.

The chairman shall direct the order of presentation of the arguments for and against matters for consideration by the committee and shall permit questions to be asked by the various members of the committee, in an orderly fashion and in keeping with proper decorum.

It shall be the duty of the Sergeant-at-Arms, or an Assistant Sergeant-at-Arms, to be present and maintain order during meetings of the committee.

Bills favorably acted upon shall be reported to the Senate as expeditiously as the reports can be prepared.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 12, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 4—Approving certain amendments to the charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the tenth day of April, 1944;

Senate Concurrent Resolution No. 5—Approving certain amendments to the charter of the County of Alameda, State of California;

Senate Concurrent Resolution No. 6—Approving an amendment to the charter of the County of Sacramento, State of California, submitted to, voted for, and ratified by the electors of said county at the general election held in said county on the seventh day of November, 1944;

Senate Concurrent Resolution No. 7—Approving amendments to the charter of the County of Fresno, State of California, which were submitted to the qualified electors of said county and voted on and ratified by them at the general election held therein on November 7, 1944;

And reports that the same have been correctly enrolled, and presented to the Governor on the twelfth day of January, 1945, at 4.30 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 8—Relative to approving certain amendments to the charter of the County of San Bernardino, State of California, voted for and ratified by the qualified electors of said county at a general election held therein on the seventh day of November, 1944;

Senate Concurrent Resolution No. 11—Approving certain amendments to the charter of the County of San Diego, State of California, submitted to, voted for, and ratified by the qualified electors of said county at a general election held therein on the seventh day of November, 1944;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of January, 1945, at 4 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 16
Senate Bill No. 22

And reports the same correctly engrossed.

SEAWELL, Chairman

ADJOURNMENT

At 3.20 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.30 p.m., January 16, 1945, out of respect to the memory of the late Charles King.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

SEVENTH LEGISLATIVE DAY

NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Tuesday, January 16, 1945

The Senate met at 2.30 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:
Senator Burns, on motion of Senator Tenney, on account of illness.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. H. Hampton and Mrs. Robt. Hampton of San Diego, California.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Charlotte Curtis and Mrs. Clara White, of Sacramento, California.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Carl W. Rodecker of Los Angeles, California.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Lester B. Morgan of San Francisco, California; Mrs. N. M. Morgan of Far Rockaway, New York; and Hon. Elmer Robinson, Judge of the Superior Court of San Francisco, California.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 12

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 16
Senate Bill No. 22

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 164

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 164—An act making an appropriation for reimbursement of Members of the Assembly for expenses necessarily incurred by them while attending a session of the Legislature, to take effect immediately.

Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Assembly Bill No. 164, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 164

Resolution to Suspend Constitutional Provision

The following resolution was offered:
By Senator Seawell:

Resolved, That Assembly Bill No. 164 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield,

Jespersen, Keating, Kuchel, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—31.
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 164—An act making an appropriation for reimbursement of Members of the Assembly for expenses necessarily incurred by them while attending a session of the Legislature, to take effect immediately.

Bill read second time.

Assembly Bill No. 164—An act making an appropriation for reimbursement of Members of the Assembly for expenses necessarily incurred by them while attending a session of the Legislature, to take effect immediately.

Bill read third time, and presented by Senator Seawell.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 16, 1945

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Concurrent Resolution No. 13
Senate Resolution No. 18

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolutions ordered to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Donnelly asked for, and was granted, unanimous consent to take up Senate Resolution No. 18, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 18

Senate Resolution No. 18

Relating to the continuance of the Senate Fact-Finding Committee on Japanese Resettlement, created by Senate Resolution No. 122, as amended, of the Fifty-fifth Regular Session.

Resolved by the Senate of the State of California, as follows:

1. The Senate Fact-Finding Committee on Japanese Resettlement, created by Senate Resolution No. 122, as amended, of the Fifty-fifth Regular Session is continued as a Senate Committee at this session with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring shall be filled by the Committee on Rules of this session.

2. The committee is authorized to act during this session of the Legislature and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth day of the next regular session.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate that are applicable to such a committee, as soon as such

Rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

4. A sum of money equal to the amount of unexpended and unencumbered balance of money which immediately prior to the commencement of this session remained available to the committee and its members, is hereby made available from the Contingent Fund of the Senate at this session for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT

Senator Donnelly asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 13, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 13

Senate Concurrent Resolution No. 13—Relative to a reexamination and survey of real property transfers for the discovery of evasions and violations of the Alien Land Act, and requesting the advice of the Attorney General as to legislation necessary or desirable in furtherance thereof.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 16, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 14

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, be adopted, as amended.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Concurrent Resolution No. 14—Relative to annual reports filed by certain guardians and trustees pursuant to the provisions of the Alien Land Act, and requesting of the Secretary of State and each district attorney in the State information and data in respect thereto.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

On page 1, lines 16 and 17, of the printed measure, strike out "at the earliest possible date to furnish", and insert "to furnish by March 15, 1945,".

Amendment read and adopted.

Resolution ordered printed, engrossed, and to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 16, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 22

Senate Resolution No. 21

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; absent 1.

SEAWELL, Chairman

Above reported resolutions ordered to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Shelley asked for, and was granted, unanimous consent to take up Senate Resolution No. 21, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 21

Senate Resolution No. 21

Relating to the continuance of the committee created by Senate Resolution No. 35 of the Fifty-fifth Regular Session to study the operation and maintenance of the Golden Gate Bridge.

Resolved by the Senate of the State of California, as follows:

1. The committee created by Senate Resolution No. 35 of the Fifty-fifth Regular Session to investigate the operation and maintenance of the Golden Gate Bridge is continued as a Senate committee at this session with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring shall be filled by the Committee on Rules of this session.

2. The committee continues until final adjournment of this session, with authority to file its final report at any time before final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate that are applicable to such a committee, as soon as such Rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

4. The sum of two thousand dollars ($2,000), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

The money made available by this resolution is less than the unused part of the amount heretofore made available to the committee which will revert to the Contingent Fund of the Senate.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT

Senator Shelley asked for, and was granted, unanimous consent to take up Senate Resolution No. 22, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 22

Senate Resolution No. 22

Relating to the continuance of the Senate Interim Committee on Unemployment Insurance, created by Senate Resolution No. 143 of the Fifty fifth Regular Session

Resolved by the Senate of the State of California, as follows:

1. The Senate Interim Committee on Unemployment Insurance created by Senate Resolution No. 143 of the Fifty-fifth Regular Session is continued as a Senate committee at this session, except as hereinafter provided, with all the rights, powers, and duties possessed by the committee and its members immediately prior to the commencement of this session. The committee shall hereafter consist of the membership which if possessed immediately prior to the commencement of this session and, in addition thereto, the two other Members of the Senate who immediately prior to the commencement of this session were also members of the committee created by Senate Resolution No. 15 of the Third Extraordinary Session of the Fifty-fifth Legislature. Vacancies occurring shall be filled by the Committee on Rules of this session.

2. The committee continues until final adjournment of this Fifty sixth Regular Session, and may file its report at any time prior to such final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate that are applicable to such a committee, as soon as such Rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

4. The sum of five thousand dollars ($5,000), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

The money made available by this resolution is less than the unused part of the amount heretofore made available to the committee which will revert to the Contingent Fund of the Senate.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tuney, Ward, and Weybret—35.

NOES—None.

RESOLUTIONS

The following resolutions were offered:

By Senators Hatfield and Deuel:

Senate Resolution No. 24

WHEREAS, The Senate of the State of California has learned that during its recess, on August 8, 1944, one of its most highly esteemed and beloved former members, Peter P. Myhand, aged 62 years, passed to the Beyond; and

WHEREAS, Peter P. Myhand, a native of the State of Alabama, was a scion of a sterling American family and throughout his life adhered to the traditions of honor and chivalry so ingrained in him by reasons of inheritance, precept and example; and

WHEREAS, Peter P. Myhand in patriotism and love of Country was outstanding, he having served during the Spanish-American War and maintained deep interest in military and civic affairs to the close of his useful career; and

WHEREAS, Peter P. Myhand was deeply interested in agriculture and allied industries and by appointment of the Governor of California was, at the time of his death, serving as Assistant to the Director of the Farm Production Council, and had been a Member of the State Board of Agriculture; and

WHEREAS, Peter P. Myhand served with distinction as Mayor of his home City of Merced and as State Senator from the Twenty-fourth Senatorial District during the Fifty-third and Fifty-fourth Legislative Sessions, engendering in his Colleagues of this Senate high respect for his abilities and affection springing from his lovable personal characteristics; now, therefore be it

Resolved, That the Senate of the State of California declares its sense of the great loss which the State of California has suffered in the death of Peter P. Myhand; and be it further

Resolved, That the Secretary of the Senate be directed to convey to the family of Peter P. Myhand this expression of tribute; and be it further

Resolved, That when the Senate adjourns this day it adjourn in honor of the memory of Peter P. Myhand.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater Sutton, Swing, Tenney, Ward, and Weybret—39.

By Senator Seawell:

Senate Resolution No. 25

Resolved, That the Sergeant-at-Arms be and he is hereby authorized and directed to receipt to the Controller for warrants for members and officers of the Senate.

Resolution read, and, on motion of Senator Seawell, adopted.

By Senators Hatfield, Dilworth, Jespersen, Powers, Mayo, Collier, and Carter:

Senate Resolution No. 26

Memorializing Congress relative to the control of ships' garbage

WHEREAS, There has existed for many years a serious health and economic problem arising out of the failure to control the disposition of ships' garbage; and

WHEREAS, The unrestricted dumping of ships' garbage in the harbors and ports of this State and off the shores of this State has resulted in the introduction of serious pest infestations which have caused great damage to agriculture and livestock in this Country; and

WHEREAS, Such unregulated practice may directly affect the health of the people of this Country by the introduction of diseases common to other parts of the world; and

WHEREAS, It is proper that the Department of Agriculture be authorized by Congress to protect American agriculture, horticulture, livestock, and the public health by enforcing laws adequate to control such practice; and

WHEREAS, It is proper that the Congress enact stringent laws adequate to remove this menace to the health and economic welfare of this Country; now, therefore, be it

Resolved by the Senate of the State of California, That the Congress of the United States be memorialized to enact legislation to control and regulate the disposition of ships' garbage in the harbors and ports of this Country and off the shores of this Country; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Agriculture, and to the Senators and Representatives in the Congress of the United States from the State of California.

Resolution read, and, on motion of Senator Hatfield, adopted.

By Senator Swing:

Senate Resolution No. 27

Relating to the continuance of the Senate Fact-Finding Committee on Needles-Colorado River Problems, created by Senate Resolution No. 138, of the Fifty-fifth Regular Session.

Resolved by the Senate of the State of California, as follows:

1. The Senate Fact-Finding Committee on Needles-Colorado River Problems, created by Senate Resolution No. 138, of the Fifty-fifth Regular Session, is continued as a Senate Committee at this session with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring shall be filled by the Committee on Rules of this session.

2. The committee is authorized to act during this session of the Legislature and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth day of the next regular session.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate that are applicable to such a committee, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

4. A sum of money equal to the amount of unexpended and unencumbered balance of money which immediately prior to the commencement of this session remained available to the committee and its members, is hereby made available from the Contingent Fund of the Senate at this session for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 2: By Senator Slater—Relative to the commemoration of the Centennial of the Raising of the Bear Flag of the California Republic at Sonoma on June 14, 1846.

Request for Unanimous Consent

Senator Slater asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 2, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 2

Senate Joint Resolution No. 2—Relative to the commemoration of the Centennial of the Raising of the Bear Flag of the California Republic at Sonoma on June 14, 1846.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward —35.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 148: By Senators Quinn and Slater—An act to amend Section 572 of the Military and Veterans' Code, relating to the pay, privileges, allowances, and rights of the California State Guard.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 149: By Senator Seawell—An act to amend Sections 737cc, 737ee, and 737tt of the Political Code, relating to the salaries of judges of the superior court.

Referred to Committee on Local Government.

Senate Bill No. 150: By Senator Seawell—An act to amend Section 4262 of the Political Code, relating to compensation for public service in counties of the thirty-third class.

Referred to Committee on Local Government.

Senate Bill No. 151: By Senator Seawell—An act to amend Section 4266 of the Political Code, relating to compensation for public service in counties of the thirty-seventh class.

Referred to Committee on Local Government.

Senate Bill No. 152: By Senator Seawell—An act to amend Section 4285 of the Political Code, relating to compensation for public service in counties of the fifty-sixth class.

Referred to Committee on Local Government.

Senate Bill No. 153: By Senators Biggar, Gordon, Hatfield, Mixter, Cunningham, Jespersen, and Donnelly—An act to amend Sections 451, 455, 483, 484, 485, 486, 489, 496, 500 and 500.5 of the Agricultural Code, relating to inspection of milk and milk products.

Referred to Committee on Agriculture.

Senate Bill No. 154: By Senators Biggar, Hatfield, Gordon, Cunningham, Donnelly, Mixter, and Jespersen—An act to amend Section 239 of the Agricultural Code, relating to indemnity paid owners of condemned bovine animals.

Referred to Committee on Agriculture.

Senate Bill No. 155: By Senator Mayo—An act to amend Sections 101, 102, 103, 103.5, 103.6, 105, 107, 111, 130, 1551, 2141, 3076, 3077, 3078, and 3461 and to repeal Section 2142 of the Welfare and Institutions Code, and to add thereto a new section to be designated Section 105.5 relating to the Department of Social Welfare and the Social Welfare Board.

Referred to Committee on Social Welfare.

Senate Bill No. 156: By Senators Biggar, Hatfield, Gordon, Cunningham, Donnelly, Mixter, and Jespersen—An act to amend Section 469 of the Agricultural Code and to add a new section thereto to be numbered Section 469.5, relating to milk and cream.

Referred to Committee on Agriculture.

Senate Bill No. 157: By Senator Mayo—An act to add Sections 2161.1 and 3043.5 to the Welfare and Institutions Code, relating to residence for purposes of eligibility to receive public assistance.

Referred to Committee on Social Welfare.

Senate Bill No. 158: By Senator Collier—An act to amend Section 1340.6 of the Fish and Game Code, relating to bear.

Referred to Committee on Fish and Game.

Senate Bill No. 159: By Senator Biggar—An act to provide dwelling accommodations for persons of low income and to provide immediate postwar means of employment for unemployables including the creation of the State Mortgage Loan Housing Commission, defining its powers and duties, and providing methods and means for the exercise thereof; authorizing the State Mortgage Loan Housing Commission to issue revenue bonds and give security therefor and authorizing the commission to use the proceeds thereof to finance, subject to specified terms

and conditions, the construction of single dwelling accommodations for persons of low income, particularly discharged military service men and women, and including provisions for the issuance of mortgage insurance by authorized insurers.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 160: By Senator Jespersen—An act relating to the regulation of the practice of naturopathy.

Referred to Committee on Public Health and Safety.

Senate Bill No. 161: By Senator Fletcher—An act to add Section 18600.5 to the Health and Safety Code, relating to auto and trailer camps.

Referred to Committee on Public Health and Safety.

Senate Bill No. 162: By Senator Cunningham—An act to amend Section 66 of the Bank Act, relating to the amount of loans which may be made by savings banks to any one person.

Referred to Committee on Financial Institutions.

Senate Bill No. 163: By Senator Cunningham—An act to amend Section 3090 of the Civil Code, relating to negotiable instruments payable to bearer.

Referred to Committee on Financial Institutions.

Senate Bill No. 164: By Senator Jespersen—An act to amend Section 2630 of the Revenue and Taxation Code, relating to custody of delinquent taxrolls.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 165: By Senator Jespersen—An act to amend Section 4258 of the Political Code, relating to compensation for public services in counties of the twenty-ninth class.

Referred to Committee on Local Government.

Senate Bill No. 166: By Senator Jespersen—An act to amend Section 737nn of the Political Code, relating to the salary of judges of the superior court in and for the County of San Luis Obispo.

Referred to Committee on Local Government.

Senate Bill No. 167: By Senator McCormack—An act to repeal certain acts, relating to chattel mortgage, mortgage and trust deed moratoria.

Referred to Committee on Judiciary.

Senate Bill No. 168: By Senator Desmond—An act to repeal Title XI of Part III of the Code of Civil Procedure, relating to conciliation proceedings.

Referred to Committee on Judiciary.

Senate Bill No. 169: By Senator Crittenden—An act to amend Section 204 of the Code of Civil Procedure, relating to the selection of trial jurors.

Referred to Committee on Judiciary.

Senate Bill No. 170: By Senator Keating—An act to amend Section 737a of the Political Code, relating to the salary of superior court judges.

Referred to Committee on Local Government.

Senate Bill No. 171: By Senator Keating—An act to amend Section 4251 of the Political Code, relating to compensation for public services in counties.

Referred to Committee on Local Government.

Senate Bill No. 172: By Senator Keating—An act to provide for the acquisition of the Mount Tamalpais Ridgecrest Boulevard by the State, and the inclusion thereof in the Park system, and making an appropriation therefor.

Referred to Committee on Natural Resources.

Senate Bill No. 173: By Senator Parkman—An act to amend Section 20332 of the Health and Safety Code, relating to revenues and expenditures of police protection districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 174: By Senator Parkman—An act to amend Section 14075 of, and to add Section 14114 to, the Health and Safety Code, relating to fire protection districts in unincorporated areas.

Referred to Committee on Public Health and Safety.

Senate Bill No. 175: By Senator Parkman—An act to amend Section 1285 and repeal Section 1286 of the Business and Professions Code, relating to clinical laboratory apprentice technicians.

Referred to Committee on Business and Professions.

Senate Concurrent Resolution No. 15: By Senators Crittenden, Deuel, Cunningham, and Fletcher—Relative to the continuance of the Joint Committee on Water Problems created by Resolutions Chapter 130 of the 1941 Regular Session.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 13
Senate Concurrent Resolution No. 16

And reports the same correctly engrossed.

SEAWELL, Chairman

ADJOURNMENT

At 3.40 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.30 p.m., January 17, 1945, out of respect to the memory of the late Hon. Peter P. Myhand.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

EIGHTH LEGISLATIVE DAY

TENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Wednesday, January 17, 1945

The Senate met at 2.30 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Shelley, on motion of Senator Seawell, account of illness.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. James R. Ryan, Blackfoot, Idaho; and Mr. and Mrs. H. Jespersen of Placerville, California.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James A. Guthrie, Highway Commissioner, San Bernardino; and Harrison R. Baker, Highway Commissioner, Pasadena, California.

On request of Senators Donnelly and Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. C. Garrison, Industrial Accident Commissioner, Ross, California.

COMMUNICATIONS

The following communication was received, read, and, on motion of Senator Slater, ordered printed in the Journal:

Hon. Frederick F. Houser, Members and Attaches of Senate:

1895-1945

Mr. and Mrs. Bart C. Greer request the pleasure of your company in honor of the Fiftieth Anniversary of their Marriage on Saturday morning, January the twentieth, at eleven o'clock, Westminster Presbyterian Church, Thirteen hundred N Street, Sacramento, California.

Reception following in Patio Room.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 16

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 7

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Joint Resolution No. 7—Relative to memorializing Congress to enact a Seamen's Bill of Rights.

Referred to Committee on Labor.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 17, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 14

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 2

And reports the same correctly engrossed.

SEAWELL, Chairman

RESOLUTIONS

The following resolution was offered:

By Senator Collier:

Senate Resolution No. 28

Resolved, That the Secretary of the Senate be and he is hereby directed to order for such Members of the Senate as may require the same, copies of the latest edition of Deering's Codes and General Laws and Larmac Index.

Resolution read, and, on motion of Senator Collier, adopted.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 176: By Senator Dorsey—An act to amend Section 1160 of the Civil Code, relating to the recording of transfers of real property.

Referred to Committee on Judiciary.

Senate Bill No. 177: By Senator Gordon—An act relating to union elementary school districts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Senate Bill No. 178: By Senator Dorsey—An act to amend Section 4238 of the Political Code, relating to compensation for public service in counties of the ninth class.

Referred to Committee on Local Government.

Senate Bill No. 179: By Senator Breed—An act to amend Sections 10137, 10162, 10200, 10208, 10213, 10258, 10285, 10320, 10328, 10333, 10386, 10420, 10427, 10432, 10460, 10461, 10525, 10580, 10588, and 10593 of, and to add Sections 10141, 10142, 10143, 10144, 10145, 10146, 10150.5, 10156.5, 10156.6, 10156.7, 10156.8, 10209.5, 10214.5, 10262, 10263, 10264, 10265, 10266, 10267, 10275.5, 10279.5, 10279.6, 10279.7, 10279.8, 10462, and 11011.6 to, and to repeal Section 10455 of, the Business and Professions Code, relating to fees and licenses of the State Division of Real Estate of the Department of Investments.

Referred to Committee on Business and Professions.

Senate Bill No. 180: By Senator Swing—An act to add Section 12.16 to the County Water District Act, relating to the powers of county water districts as to recreational facilities.

Referred to Committee on Local Government.

Senate Bill No. 181: By Senator Swing—An act to amend Section 631 of the Welfare and Institutions Code, relating to nomination and appointment of probation officers.

Referred to Committee on Judiciary.

Senate Bill No. 182: By Senator Desmond—An act to amend Section 18 of the Alcoholic Beverage Control Act, relating to on-sale licenses.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 183: By Senators Weybret and Jespersen—An act to add Division 23, comprising Sections 32000 to 32313, inclusive, to the Health and Safety Code, relating to hospital districts, providing for the establishment, organization and government of such districts, and prescribing their powers.

Referred to Committee on Public Health and Safety.

Senate Bill No. 184: By Senator Donnelly—An act to add Section 615 to the Streets and Highways Code, establishing a new State highway.

Referred to Committee on Transportation.

Senate Bill No. 185: By Senator Donnelly—An act to add Section 616 to the Streets and Highways Code, creating an additional State highway.

Referred to Committee on Transportation.

Senate Bill No. 186: By Senators Donnelly and Hatfield—An act to amend Section 251 of the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Senate Bill No. 187: By Senators Donnelly and Hatfield—An act to add Section 607 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Senate Bill No. 188: By Senator Rich—An act to amend Section 738 of the Code of Civil Procedure, relating to actions to determine conflicting claims to property.

Referred to Committee on Judiciary.

Senate Bill No. 189: By Senator Hulse—An act to add Section 372.3 to the Vehicle Code, relating to exemptions from fees.

Referred to Committee on Transportation.

Senate Bill No. 190: By Senator Rich—An act to amend Section 48 of Chapter 4, Division 1 of the Fish and Game Code, relating to the disposition of fines and forfeitures imposed or collected for violations of any of the provisions of said code.

Referred to Committee on Fish and Game.

Senate Bill No. 191: By Senator Swing—An act to amend Section 1029 of the Code of Civil Procedure, relating to award of costs against counties, cities, districts and other public agencies or entities.

Referred to Committee on Judiciary.

Senate Bill No. 192: By Senator Powers—An act to amend Section 4269 of the Political Code, relating to compensation for public service in counties of the fortieth class.

Referred to Committee on Local Government.

Senate Bill No. 193: By Senator Powers—An act to add Section 4278.1 to the Political Code, relating to court reporters in counties of the forty-ninth class.

Referred to Committee on Local Government.

Senate Bill No. 194: By Senator Powers—An act to amend Section 737ff of the Political Code, relating to the salary of the judge of the superior court in and for the County of Plumas.

Referred to Committee on Local Government.

Senate Bill No. 195: By Senator Powers—An act to amend Section 4273 of the Political Code, relating to compensation for public service in counties of the forty-fourth class.

Referred to Committee on Local Government.

Senate Bill No. 196: By Senators Slater and Keating—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for the Medical Center under the jurisdiction of the Department of Corrections.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 197: By Senators Slater and Keating—An act making an appropriation for the construction of the Medical Center under the jurisdiction of the Department of Corrections.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 198: By Senators Slater and Keating—An act to create a Medical Center under the jurisdiction of the Department of Corrections, providing for its construction, management, operation and administration, specifying the types of persons who may be confined therein, providing for the transfer thereto and retransfer therefrom of persons under the custody of the Director of Corrections and of the Youth Authority, by amending Section 5003 of and adding Chapter 8 of Title 7 of Part 3 and repealing Sections 2680-2683 of the Penal Code, relating to the establishment of a Psychopathic Hospital for prisoners.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 199: By Senator Dillinger—An act to amend Section 209 of the Civil Code, relating to the support of minor children.

Referred to Committee on Judiciary.

Senate Bill No. 200: By Senator Biggar—An act to provide for the constructions of urban and suburban dwelling accommodations for and acquisition for occupancy of farms by veterans of World War II at costs within their ability to pay, and provide means of employment for such veterans, including authority for the Veterans' Welfare Board in the Department of Military and Veterans' Affairs to put into operation such facilities as may become necessary to guarantee mortgage loans financed by any chartered institution, having right of succession, in respect of construction of homes, acquisition for occupancy of farms and creation of means of employment for veterans of World War II.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 201: By Senator Collier—An act to amend Section 7351 of the Revenue and Taxation Code, and to add Section 8352.5 thereto, relating to the motor vehicle fuel license tax, and providing for the expenditure of the money received therefrom.

Referred to Committee on Revenue and Taxation.

Senate Joint Resolution No. 3: By Senator Dilworth—Relative to cooperation among nations to curtail the production and traffic of opium.

Referred to Committee on Public Health and Safety.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution No. 14—Relative to annual reports filed by certain guardians and trustees pursuant to the provisions of the

Alien Land Act, and requesting of the Secretary of State and each district attorney in the State information and data in respect thereto.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dilliger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Kearney, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILLS NOS. 17, 28, 46, 89, 90, 131, 134, AND ASSEMBLY BILL NO. 2

Senator Seawell moved that Senate Bills Nos. 17, 28, 46, 89, 90, 131, 134, and Assembly Bill No. 2 be withdrawn from Committee on Welfare and Institutions, and referred to Committee on Social Welfare.

Motion carried.

RECESS

At 3.15 p.m., on motion of Senator Seawell, the Senate recessed to hear the remarks of Murlin B. Spencer, Associated Press War Correspondent.

REASSEMBLED

At 3.30 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 161

Senator Fletcher moved that Senate Bill No. 161 be withdrawn from Committee on Public Health and Safety, for purpose of amendment.

Motion carried.

Senate Bill No. 161—An act to add Section 18600.5 to the Health and Safety Code, relating to auto and trailer camps.

Bill read.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, after "camps", insert ", and declaring the urgency thereof, the act to take effect immediately".

Amendment No. 2

On page 1 of the printed bill, after line 26, insert

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The modification of certain housing requirements of the existing law as and to the extent effected by this act is urgently necessary in aid of the war effort, a result that would be unduly delayed should this act not take effect immediately."

Amendments read and adopted.

Bill ordered printed and re-referred to Committee on Public Health and Safety.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 17, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 12—Approving a certain amendment to the charter of the County of Los Angeles, State of California, submitted to, voted for, and ratified by, the electors of said county at the general election held in said county on the seventh day of November, 1944;

Senate Bill No. 16—An act to suspend those provisions of Article XI, Section 5, of the Constitution relating to the compensation of county, township and municipal officers, declaring the urgency hereof, to take effect immediately;

Senate Bill No. 22—An act making an appropriation for support of the Colorado River Board, and declaring the purpose thereof, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of January, 1945, at 4 p.m.

SEAWELL, Chairman

ADJOURNMENT

At 3.33 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.30 p.m., January 18, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

NINTH LEGISLATIVE DAY

ELEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Thursday, January 18, 1945

The Senate met at 2.30 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hulse, the privilege of the floor of the Senate Chamber for this day was unanimously extended to B. M. Graham and Ralph McEwen of Brawley, California.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor Pete Clark, Napa; and Supervisor Lowell Eddington, Napa, California.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lloyd Cullen, Chairman, Board of Supervisors of Sonoma County, Santa Rosa; Supervisor George A. Kennedy, Sebastopol; Supervisor James Lyttle, Sonoma; and Walter Ladner, City Manager, Santa Rosa, California.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Theresa H. Kiely, Nursing Field Representative, Pacific Area, American Red Cross.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Dean E. Howell,

Supervisor, Fifth District, Escondido; Mr. Fred Rhodes, City Manager, San Diego; and Mr. Dean Horkel, Supervisor, San Diego, California.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Commander and Mrs. John B. Cooke, former Member of the Assembly from Ventura County, San Francisco, California.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter Yim, Walter Jeung, Glen Doung, Adeline Wong, Alice Jang, and Bob Lee of San Francisco, California.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter V. Pittman, Supervisor of Riverside County, Riverside, and W. C. Seccombe, Mayor of the City of San Bernardino, California.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Flight Officer Frank Giordano, evacuating wounded from South Pacific, ribbons: Asiatic, Pacific Theater, and American Theater, of Sacramento, California.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Paul Paulis, mayor of Ukiah, California; Judge Hugh L. Preston, Ukiah, former Justice of Appellate Court, and Fred A. Nassie, City Councilman, Ukiah, California.

On request of Lieutenant-Governor Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Echo Stanton Robinson, Los Angeles, and Mr. Ivan J. Johnson, 3rd, Los Angeles, California.

RECESS

At 2.33 p.m., on motion of Senator Dorsey, the Senate recessed to hear the remarks of Miss Theresa H. Kiely, Nursing Field Representative, Pacific area, American Red Cross.

REASSEMBLED

At 2.46 p.m., the Senate reconvened.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

RECESS

At 2.46 p.m., on motion of Senator McBride, the Senate recessed to hear the remarks of Commander John B. Cooke, United States Navy.

REASSEMBLED

At 2.58 p.m., the Senate reconvened.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 2.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted, as amended:

Senate Concurrent Resolution No. 3;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Concurrent Resolution No. 3—Relative to the Joint Rules of the Legislature.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 3?

Amendment No. 1

Amendment to Rule No. 32

On page 10, line 21, of the printed resolution, after "measure" strike out the period, and insert "contemporaneously with the issuance and delivery of the original opinion."

Amendment No. 2

Amendment to Rule No. 36

On page 10 of said measure, strike out lines 41 to 51, inclusive; and on page 11, strike out lines 1 to 3, inclusive.

Amendment No. 3

Amendment to Rule No. 37

On page 11, line 7, of said measure, strike out "37", and insert "36"; and in line 13, strike out "with", and insert "concerning".

In line 36, after "Assembly," strike out "or other"; strike out line 37; and in line 38, strike out "mittee," and insert "or such other person as may be designated by the chairman of the committee,".

On page 12, of said measure, strike out lines 27 to 44, inclusive, and insert:

"The chairman of any such committee may appoint subcommittees and chairman thereof for the purpose of more expeditiously handling and considering matters referred to it, and such subcommittees and the chairman thereof shall have all the powers and authority herein conferred upon the committee and its chairman. The chairman of such subcommittee shall audit the expense claims of the members of such subcommittees and other claims and the expenses incurred by it and shall certify the amount thereof to the chairman of the committee who shall, if he approves the same, certify the amount thereof to the Controller, and the Controller shall draw his warrant therefor upon such certification, and the Treasurer shall pay the same. Whenever such committee or any subcommittee thereof is authorized to leave the State of California in the performance of its duties, then such committee or subcommittee shall, while out of the State, have the same authority as if it were acting and functioning within the State, and the members thereof shall be entitled to receive the same expense allowances as if the committee were functioning within the State."

Amendment No. 4

Amendment to Rule No. 38

On page 12, line 47, of said measure, strike out "38", and insert "37".

On page 13, line 6, strike out "five", and insert "seven"; and in line 11, strike out "four", and insert "six".

In line 18, strike out the comma after "authority".

Amendment No. 5

Amendment to Rule No. 39

On page 14, line 17, of said measure, strike out "39", and insert "38".

Amendment No. 6

On page 13 of the printed measure, as amended, strike out lines 48 to 50, inclusive; and in line 51, strike out "may appear necessary." and insert

"The committee shall have authority to recommend the appointment of a Legislative Auditor who shall be appointed by concurrent resolution. The committee shall have authority to fix the compensation of the Legislative Auditor, to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The committee shall have authority to replace the Legislative Auditor or to fill a vacancy occurring in the position of Legislative Auditor at a time when the Legislature is not in session."

Amendment No. 7

On page 14, line 28, of said measure, as amended, strike out "Budget Committee", and insert "Auditor".

Amendment No. 8

On page 14 of the printed measure, as amended, between lines 33 and 34 insert

"The Legislative Auditor shall assist any Member of the Legislature or any committee thereof in any matter, and to that end shall make available to such members or committees any records, documents, or other data under his control; but except as hereinabove provided, neither the Legislative Auditor nor any employee of the committee shall reveal to any person not a member of, or employed by the committee, or a member or employee of a Legislative Committee in conjunction with which the Legislative Budget Committee is operating, the contents or nature of any matter, except under the express direction of the Legislative Budget Committee."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Concurrent Resolution No. 3 by the following vote:

AYES—None.

NOES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gerdon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—35.

Above resolution ordered to unfinished business file.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 295

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 295—An act to add Section 10 to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to compensation of elective officers of cities, declaring the urgency hereof, to take effect immediately.

Request for Unanimous Consent

Senator Mayo asked for, and was granted, unanimous consent to take up Assembly Bill No. 295, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 295

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Mayo:

Resolved, That Assembly Bill No. 295 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed

with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 295—An act to add Section 10 to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to compensation of elective officers of cities, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Assembly Bill No. 295—An act to add Section 10 to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to compensation of elective officers of cities, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 132
Assembly Bill No. 133

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 132—An act to add Sections 73c and 73d to the Code of Civil Procedure, relating to hearings by superior courts, declaring the urgency thereof, to take effect immediately.

Assembly Bill No. 133—An act to amend Section 13.16 of an act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal Title 16 of Part 4 of Division 1 of the Civil Code, Chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, as amended, relating to powers of the Building and Loan Commissioner upon liquidation; declaring the urgency thereof, to take effect immediately.

Request for Unanimous Consent

Senator Shelley asked for, and was granted, unanimous consent to take up Assembly Bills Nos. 132, and 133, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILLS NOS. 132 AND 133

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Shelley:

Resolved, That Assembly Bills Nos. 132, and 133 present a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bills be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 132—An act to add Sections 73c and 73d to the Code of Civil Procedure, relating to hearings by superior courts, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill No. 132—An act to add Sections 73c and 73d to the Code of Civil Procedure, relating to hearings by superior courts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL NO. 133

Assembly Bill No. 133—An act to amend Section 13.16 of an act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal Title 16 of Part 4 of Division 1 of the Civil Code, Chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, as amended, relating to powers of the Building and Loan Commissioner upon liquidation; declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill No. 133—An act to amend Section 13.16 of an act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock

and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal Title 16 of Part 4 of Division 1 of the Civil Code, Chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, as amended, relating to powers of the Building and Loan Commissioner upon liquidation; declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 345.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 16.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 345—An act to amend Section 1160.5 of the Harbors and Navigation Code, relating to pilots, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

Assembly Concurrent Resolution No. 16—Relative to the selection of the Legislative Counsel of California.

Request for Unanimous Consent

Senator Slater asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 16, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 16

Assembly Concurrent Resolution No. 16—Relative to the selection of the Legislative Counsel of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 18, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 16—Approving those certain amendments to the charter of the City of San Bernardino, a municipal corporation in the County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at a special election held thereon on the seventh day of November, 1944;

And reports that the same has been correctly enrolled, and presented to the Governor on the eighteenth day of January, 1945, at 3 p.m.

SEAWELL, Chairman

APPOINTMENT OF COMMITTEE ON CONFERENCE

SENATE CHAMBER, SACRAMENTO, January 18, 1945

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Seawell, Powers, and Deuel as a Senate Committee on Conference concerning Senate Concurrent Resolution No. 3 to meet a like committee of the Assembly.

SEAWELL, Chairman

APPOINTMENT OF COMMITTEE ON INTER-STATE COOPERATION

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 18, 1945

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Mayo, Collier, Cunningham, Fletcher, and Keating as members of the California Commission on Inter-State Cooperation.

SEAWELL, Chairman

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 18, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Joint Resolution No. 1

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Elections.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered re-referred to Committee on Elections.

SENATE CHAMBER, SACRAMENTO, January 18, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 9

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Concurrent Resolution No. 9—Relative to the appointment of the State Controller as accounting officer for the Legislature for tax and other purposes.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 20, of the printed measure, after "exceed", insert "Four hundred dollars ($400)".

Amendment read and adopted.

FURTHER CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 9

Senate Concurrent Resolution No. 9—Relative to the appointment of the State Controller as accounting officer for the Legislature for tax and other purposes.

Resolution read, as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 18, 1945

MR. PRESIDENT: The Committee on Rules, to which was referred the message from the Governor dated January 15, 1945, appointing

J. A. GUTHRIE, as a member of the California Highway Commission, vice self

CHESTER H. WARLOW, as a member of the California Highway Commission, vice self

EMERY E. OLSON, as a member of the State Personnel Board, vice Arthur J. Brown;

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointments of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of J. A. Guthrie and Chester H. Warlow as members of the California Highway Commission.

The President put the question, "Will the Senate confirm and consent to the appointment of J. A. Guthrie and Chester H. Warlow?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of J. A. Guthrie and Chester H. Warlow.

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of Emery E. Olson as a member of the State Personnel Board.

The President put the question, "Will the Senate confirm and consent to the appointment of Emery E. Olson?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Emery E. Olson.

MOTION TO PRINT IN JOURNAL

Senator Dorsey moved that the Report of the Senate Interim Committee on State Training Schools for Boys and for Girls be printed in the Journal.

Motion carried.

REPORT OF THE SENATE INTERIM COMMITTEE ON STATE TRAINING SCHOOLS FOR BOYS AND FOR GIRLS TO THE STATE SENATE, CALIFORNIA LEGISLATURE, FIFTY-SIXTH SESSION, 1945

Appointed Under Senate Resolution No. 22, Fifty-fifth (Fourth Extraordinary) Session

To investigate and study the feasibility and desirability of acquiring sites for the establishment of a State Training school, or schools, for boys, including within its curriculum military training and discipline, academic subjects, and vocational training, and suitable training schools for girls.

Members of the Committee

Senator Jesse R. Dorsey, Chairman

Senator Frank W. Mixter — Senator Byrl R. Salsman

Senator H. R. Judah — Senator James J. McBride

Geraldine Hall, Secretary

Hon. Frederick F. Houser
Lieutenant Governor
President of the Senate

Senator Jerrold L. Seawell
President Pro Tempore
of the Senate

MR. PRESIDENT: The committee appointed pursuant to Senate Resolution No. 22, adopted by the Senate at the Fifty-fifth, Fourth Extraordinary Session, on June 10, 1944, reading as follows:

"RESOLUTIONS

"Senate Resolution No. 22

"Relating to the creation of a Senate Interim Committee on a State Training School for Boys including within its curriculum military training and discipline, academic subjects, and vocational training, and suitable training schools for girls, as a part of the Postwar Employment Program.

WHEREAS, The Postwar Employment Reserve was created for the purpose of meeting the needs of the State for the construction and rehabilitation of State buildings and facilities and to provide postwar employment; and

WHEREAS, Legislation is pending for the creation of a Property Acquisition Board for the purpose of selecting sites for postwar construction projects; and

WHEREAS, It is desirable that such Postwar Employment Program be directed to projects which will have a lasting benefit to the State; and

WHEREAS, It has been suggested that such a project would be the establishment of a State training school or schools, for boys, including within its curriculum military training and discipline, academic subjects, and vocational training, and suitable training schools for girls, on the sites of military establishments that may be abandoned by the Federal Government when the need therefor has passed; and

WHEREAS, The necessity for the acquisition of such sites is dependent upon the usefulness thereof for State purposes including the establishment of such school or schools; and

WHEREAS, These questions can best be determined by a committee created for the purpose of investigating the feasibility of acquiring such sites and the desirability of devoting them to the uses herein mentioned; now, therefore, be it

Resolved, by the Senate of the State of California, That there is hereby created a Senate Committee on State Training Schools for Boys and for Girls consisting of five Members of the Senate appointed by the Rules Committee thereof, to study and ascertain the feasibility of acquiring sites for the establishment of a State training school, or schools, for boys, including within its curriculum military training and discipline, academic subjects, and vocational training, and suitable training schools for girls, and the desirability of establishing such schools; and, be it further

Resolved, That the committee, in exercising its powers and performing the functions vested in it by this resolution, shall have all the powers conferred upon Legislative Committees by the Joint Rules of the Senate and Assembly as adopted at the Fifty-fifth Regular Session of the Legislature and all powers necessary or convenient to accomplish the objects and purposes of this resolution; and, be it further

Resolved, That the committee may create subcommittees and assign to such subcommittees any matter within the scope of the powers of the committee, and such subcommittees shall with respect to the matters so assigned to them have the same powers as the committee; and be it further

Resolved, That the committee may act during this session or any recess and after final adjournment thereof and shall prepare and submit to this or to the Fifty-sixth Regular Session of the Legislature a report of its findings and recommendations; and, be it further

Resolved, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents ($0.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars ($10) per day; and, be it further

Resolved, That the sum of ten thousand dollars ($10,000) or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses or claims it may incur under this resolution, to be paid, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer."

has undertaken to perform the duties imposed on it by such resolution and pursuant thereto presents the following report:

The committee was directed to make a study concerning the establishment of a State training school or schools for boys, including within the

curriculum military training and discipline, academic subjects and vocational training, and the establishment of a suitable school for girls.

In order to ascertain the facts upon which to base its recommendations the committee has corresponded with juvenile judges, probation officers, and with other persons familiar with the problems which the committee has been directed to investigate, and has also conducted hearings at six locations in California. The hearings, persons attending, and organizations represented are as follows:

Sacramento, California, July 18 and July 20, 1944

DR. WALTER F. DEXTER—State Superintendent of Public Instruction.

F. S. SMITH, JR.—Chief Probation Officer, Sacramento County.

CHARLES M. WEBER—Assemblyman from San Joaquin County.

CHARLES M. WOLLENBERG—Director of Social Welfare.

MRS. EARL SHOESMITH—President, California Federation of Women's Clubs.

JOSEPH L. KNOWLES—Deputy Legislative Counsel.

RAY W. HAYS—Brigadier General and Adjutant General of the State of California.

KARL HOLTON—Director of California Youth Authority.

O. H. CLOSE—Superintendent of Preston School of Industry.

COURT SMITH—Formerly Warden of Folsom, San Quentin and Tehachapi prisons.

San Francisco, California, August 9-10, 1944

ROLLA R. MCFALL—Department Commander of Veterans of Foreign Wars for State of California.

A. F. BRAY—Judge of Superior Court, Contra Costa County, in charge of Juvenile Department.

GEORGE W. OSOSKI—Chief Probation Officer, Juvenile Court, San Francisco, California.

WINFIELD S. OVERTON—Major and Commandant of Piedmont High School Cadets.

MICHAEL J. RIORDAN—Deputy Chief of Police, San Francisco.

JOHN W. WATSON—Director of Log Cabin Ranch, San Francisco.

MRS. G. L. LUHR—First Vice President and Director of Education, Congress of Parents and Teachers.

MRS. W. B. PETERSON—State Recreation Chairman, Congress of Parents and Teachers.

JOHN P. MEEHAN—Sergeant, San Francisco Police Department, in charge of Big Brother Bureau.

JESSE MAYO—State Senator.

REX B. GOODCELL—Formerly Judge of the Superior Court of San Bernardino County.

San Jose, California, August 11, 1944

JOHN D. FOLEY—Judge of Superior Court of Santa Clara County, in charge of Juvenile Department.

COL. RICHARD B. KELLY—Superintendent of Palo Alto Military Academy.

IVAN H. LINDER—Principal of Palo Alto High School.

WILLIAM J. EMMICK—Sheriff of Santa Clara County.

MRS. D. B. RALSTON—Extension Director for California Congress of Parents and Teachers.

WALTER L. BACHRODT—Superintendent, San Jose Unified School District.

MRS. J. W. BINGHAM—Interested in parent-teacher work.

MRS. E. K. STRONG—Interested in parent-teacher work.

Los Angeles, California, September 6-7-8, 1944

E. W. LESTER—Deputy Chief of Police, Los Angeles Police Department.

EUGENE W. BISCAILUZ—Sheriff of Los Angeles County.

C. B. HORRALL—Chief of Police, City of Los Angeles.

DR. ROBERT ZEIGLER—American Legion, Los Angeles County; Chairman of Youth Service Committee.

CAPTAIN D. E. ANDREW—In command of Sheriff's Crime Prevention, Los Angeles, California.

MRS. ALLAN WING—State Chairman of Youth Cooperation, California Federation of Women's Clubs.

SAMUEL R. BLAKE—Presiding Judge, Juvenile Department, Superior Court of Los Angeles County.

A. A. SCOTT—Judge of Superior Court, Los Angeles County; assigned to Juvenile Department No. 3-A.

H. W. UNDERHILL—President, Lark Ellen Home for Boys, West Los Angeles, California.

HOWARD W. FRANKLIN—Teacher of Manual Training and Gardening (mentally and physically handicapped children) under Los Angeles Board of Education.

FRED HOWSER—District Attorney, County of Los Angeles.

GEORGIA P. BULLOCK—Judge of Superior Court of Los Angeles County, Juvenile Department.

HAROLD A. SLANE—Member of California Youth Authority; Special Counselor in charge of Juvenile Protection Bureau.

HERMAN G. STARK—Chief of Division of Delinquency Prevention, Youth Authority.

J. PAUL ELLIOTT—Member of Board of Education, City of Los Angeles.

CHARLES P. ASH—Department Junior Vice Commander for California, Veterans of Foreign Wars of United States.

Paso Robles, California, October 28, 1944

ANSON BOYD—State Architect.

Oakland, California, November 22, 1944

RALPH E. HOYT—District Attorney, Alameda County.

JAMES L. BUNKER—Chief Deputy, County Superintendent of Schools, Alameda County.

EZRA W. DECOTO—Judge of Superior Court, Alameda County, assigned to Juvenile Department.

O. F. SNEDIGAR—Probation Officer, Alameda County.

FRANK M. OGDEN—Judge of the Superior Court, Alameda County.

HAZEL ADICHOU—Representative of California Federation of Women's Clubs.

MRS. MINNA RALPH—Medical Director of Alameda County.

H. B. GLEASON—Sheriff of Alameda County.

CATHERINE CARSON—Deputy District Attorney, Alameda County.

The testimony given by the foregoing named persons at such hearings has been reduced to writing and transcription thereof is filed with the Secretary of the Senate for inspection.

The committee also conducted correspondence with the juvenile court judges or with the probation officers of the State and received information from the following 22 counties:

Alameda	Placer
Alpine	Riverside
Butte	San Benito
Del Norte	San Diego
Fresno	San Francisco
Humboldt	San Luis Obispo
Kern	Sutter
Kings	Ventura
Lake	Tehama
Mono	Trinity
Monterey	Yolo

The original replies from such juvenile judges and/or probation officers, and the recommendations of Father Flanagan of Boys Town hereinafter quoted, are being filed with the Secretary of the Senate for inspection.

In making this study the committee has had the cooperation of the Assembly Interim Committee on Juvenile Delinquency, appointed in 1943 under authority of House Resolution No. 268. Said report is very comprehensive and shows the extent of juvenile delinquency in the State and the necessity for remedial action.

FINDINGS

Juvenile Delinquency Assuming Serious Proportions

Juvenile delinquency in this State is assuming very serious proportions and it is necessary that steps be taken by the State to prevent boys and girls from becoming delinquent by removing them from environment and conditions which cause delinquency. According to testimony before the committee by Heman G. Stark, a member of the State Youth Authority, last year more than 50,000 boys and girls were arrested in California. Said this representative, among other things, "All those were charged with some offense and records made in the police departments. Of that number somewhere between 25,000 and 30,000 were turned over to the probation department and the juvenile court. The rest were handled in the local community by local police officials usually, sometimes in cooperation with local agencies. I think that gives us some basis on which to judge the size of the problem on a State-wide level."

With reference to the growth of juvenile delinquency in the State, Harold A. Slane, another member of the Youth Authority, stated in part to the committee: "I would like to start back just a little and call attention to the fact that on December 7, 1941, we had approximately 12,500 boys and girls who were wards of the juvenile court of California—a State-wide figure. As of July 1st, this year, that figure was approximately 22,000, an increase of about 80 per cent since Pearl Harbor. The

Youth Authority had under its jurisdiction 4,106 boys and girls this year. We are handling over a 100 per cent increase over 1943. I wanted to give you these two figures so you will see the real increase of juvenile delinquency in California."

With reference to the problems of juvenile delinquency in San Francisco, Michael J. Riordan, Deputy Chief of Police, made the following statement: "It might be interesting that we have some statistics showing how the problem has increased in San Francisco. On juvenile arrests in 1942 the average was 60 (per month). The average for 1943 was 139. The average for the first six months of 1944 was 152."

With reference to this problem in Los Angeles the presiding judge of the juvenile court, Judge Samuel R. Blake, stated before the committee: "From the Los Angeles standpoint I brought just a statistic or two here to indicate where the need is in that group. For instance, I find from our studies that were made in the two-year pre-war period, 1940-1941, that arrests were 17,000 in Los Angeles. In the two-year war period, 1942-1943, they jumped to 26,000 arrests, which is an increase of 53 per cent. From 1940 to 1943 there was an increase between the 1943 arrests and 1940 arrests of 100 per cent—that is from 1940 to 1943; 1942 increasing over 1941—so that the total span is 50 per cent. That gives you a barometer of the need in the delinquency field. It has been my observation that we are dropping down in the age of delinquency. I find that crimes of violence are dropping down to the 13, 14, and 15-year-old group. That is an increase in this group, from my experience, over the situation as it was six or seven years ago."

In Contra Costa County the committee was informed by Judge A. F. Bray, in charge of the juvenile department of the superior court, that there is a truancy problem among 3,000 out of 21,000 students in the schools of that county.

In connection with the foregoing, the committee finds that present correctional facilities are hopelessly inadequate and in many cases stimulate juvenile delinquency rather than cure it through placing healthy, normal law-abiding youngsters in contact with habitual truants and incorrigibles. While attempts are being made to punish wrongdoers and to correct the habits of those who are breaking the law, through the Youth Authority and local agencies, as yet little is being done to adequately and properly screen the children coming before the juvenile court, thus to recognize and work with those children who are drifting directly into the juvenile delinquency class.

Large Number of Delinquency Cases Before Juvenile Courts

During recent years there has been a great increase in the number of juveniles brought before the juvenile courts. In order to determine as accurately as conditions would permit the present number of children being brought before juvenile courts the committee has had a table compiled, by counties, showing the number of delinquents sent to detention homes, placed in reformatories, or wards of juvenile courts as of July 12, 1944. This table was compiled from figures supplied the committee by county clerks and probation officers and is as follows:

County	Detention Homes		In State Reformatories and Institutions		Wards of Juvenile Court		
	Boys	Girls	Boys	Girls	Boys	Girls	Total
Alameda	61	27	150	64	1,010	516	1,828
Alpine	0	0	0	0	0	0	0
Butte	0	0	3	10	100	75	188
Calaveras	0	0	0	0	6	2	8
Colusa	4	9	3	1	30	20	67
Contra Costa	16	18	38	17	592	338	1,019
Del Norte	0	0	0	0	4	0	4
El Dorado	2	0	3	0	9	4	18
Fresno	11	2	31	17	464	121	646
Glenn	0	3	1	0	38	6	48
Humboldt	0	0	2	1	100	50	153
Imperial	36	20	13	6	121	54	250
Inyo	5	6	1	1	3	7	23
Kern	775	442	38	8	194	80	1,537
Kings	1	0	8	6	98	52	165
Lake	0	0	2	0	13	6	21
Lassen	0	0	2	0	15	4	21
Los Angeles	881	339	877	196	4,889	1,904	9,086
Madera	4	6	8	3	60	39	120
Marin	1	1	5	4	77	15	103
Mariposa	0	0	0	0	10	0	10
Mendocino	11	15	6	0	64	38	134
Merced	0	0	4	0	35	47	86
Modoc	6	8	0	0	8	11	33
Mono	0	0	0	0	0	0	0
Monterey	3	0	21	2	0	0	26
Napa	3	3	2	1	18	8	35
Nevada	4	3	1	1	14	11	34
Orange	20	5	27	3	230	69	354
Placer	0	1	6	1	15	7	30
Plumas	2	1	4	0	46	7	60
Riverside	27	4	37	6	525	186	785
Sacramento	24	13	22	2	175	160	396
San Benito	3	0	0	0	17	4	24
San Bernardino	29	15	25	6	880	332	1,287
San Diego	99	15	120	43	536	322	1,135
San Francisco	61	30	45	17	541	262	956
San Joaquin	12	8	28	6	261	139	454
San Luis Obispo	4	3	1	2	75	27	112
San Mateo	15	3	4	5	133	69	229
Santa Barbara	3	10	8	1	140	82	244
Santa Clara	30	32	10	8	426	373	879
Santa Cruz	0	0	10	0	43	10	63
Siskiyou	0	0	3	0	35	34	72
Shasta	10	2	11	5	86	37	151
Sierra	0	0	0	0	0	0	0
Solano	3	8	36	8	218	67	340
Sonoma	3	4	4	2	184	126	323
Stanislaus	0	4	7	6	171	53	241
Sutter	1	5	5	1	40	11	63
Tehama	0	0	2	0	32	9	43
Trinity	0	0	?	?	8	1	9
Tulare	56	32	37	12	242	128	507
Tuolumne	0	1	3	0	18	18	40
Ventura	39	43	8	8	215	151	464
Yolo	0	0	5	0	69	39	113
Yuba	10	7	9	7	62	33	128
	2,212	1,147	1,696	487	13,395	6,164	25,165

The County of Amador does not appear in the above table because no figures were supplied to the committee.

Cost to Counties of Juvenile Delinquency

The committee has also had compiled a tabulation of costs of juvenile delinquency according to the figures submitted by auditors of the various counties:

County	*Total 1941-42*	*Total 1942-43*	*Total 1943-44*
Alameda	$182,558 31	$206,630 14	$223,539 10
Alpine	-------	-------	-------
Amador	977 33	545 48	319 50
Butte	4,375 00	4,469 35	5,145 00
Calaveras	2,549 79	2,201 75	1,515 64
Colusa	-------	-------	-------
Contra Costa	7,185 73	10,939 79	30,977 22
El Dorado	-------	-------	-------
Fresno	18,189 84	14,446 80	17,544 56
Glenn	2,426 86	2,014 22	2,584 43
Humboldt	18,449 58	19,251 02	18,263 27
Imperial	6,489 78	6,144 37	6,652 88
Inyo	331 96	316 71	412 10
Kern	45,250 83	74,269 22	65,424 38
Kings	760 00	1,442 57	-------
Lake	231 08	183 23	146 97
Lassen	3,187 87	3,121 19	3,416 36
Los Angeles	1,458,283 79	1,491,874 74	1,570,677 98
Mariposa	480 00	480 00	480 00
Mendocino	4,884 63	5,360 79	4,812 62
Modoc	829 00	818 15	783 76
Mono	-------	-------	-------
Monterey	5,099 87	5,258 34	5,877 67
Napa	2,864 69	1,467 39	1,795 71
Nevada	1,769 16	193 28	357 28
Orange	23,513 93	26,988 03	31,869 06
Placer	1,064 18	1,542 23	1,601 36
Plumas	1,716 47	1,022 04	526 08
Riverside	27,678 89	16,024 24	20,532 99
Sacramento	3,446 78	3,439 28	5,440 65
San Benito	451 49	431 00	-------
San Bernardino	10,445 47	13,147 58	18,933 42
San Diego	78,744 10	91,330 81	114,560 76
San Francisco	40,531 36	46,248 81	71,454 76
San Luis Obispo	7,958 37	11,295 62	10,779 34
San Mateo	21,225 39	20,219 30	21,299 32
Santa Barbara	6,258 56	7,466 66	11,998 39
Santa Clara	43,928 40	39,579 95	47,758 65
Shasta	-------	-------	4,896 59
Sierra	-------	-------	-------
Siskiyou	4,509 43	3,081 95	3,732 79
Solano	1,098 00	3,228 00	4,318 00
Sonoma	6,716 49	6,252 76	8,093 47
Stanislaus	15,493 48	19,500 70	24,212 69
Sutter	4,983 72	4,884 51	6,512 73
Tehama	-------	-------	-------
Trinity	-------	-------	-------
Tulare	14,410 56	17,816 69	17,021 70
Tuolumne	441 53	328 08	2,571 04
Ventura	3,400 39	4,204 29	5,339 15
Yolo	4,246 79	4,956 80	5,376 50
Yuba	3,286 40	2,272 24	2,037 82
Totals	$2,065,646 39	$2,186,654 10	$2,401,593 70

The figure for Los Angeles County includes the sum of $675.00 covering juvenile and adult probation, the figures not being apportioned between the two.

No figures are included in the above tabulation for the Counties of Del Norte, Madera, Marin, Merced, and Santa Cruz, the figures not being available for these counties. The original reports from which the above table has been compiled are being filed with the Secretary of the Senate and will be available for information.

It is recognized by the committee that the above figures relate to juvenile delinquency in general and include a broader scope than the specific problem assigned to your committee for its study.

The principle involved in the plan being studied by this committee has been approved and the proposed schools recommended by the following organizations in this State, to wit:

Fraternal Order of Eagles in State Aerie meeting,
Loyal Order of Moose in State Convention,
Women of the Moose in State Convention,
Executive Committee of the Veterans of Foreign Wars in State meeting,
Optimist Club in Bakersfield in meeting,

and others.

Since the last meeting of the committee the chairman has received a letter from Robert W. Hansen, Grand Worthy President of the Fraternal Order of Eagles and editor of The Eagle Magazine, its official publication, at Milwaukee, Wisconsin, wherein he states that The Fraternal Order of Eagles contemplates recommending the establishment in all States of the Union of such schools as are proposed here.

No Adequate Provision for Certain Juvenile Groups

It has become clear from the investigation of the committee and testimony received that there exists no satisfactory means of dealing with juvenile cases which do not justify commitment to reformatory institutions. It appears that a considerable proportion of the children brought before the juvenile courts are not brought there as delinquents and are not of the type of children who should under any circumstances be sent to reformatory institutions. Judge Samuel R. Blake, Presiding Justice of the Juvenile Court of Los Angeles, stated that in that county 58 per cent of the cases acted upon by the court involved crimes classified as felonies; that approximately 41.4 per cent were not of this class, and that there was a group of 38 per cent where the children were not delinquent and where the term "delinquency" was a misnomer.

It appears further from the testimony given before the committee that in many of these cases there has been no adequate provision for caring for the nondelinquent children and that it has even been necessary on occasion to keep them in the county jail although this procedure is in violation of the law. Said Judge Blake with reference to this problem: "There are 80 in the county jail that are waiting to get into the correctional schools. That is the actual figure obtained this morning. That span has been from 114 to 148 days * * * the boys that should have a 24-hour program are pushed back into the community, so that we have leadership in delinquency in the community. That is going down the scale further and we are getting the predelinquents that should be under 24-hour supervision."

Breakdown in the Home

Said Harold A. Slane, Member of the California Youth Authority, concerning this phase of the problem— "Besides that increase there has been an increase in what you would call predelinquent type cases. Many good teachers will tell you that in the third grade they recognize predelinquent tendencies. They can pick out boys and girls who, if they

are not given some type of training, will become delinquent. Many times they come from where there isn't proper guidance at home. The real need in California today is for some type of training to fill the gap at that point, where the boy or girl can be given the advantages of a training program on a 24-hour basis. I recognize it is the fundamental concept that the home is supposed to be the basic unit, but unfortunately we have had a tremendous breakdown in what we like to call the old-fashioned American home, and it becomes necessary for somebody, your school, your county, or district, to step in and prevent that juvenile delinquency. There certainly is a real need."

To meet this problem of proper handling of boys and girls who come before the juvenile court and require assistance, but who have not reached the point that they should be committed to reformatory institutions, most of the counties have conducted experiments. Los Angeles County has a number of schools to which such persons are assigned. The County of San Francisco has a school which they call the Log Cabin Ranch School (since destroyed by fire), which appears to have been very successful. Ventura and Santa Barbara Counties have schools for boys and girls. Kern County has set up what is called a forestry camp, and which has established a very fine reputation and children have been sent to it from counties as far removed as Sonoma. There is, however, no adequate program even in the more populous counties. Such a program is, of course, entirely beyond the financial ability of smaller counties due to the increased per capita cost when small numbers of children are involved. The plan usually used in the smaller county is simply to provide some sort of detention home—usually a private home of persons who are willing to feed and generally look after children. In most of these cases the children are not given the attention which they should receive and the educational opportunities may be very meager. With very few exceptions, all children handled by these means are sent to the public schools in the district in which they reside. The attendance of such children at the local district schools frequently meets with determined opposition of the parents of the district.

Plans Tending to Prevent Delinquency

Believing in the old adage, "An ounce of prevention is worth a pound of cure," a system should be adopted which will tend to prevent juvenile delinquency rather than to allow the child to remain in conditions or situations which cause delinquency and then attempt to reform the child by reformatory measures or possibly punishment through penal action. The committee, having in mind the success of Father Flanagan's Boys' Home for Homeless Abandoned Boys, at Boys' Town, communicated with Father Flanagan relative to the proposed schools under study by this committee and in reply received from Father Flanagan under date of September 15, 1944, favorable reaction to the proposed schools, a portion of which reply we quote:

"I have read over your tentative plans for a State training school or schools for boys and girls and I believe it is a step in the right direction. I like your idea that we should spend money to prevent juvenile delinquency rather than allow a child to remain in conditions which cause delinquency and then attempt to reform the child by reformatory measures which are based on punishment—negative treatment—and

which in my opinion has proven to be more harmful to the youth because it does not help to rehabilitate the boy or girl.

SUGGESTION AS TO NAME OF SCHOOL

"One suggestion that I would make is that you do not use the title of State Training School as that has a tendency to stamp it as a so-called reform school."

RELIGIOUS PROGRAM AND MILITARY TRAINING APPROVED

"I am sure, however, you are working in the right direction and much good will be forthcoming from such a worthwhile program. Everything should be done to make these youngsters happy and at the same time to help develop their character and to give them an opportunity to secure a good education—both academic and trade, and of course there should be, and must be, in order to have a successful program, a religious program such as you suggest which would take care of the Catholic, Protestant, and Jewish boys and girls in your setup. Military training would offer the boys a wonderful training in discipline and obedience and would have a splendid effect on each of the youngsters."

RECOMMENDS MACHINERY SETUP TO PREVENT JUVENILE DELINQUENCY

"I think it is high time that we realize that there are youngsters who need help such as this legislation indicates and that we spend money for the prevention of juvenile delinquency and not wait until it happens before we start to worry. Let us put the horse before the cart and set up machinery to help boys and girls, a Program of Juvenile Delinquency Prevention rather than keeping the door shut to these youngsters and then trying to help them after it is too late. Keep up this good work."

ACQUIRING OF SITES UNDER WAR SURPLUS PROPERTY ACT OF 1944 WILL REDUCE COST OF ESTABLISHING SCHOOLS

The cost of establishing the proposed schools will be very materially reduced if and when abandoned military camps may be secured from the Federal Government under the Act of the Congress known as the "War Surplus Property Act of 1944" hereinafter referred to. The committee finds that many of the Army camps are geographically properly located in the State and with very inexpensive alterations and remodeling will be admirably suitable for these proposed schools.

The committee received information that there were bills pending before the United States Senate and the House of Representatives which would, if passed, provide for the disposition of war surplus properties, including Army camps and cantonments. The committee ascertained that in the proposed bills there was not proper provision for the acquiring by the several States of the camps situate in those States for the public use. The committee set about to have finally incorporated in the proposed law dealing with the disposition of war surplus properties a provision that would allow the States to acquire such camps for public use, particularly for educational institutions. The committee appointed a representative in Washington to get before the Congress the desirability of allowing the States the right to acquire war surplus properties for such purposes. Through the assistance its Representative in Washington and Members of the Congress from California the committee finally secured a provision in the bill reading as follows:

"Disposal to Local Governments and Nonprofit Institutions

"Sec. 13. (a) The board shall prescribe regulations for the disposition of surplus property to States and their political subdivisions and instrumentalities, and to tax-supported and nonprofit institutions, and shall determine on the basis of need what transfers shall be made. Informulating such regulations the Board shall be guided by the objectives of this Act and shall give effect to the following policies to the extent feasible and in the public interest:

(1) (A) Surplus property that is appropriate for school, classroom, or other educational use may be sold or leased to the States and their political subdivisions and instrumentalities, and tax-supported educational institutions, and to other non-profit educational institutions which have been held exempt from taxation under Section 101 (6) of the Internal Revenue Code.

(B) Surplus medical supplies, equipment, and property suitable for use in the protection of public health, including research, may be sold or leased to the States and their political subdivisions and instrumentalities, and to tax-supported medical institutions, and to hospitals or other similar institutions not operated for profit which have been held exempt from taxation under Section 101 (6) of the Internal Revenue Code.

(C) In fixing the sale or lease value of property to be disposed of under subparagraph (A) and subparagraph (B) of this paragraph, the Board shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or institution.

(2) Surplus property shall be disposed of so as to afford public and governmental institutions, non-profit or tax-supported educational institutions, charitable and eleemosynary institutions, non-profit or tax-supported hospitals and similar institutions, States, their political subdivisions and instrumentalities, and volunteer fire companies, an opportunity to fulfill, in the public interest, their legitimate needs.

(b) Under regulations prescribed by the board, whenever the Government agency authorized to dispose of any property finds that it has no commercial value or that the cost of its care and handling and disposition would exceed the estimated proceeds, the agency may donate such property to any agency or institution supported by the Federal Government or any State or local government, or to any non profit educational or charitable organization, or, if that is not feasible, shall destroy or otherwise dispose of such property, but, except in the case of property the immediate destruction of which is necessary or desirable either because of the nature of the property or because of the expense or difficulty of its care and handling, no property shall be destroyed until thirty days after public notice of the proposed destruction thereof has been given (and a copy of such notice given to the board at the beginning of such thirty-day period) and an attempt has been made within such thirty days to dispose of such property otherwise than by destruction.

(c) No airport and no harbor or port terminal, including necessary operating equipment, shall be otherwise disposed of until it has first been offered, under regulations to be prescribed by the board, for sale or lease to the State, political subdivision thereof, and any municipality, in which it is situated, and to all municipalities in the vicinity thereof.

(d) Whenever any State or political subdivision thereof, or any State or Government agency or instrumentality certifies to the board that any power transmission line determined to be surplus property under the provisions of this act is needful for or adaptable to the requirements of any public or cooperative power project, such line and the right of way acquired for its construction shall not be sold, leased for more than one year, or otherwise disposed of, except as provided in Section 12 or in this section, unless specifically authorized by Act of Congress.

(e) In disposing of any surplus real property, as defined in Section 23, on or across which highways or streets had been established and constructed and were being maintained by the States or their political subdivisions or instrumentalities at the time such surplus real property was acquired by the Government, and where such highways or streets were vacated, destroyed, or shut off from general public use in order to meet the requirements and serve the purposes of the Government, the States or their political subdivisions or instrumentalities first shall be given a reasonable time, to be fixed by the board, in which to repurchase the original rights-of-way on which such highways or streets were established and in which to purchase such new or additional rights-of-way as may be required for reestablishing, in whole or in part, such highways or streets of greater width or on new and more adequate locations, at a price not exceeding that paid therefor by the Government.

"(f) The disposal of surplus property under this section to States and political subdivisions and instrumentalities thereof shall be given priority over all other disposals of property provided for in this Act except transfers under section 12." (Transfer between Federal agencies.)

It is of course apparent to this committee that the opportunity of acquiring such abandoned camps will not be available until the end of hostilities or at least close to the end of the war. Because of the provision in the War Surplus Property Act of 1944, wherein provision is made that the board handling the disposition of the war surplus properties in determining the sale value of properties to the several States may take into consideration the benefit to the Nation of the use thereof proposed to be made by the States, a very low sale price to the States may be granted by that board. Two of the three board members have been appointed and confirmed by the Senate, viz: former Governor Hurley of Connecticut and Lieutenant Col. Edward A. Heller of San Francisco.

Proposed Schools Would Be of Benefit to Nation

There is before the Congress of the United States a bill, or bills, which if passed will require compulsory military education of the boys of our Country. The age at which the boys would begin their military training may be fixed at 17 or 18 years. Whatever age may be decided, the military training and discipline will be of a standard set by the law or by the military arm of the Government. Whether the training will be of one year's duration or a two-year period will not be known until the passage of the bill.

The result of the military training and discipline and other features of the proposed schools will, without a doubt, be of benefit to the Nation and would be of such benefit as would be considered by the Federal board in fixing the sale value of abandoned Army camps and facilities in disposing of such war surplus properties to the State for school purposes as contemplated by the Surplus Property Act of 1944. The type of military training for the teen-age boy in the proposed schools would be such as to meet the standard to be set for compulsory military training by the Federal Government should the Congress adopt such plan. The boy receiving such military training in the proposed school could be relieved and probably provision would be made to release such students from the military training to be required by such Federal plan.

This committee believes that military training in the proposed schools will be of benefit for both boys and girls. Military discipline teaches good habits, creates the ability to live in harmony with other people and establishes a sterling character. The idea of compulsory military training seems to be approved generally, and particularly by the veterans organizations. On the same theory, military training and discipline in the proposed schools will be of value not only to the Nation but to the boys and girls themselves in preparing them to assume their proper places in society.

Cost of Schools

Notwithstanding the possibility of acquiring Army camps and cantonments and facilities as suitable sites for the proposed schools, the committee has investigated the probable cost of procuring other sites, and finds as a result of its study that the largest school of the type proposed which could be successfully administered, giving proper attention to all students, would be approximately 400 students; that smaller schools would be less economical and would result in a higher cost per student. That a school

having a capacity of 400 students, including all buildings such as dormitories, class rooms, and infirmary and administration buildings, based upon experience with other State institutions, would be between $1,400,000 and $1,600,000. This cost does not take into consideration facilities which may be secured from the Federal Government, as hereinbefore mentioned, and which would very materially reduce the cost of such schools. The cost figures given above are those based on the regular index used by the Division of Architecture in computing its postwar construction projects.

It is believed by the committee that the establishment of these proposed schools will keep hundreds of children from being committed to reformatory and penal institutions thus performing a humanitarian service and at the same time will prove an economy measure for our State.

The committee takes the broad view that despite all of the various efforts being made throughout the State in the various cities and counties for the curtailment of juvenile delinquency, the fact remains that there is every indication that juvenile delinquency is on the increase. It is our opinion that the disciplinary type of well ordered 24-hour schools must be established for the benefit of the child who should never be sent to a reformatory, and who, at the same time for obvious reasons in many instances should never be sent back to his own home.

The committee senses the social causes which add to this whole problem, particularly the unrestricted admission of minors to places where intoxicating liquors are dispensed; the broken home, caused by divorce or drunkenness on the part of one or both parents, and the growing attitude of too many youngsters in reviling all the finer things in life and in opposing constituted authority, not only in the home and the school but also in relation to police administration and other legal restrictions.

RECOMMENDATIONS

Establishment of Schools

The committee recommends the establishment of 24-hour schools by the State (not a reformatory or penal institution) to which, through proper legal procedure, a boy or girl between the ages of 8 and 16 years may be admitted without stigma or any unsavory record. The student shall be one whose situation is such that he or she must be removed therefrom to prevent probable delinquency. The school will provide 24-hour supervision, discipline, and training. The school for boys shall include within its curriculum military training and discipline, academic subjects, vocational training, physical culture, and such other subjects of training as may be determined by the board of governors as proper and suitable. The school for girls should have included within its curriculum military training and discipline, academic subjects, vocational training, home economics, and such other subjects and training as may be by the board of governors deemed proper and suitable. Proper provision should be made for sports in both boys' schools and girls' schools, including football, baseball, handball, tennis, and such other sports as may be deemed proper by the superintendent or principal of the institution; also swimming pools may be provided with proper instructors.

The purpose of these schools will be to care for and train children who require special care and supervision that they may become good and

useful citizens. The committee believes that the necessity of some provision being made for such children has been definitely established and that this can not be done satisfactorily through present State organizations or agencies or through county or local facilities; further, that in the smaller counties it is impossible for such counties to provide the proper facilities at reasonable cost, nor is it feasible for a combination of counties to provide such facilities. The proper handling of such situation is of State-wide concern, hence should be adopted as a State-wide activity.

The disparity in resources and the uneven burdens resting upon communities make it impossible to regard the prevenion of delinquency as merely a local problem. The committee, after studying these proposed 24-hour schools, deems it necessary that the State of California do something to assist in preventing juvenile delinquency and thus decrease delinquency in this State.

No Interference with Local Activities

The proposed schools will not interfere in the slightest degree with local activities such as the work of local authorities, the schools, churches, parents, youth clubs and other agencies. Such activities should, of course, continue.

NUMBER OF SCHOOLS

While the committee feels the success of such schools will require a larger number, yet, at the outset, we recommend that three schools be established, one for boys to be located in Northern California, one for boys to be located in Southern California, and one for girls to be located in Central California.

It is further recommended that the capacity of the schools should be approximately 400 students and that one of the schools for boys have reasonable facilities for agricultural training and the other school have reasonable facilities for mechanical training. This latter system would provide expanded vocational training rather than to have smaller like facilities for each of the schools.

TRAINING SHIP OR SHIPS

Due to the fact that an appreciable number of boys attending the schools will have a desire to become Sailors and it also appearing to the committee that after the war there will be a big demand for seamen in the Maritime Service in this Country, it is recommended that consideration be given to the ultimate establishment of a training ship or ships or other training facilities to equip the older boys for seamanship. We also have in mind that these boys, upon being trained to the proper standard for seamen and exhibiting a talent for officer's training may be promoted to the California Maritime Academy now maintained by the State of California for the training of officers in the Maritime Service through such procedure or provision as may be hereafter established.

ADMISSION OF STUDENTS TO SCHOOLS

Provision should be made for the admittance of children from 8 to 16 years of age brought before the juvenile court, after investigation by the juvenile court through the machinery already set up under the

Juvenile Court Law, where the court finds that such child should not be committed to a reform school and no other proper provision can be made for the welfare of the child other than its admittance to the proposed schools. In such case, the juvenile court shall dismiss the proceedings and by proper legal procedure refer the matter to the probate court for the appointment of a guardian for such child, thereupon the guardian shall apply to the superintendent of the schools for admittance of such child as a 24-hour resident student in such school.

Admission should be made upon application to the governing head of the school nearest and most accessible to the county from which the child comes, who should have discretion to determine whether additional students could be admitted and also determine whether the particular student for whose admittance application is made, should be admitted in fairness to the students already in the schools. The superintendent could have before him the report of the probation officer who made the investigation for the juvenile judge. Any student refused admission should be referred back to the juvenile judge for other disposition of the case. The superintendent of the school should have the discretion to release a student from the school when in the judgment of such superintendent such release may be in the best interest of the student.

ADMINISTRATION OF SCHOOLS

Governing Board

It is recommended that the school be placed under the administration of a board of seven governors, the board to consist of the Superintendent of Public Instruction ex officio, and the Adjutant General ex officio, the remaining five members of the board to be appointed by the Governor for staggered terms. One of these members should be a doctor of medicine specializing in psychiatric cases. Of the remaining four members two should be women. Members of the board should receive no salary but should receive actual traveling expenses plus their per diem for the time actually spent in attendance at meetings. The appointment of board members to be made with the advice and consent of the Senate.

Rules and Regulations of Board

The board should have the usual and customary authority of adopting rules and regulations.

The committee recommends a full-time director over all the schools, acting under and by direction of the board of governors, and who shall have had not less than five years' experience in directing schools of the character proposed in these recommendations, and such other qualifications as may be adopted by the board of governors; a superintendent or principal for each of the schools who shall have had not less than five years' experience in the management and operation of similar schools as proposed here, whether public or private, and subject to the qualifications as may be prescribed by the board.

The board of governors should have authority to determine the number and qualifications of the personnel of each of these schools, subject to the authority of the State Personnel Board.

Teachers and instructors in such proposed schools should be selected from the standpoint of efficiency in the particular line or subject to be covered by such teacher or instructor.

Nonsectarian

The proposed schools should be nonsectarian in character. For the boys, it may be well to have chaplains, possibly volunteers from the communities in which the schools may be situated. No doubt, a Catholic priest would himself volunteer or select a volunteer for a Catholic chaplain. The ministerial association of the Protestant churches would, no doubt, provide a volunteer for a Protestant chaplain. Should there be any Jewish boys attending the school, a Rabbi in the community would probably volunteer to serve in that capacity. The chaplains would conduct the devotional exercises in such school.

The schools for boys should be conducted as nearly as practicable along the lines of the high-standard private military schools. The fine character of the boys graduating from the private military schools should prove an incentive for believing that the establishment of such proposed schools will be an investment worth to the State many times the cost of construction and maintenance.

FUNDS FOR MAINTENANCE OF SCHOOLS

The committee feels that it is not in a position to make final recommendations concerning acquisition of funds for support of the schools recommended, but suggests that consideration be given to the assumption by the State of primary responsibility for support, with provision, however, for contribution by parents who are financially able and by counties and by donations and endowments from private sources.

Provision also should be made for the transfer of the State support based on average daily attendance and of State aid for orphans and half orphans who may be students of these schools.

BUDGET

The schools should be supported by a regular biennial budget.

SCHOOLS TO BE ESTABLISHED AT THE FIFTY-SIXTH SESSION OF THE LEGISLATURE

The committee recommends the establishment of the proposed schools at the Fifty-sixth Session of the California Legislature. It is quite apparrent that the installation of the schools must be accomplished as a Post-war Project, one of the reasons being that it would be probably impossible to obtain priorities for the construction of buildings during the war period and, further, that definite information as to the availability of military camps suitable for sites of these schools will not be available until after the war, or at most, a short time prior to the end of hostilities, and, further, that the acquiring of such suitable abandoned military camps and facilities will result in a considerable saving to the State.

It is further recommended, in view of the foregoing, that if and when such schools are established, the Property Acquisition Board, or other person or agency should be charged with the responsibility of negotiating with the Federal Government for the acquisition of abandoned military camps with authority to select the camps and facilities most suitable and available for these schools, and if the proposed plan to acquire such Federal property should for any reason fail, then such Property Acquisition Board or other agency or person should be authorized to acquire

other suitable sites in the general locations hereinbefore recommended. The fund should be set up through appropriate legislation that money may be readily available with which to acquire such abandoned Army camps and equipment and to provide for any alterations, repairs, or remodeling that may be necessary after acquiring the same. It is quite apparent that a definite sum can not, in advance of purchase, be determined as the amount necessary therefor hence it is the view of this committee that an appropriation be made of a sum sufficient to acquire other sites, the construction of buildings and the purchase of necessary equipment in the contingency that such Army camps can not be acquired at a price deemed reasonable by the Property Acquisition Board or other agency authorized to negotiate for the purchase of such abandoned camps.

It is the recommendation of the committee that appropriations be made to cover the following:

$150,000 00 for sites (land) for three (3) schools;
250,000 00 for equipment for these schools;
2,800,000 00 for buildings for two (2) boys' schools;
1,400,000 00 for buildings for one (1) girls' school.

$4,600,000 00 Total

In addition to the foregoing an appropriation should be provided for the maintenance of these schools for the first biennium of $2,080,000.00.

The above mentioned figures for maintenance are based upon the information given the committee by the Department of Finance of expenditures of certain institutions such as the California Military Academy, Ventura School for Girls, Fred C. Nelles School for Boys and Preston School of Industry, which data will be filed with the Secretary of the Senate following the presentation of this report.

The committee reserves the privilege of filing a supplemental report should the same be deemed advisable.

The committee recommends as an appropriate name for such schools, "California Academy at _____" (adding to the name of each school the name of the city nearest its location, the city so honored to be selected by the Board of Governors).

APPRECIATION

The committee expresses its appreciation for the assistance rendered it by the Judges of the juvenile department of the superior court in and for the various counties; juvenile probation officers; county auditors; county clerks; private military schools; State Department of Finance; State Controller's Office; California Maritime Academy; State, county, and public school officials, and all officers and citizens who appeared as witnesses at the various hearings conducted by this committee.

Respectfully submitted.

FRANK W. MIXTER
JAMES J. McBRIDE
H. R. JUDAH
BYRL R. SALSMAN
JESSE R. DORSEY
Committee

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, CALIFORNIA, January 17, 1945

Honorable Frederick F. Houser
President of the Senate, State Capitol
Sacramento, California

DEAR MR. PRESIDENT: The Assembly has instructed me by motion duly made and carried this date, to request your honorable body to rescind the action and expunge the record whereby Assembly Bill No. 1 was passed by the Senate. At the request of the Assembly, the Governor has returned the bill to this house.

An error was made in the printing of Assembly Bill No. 1.

Assembly Bill No. 164 has been introduced and passed by the Assembly and the Senate, and the text of Assembly Bill No. 164 is identical with Assembly Bill No. 1.

Sincerely yours,

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

MOTION TO RESCIND ACTION

Senator Seawell moved that the Senate rescind its action on Assembly Bill No. 1, whereby it was passed by the Senate.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

Above bill ordered returned to the Assembly.

RESOLUTIONS

The following resolutions were offered:

By Committee on Rules:

Senate Resolution No. 29

Resolved, That the Controller be and he is hereby ordered and directed to draw his warrant on the Contingent Fund of the Senate in the sum of two hundred fifty dollars ($250) in favor of the Secretary of the Senate for postage for the Senate and the Treasurer is directed to pay the same.

BROWN, DEUEL, SALSMAN, SEAWELL.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dilworth, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—31.

NOES—None.

By Senator Shelley:

Senate Resolution No. 30

In memory of the Most Reverend Edward J. Hanna

WHEREAS, At Villa San Francisco in Rome, within the shadow of the Vatican, on July 10, 1944, the Most Reverend Edward J. Hanna, one of California's most beloved citizens and former Archbishop of San Francisco, was summoned from the meditations and scholarly pursuits to which he had confined the closing years of his long life, and passed on to blessed and eternal peace; and

WHEREAS, This gentle, kindly, gracious prelate was, a decade ago, one of the most familiar and generally loved personalities of San Francisco, who by his broad tolerance and infinite understanding had endeared himself to men and women of every race and creed; and

WHEREAS, Distinguished internationally for his brilliant mind and scholarly attainments, his native intelligence enriched by study at Rome, Oxford, Cambridge and Munich, Archbishop Hanna had conferred upon him, here and abroad, many scholastic honors, among them the degree of Doctor of Law from the University of California in 1931, and served for a time as President of the American Archeological Society; and

WHEREAS, As Archbishop of San Francisco from 1915 until his retirement in 1935, he not only governed the church in this great western archdiocese and served as spiritual father to some one-half million members of the Catholic faith, but was also a leader in civic and welfare work, serving on countless committees and boards by the choice of his fellow citizens and by appointment of the Mayor of San Francisco, the Governor of California and the President of the United States—notably as a Member of the California Immigration and Housing Commission, as an arbiter in the building trades disputes of 1921, as Vice President of the Community Chest, as Chairman of California's first Emergency Relief Commission, and as Chairman of the National Longshoremen's Board which restored peace after the San Francisco waterfront strike in 1934; and

WHEREAS, Though a decade has elapsed since Archbishop Hanna gave the heavy duties of his archbishopric into the keeping of the Most Reverend John J. Mitty and, with advancing age, retired to Rome to pass his last days in quiet meditation, the City of San Francisco and the State of California will ever cherish the memory of this great friend of mankind who, while in our midst, gave so freely to us of his spirit, his wisdom and his love; now, therefore, be it

Resolved by the Senate of the State of California, That when the Senate adjourns this day it shall do so in memory of the Most Reverend Edward J. Hanna; and, be it further

Resolved, That the Secretary of the Senate is directed to prepare and transmit a suitably engrossed copy of this resolution to the Most Reverend John J. Mitty, Archbishop of San Francisco, and to the Reverend Mother Hanna, Sacred Heart Convent, St. Joseph, Missouri.

Resolution read, and adopted by a rising vote of the following Senators:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

NOES—None.

By Senator Biggar:

Senate Resolution No. 31

Relating to the continuance of the Senate Interim Committee on Public Education, created by Senate Resolution No. 52 of the Fifty-fifth Regular Session.

Resolved by the Senate of the State of California, as follows:

1. The sum of seven thousand four hundred ninty-one and seventy-two cents ($7,491.72), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the Senate Interim Committee on Public Education created by Senate Resolution No. 52 of the Fifty-fifth Regular Session and its members and for any charges, expenses or claims it may incur under Senate Resolution No. 17 of this session, printed on page 3 of the Senate Journal for January 10, 1945, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

2. The provisions of this resolution supersede the provisions of Paragraph 4 of said Senate Resolution No. 17.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—29.

NOES—None.

By Senator Seawell:

Senate Resolution No. 32

Relating to the continuance of the Committee to Investigate the Department of Motor Vehicles, created by Senate Resolution No. 150 of the Fifty-fifth Regular Session.

Resolved by the Senate of the State of California, as follows:

1. The sum of two thousand three hundred eighty-five dollars and seventy-seven cents ($2,385.77), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the Committee to Investigate the Department of Motor Vehicles created by Senate Resolution No. 150 of the Fifty-fifth Regular Session and its members and for any charges, expenses or claims it may incur

under Senate Resolution No. 9 of this session, printed on page 16 of the Senate Journal for January 8, 1945, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

The money made available by this resolution is less than the unused part of the amount heretofore made available to the committee which will revert to the General Fund.

2. The provisions of this resolution supersede the provisions of Paragraph 4 of said Senate Resolution No. 9.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—33.

NOES—None.

By Senator McBride:

Senate Resolution No. 33

Relating to the continuance of the Senate Fact-Finding Committee on Homes and Institutions for the Aged, created by Senate Resolution No. 134 of the Fifty-fifth Regular Session.

Resolved by the Senate of the State of California, as follows:

1. The sum of three thousand two hundred dollars ($3,200), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the Senate Fact-Finding Committee on Homes and Institutions for the Aged created by Senate Resolution No. 134 of the Fifty-fifth Regular Session and its members and for any charges, expenses or claims it may incur under Senate Resolution No. 11 of this session, printed on page 10 of the Senate Journal for January 10, 1945, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

The money made available by this resolution is less than the unused part of the amount heretofore made available to the committee which will revert to the General Fund.

2. The provisions of this resolution supersede the provisions of Paragraph 4 of said Senate Resolution No. 11.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—32.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 202: By Senator Gordon—An act to amend Section 307 of the Agricultural Code, relating to meat.

Referred to Committee on Agriculture.

Senate Bill No. 203: By Senator Swing—An act to amend Sections 4237 and 4237.1 and to repeal Section 4237.9 of the Political Code, relating to compensation for public service in counties of the eighth class.

Referred to Committee on Local Government.

Senate Bill No. 204: By Senator Mayo—An act making an appropriation for the Department of Finance for cost of advertising Veterans' Bond Act of 1943, to take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 205: By Senator Hatfield—An act to amend Section 9201 and to repeal Section 9202 of the Health and Safety Code, relating to the acquisition of nonperpetual care cemeteries by public cemetery districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 206: By Senator Hatfield—An act to amend Sections 651.6 and 651.7 of, and to add Section 651.8 to, the Fish and Game Code, relating to salmon.

Referred to Committee on Fish and Game.

Senate Bill No. 207: By Senator Hatfield—An act to amend Section 438 of the Political Code and Section 12400 of the Government Code, both relating to the salary of the Controller.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 208: By Senator Hatfield—An act to amend Section 415 of the Political Code and Section 12150 of the Government Code, relating to the salary of the Secretary of State.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 209: By Senator Hatfield—An act to amend Section 397 of the Political Code and Section 12100 of the Government Code, relating to the salary of the Lieutenant Governor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 210: By Senator Hatfield—An act to amend Section 455 of the Political Code and Section 12300 of the Government Code, relating to the salary of the State Treasurer.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 211: By Senator Hatfield—An act to amend Section 141 of the Education Code, relating to the salary of the Superintendent of Public Instruction.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 212: By Senator Hatfield—An act to repeal Section 1135 of the Labor Code, relating to hot cargo and secondary boycotts.

Referred to Committee on Labor.

Senate Bill No. 213: By Senator Hatfield—An act to amend Section 1135 of the Labor Code, relating to hot cargo and secondary boycotts.

Referred to Committee on Labor.

Senate Bill No. 214: By Senator Hatfield—An act to amend Sections 12100, 12150, 12300, and 12400 of the Government Code, and Section 141 of the Education Code, relating to compensation of constitutional officers.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 215: By Senator Hatfield—An act to amend Section 4265 of the Political Code, relating to compensation for public service in counties of the thirty-sixth class.

Referred to Committee on Local Government.

Senate Bill No. 216: By Senator Hatfield—An act to amend Section 4253 of the Political Code, relating to compensation for public service in counties of the twenty-fourth class.

Referred to Committee on Local Government.

Senate Bill No. 217: By Senators Hatfield, Dorsey, McBride, and Tenney—An act to amend Section 4041.6 of the Political Code, relating to the powers of boards of supervisors.

Referred to Committee on Local Government.

Senate Bill No. 218: By Senators Hatfield, Crittenden, and Sutton—An act to amend Sections 200, 208, 209, 210, and 212 of, and to add Sections 201.5, 230, 231, 232, 233, 236, 237, 240, 241, 242, and 243 to, the Welfare and Institutions Code, relating to local administration of welfare, admission to county hospitals and medical care at county expense.

Referred to Committee on Social Welfare.

Senate Bill No. 219: By Senators Hatfield and Sutton—An act to add Chapter 3 comprising Sections 1450 to 1533, inclusive, to Division 2 of the Health and Safety Code, relating to health services.

Referred to Committee on Public Health and Safety.

Senate Bill No. 220: By Senator Hatfield—An act to amend Section 5 of, and to add Section 22a to, the California Water District Act, relating to qualifications of officers, and deposit of funds, of districts organized under said act.

Referred to Committee on Local Government.

Senate Bill No. 221: By Senator Hatfield—An act to repeal Section 1881.3 of the Civil Code, relating to the period during which the chapter of said code relating to private bulk storage of grain shall remain in effect.

Referred to Committee on Agriculture.

Senate Bill No. 222: By Senator Hatfield—An act to add Section 9322 to the Government Code, relating to compensation of Legislative Committee reporters.

Referred to Committee on Rules.

Senate Bill No. 223: By Senators Hatfield and Hulse—An act to amend Sections 2 and 4 of "An act to provide for the payment of a portion of the bonded indebtedness of the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately," approved May 19, 1943, relating to the payment of a portion of the bonded indebtedness of the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 224: By Senators Hatfield and Hulse—An act to amend Section 3 of an act entitled "An act to provide for the establishment of a fiscal agency for the State of California in the City of New

York, in the State of New York, and prescribing the duties of such fiscal agency and the duties of the public officers in relation thereto," approved June 6, 1913, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 225: By Senator Tenney—An act to add Section 19a to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to emergency employees in municipal courts.

Referred to Committee on Judiciary.

Senate Bill No. 226: By Senator Tenney—An act to add Section 86a to the Code of Civil Procedure, relating to destruction of old records.

Referred to Committee on Judiciary.

Senate Bill No. 227: By Senator Tenney—An act to amend Section 7e of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Referred to Committee on Judiciary.

Senate Bill No. 228: By Senator Tenney—An act to amend Section 28a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to bail in municipal courts in cities of the first and one-half class.

Referred to Committee on Judiciary.

Senate Bill No. 229: By Senator Tenney—An act to amend Section 7a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Referred to Committee on Judiciary.

Senate Bill No. 230: By Senator Tenney—An act to amend Section 7 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office,

qualification and compensation and for the selection of jurors therein." approved May 23, 1925, relating to municipal courts.

Referred to Committee on Judiciary.

Senate Bill No. 231: By Senator Tenney—An act to amend Section 7b of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein." approved May 23, 1925, relating to municipal courts.

Referred to Committee on Judiciary.

Senate Bill No. 232: By Senator Tenney—An act to add Section 1102.5 to the Penal Code, relating to evidence in criminal cases.

Referred to Committee on Judiciary.

Senate Bill No. 233: By Senators Tenney, Fletcher, and Shelley—An act to establish a Retirement System for Superior Court Reporters, establishing a Superior Court Reporters Retirement Fund, providing for contributions thereto by superior court reporters included in the system and by the counties in which such reporters are employed.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 234: By Senators Tenney, Fletcher, and Shelley—An act to make an appropriation for the administration of the Superior Court Reporters Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 235: By Senator Tenney—An act regulating the practice of architecture, civil engineering, and land surveying by officers, or employees, of any county, city and county, city, town, school district, road district, drainage district, levee district, bridge district, sanitary district, water district, irrigation district, utility district, or other improvement district of any kind, thereof, or any other political division thereof, or of any public corporation thereof which has the right to levy taxes, or of any public corporation thereof whose revenue is derived either in whole or in part from public funds which have been collected as taxes.

Referred to Committee on Business and Professions.

Senate Bill No. 236: By Senator Tenney—An act to amend Section 429 of the Fish and Game Code, relating to issuance of licenses to disabled veterans.

Referred to Committee on Fish and Game.

Senate Bill No. 237: By Senator Tenney—An act to add Sections 301, 590, and 650 to the Military and Veterans Code, relating to the granting of honorable discharges and service medals to members of the military forces of the State.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 238: By Senator Tenney—An act to amend Sections 13953 and 13954 of the Revenue and Taxation Code, relating to inheritance taxes, and to amend Sections 15552 and 15553 of said code, relating to gift taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 239: By Senator Tenney—An act to amend Section 14161 of the Revenue and Taxation Code, relating to inheritance tax discounts.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 240: By Senator Tenney—An act to amend Sections 1865 and 1871 of the Civil Code, and to repeal Sections 3136, 3137, 3138, 3139, 3140, 3141, and 3142 of the Political Code, relating to finders and savers of property.

Referred to Committee on Judiciary.

Senate Bill No. 241: By Senator Tenney—An act to amend Section 11528 of the Business and Professions Code, relating to subdivisions of suburban territory.

Referred to Committee on Business and Professions.

Senate Bill No. 242: By Senator Tenney—An act to add Section 1c to the Annexation Act of 1913, relating to annexaton of subdivisions.

Referred to Committee on Business and Professions.

Senate Bill No. 243: By Senator Tenney—An act to amend Section 1 of the Annexation Act of 1913, relating to the alteration of boundaries of municipalities.

Referred to Committee on Local Government.

Senate Bill No. 244: By Senators Tenney and Jespersen—An act to repeal Part 4, comprising Sections 9601 to 10501, inclusive, of Division 2 of the Revenue and Taxation Code, relating to the motor vehicle transportation tax.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 245: By Senator Tenney—An act to amend Section 736b of the Political Code, relating to the payment of salaries of the judges of the superior court.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 246: By Senator Tenney—An act making an appropriation for the protection of the ocean beach at the City of Redondo Beach.

Referred to Committee on Natural Resources.

Senate Bill No. 247: By Senator Tenney—An act to add Sections 1047, 1048, and 1049 to the Military and Veterans Code, to repeal an act entitled "An act creating the Napa State Farm Revolving Fund and making an appropriation therefor; providing for the expenditure and replenishment thereof, and providing for disposition of any accrued surplus over and above such appropriation, declaring the urgency thereof, and providing that this act shall take effect immediately,"

approved May 31, 1929; transferring the Napa State Farm to the Veterans' Home of California, abolishing the Napa State Farm Revolving Fund, creating the Veterans' Home Rehabilitation Revolving Fund, and making an appropriation therefor.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 248: By Senator Judah—An act to amend Sections 10615 and 10617 of the Health and Safety Code, relating to registration of previously unregistered births.

Referred to Committee on Public Health and Safety.

Senate Bill No. 249: By Senator Hatfield—An act to amend Section 16424 of the Education Code, relating to injuries to pupils.

Referred to Committee on Education.

Senate Bill No. 250: By Senators Hatfield and Crittenden—An act to amend Section 5 of the California Food and Fiber Production Act, relating to the period said act shall remain in effect.

Referred to Committee on Agriculture.

Senate Bill No. 251: By Senators Hatfield and Crittenden—An act making an appropriation to carry out the provisions of the California Food and Fiber Production Act, to take effect immediately.

Referred to Committee on Agriculture.

Senate Bill No. 252: By Senator Breed—An act to transfer to the City of Oakland a surface easement over certain tide and submerged lands and to define the powers and duties of the city in relation thereto.

Referred to Committee on Transportation.

Senate Bill No. 253: By Senator Desmond—An act to repeal Section 1203c of the Penal Code, relating to reports by probation officers.

Referred to Committee on Judiciary.

Senate Bill No. 254: By Senator Desmond—An act to amend Section 1248 of the Code of Civil Procedure, relating to condemnation suits.

Referred to Committee on Judiciary.

Senate Bill No. 255: By Senator Desmond—An act to add Section 7.3 to the Alcoholic Beverage Control Act, relating to licenses for sale of alcoholic beverages.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 256: By Senator Desmond—An act to repeal an act entitled "An act declaring all buildings and places nuisances, wherein or upon which any spirituous, vinous, malt or other alcoholic liquor is unlawfully sold, served or given away, or which are used for the purpose of unlawfully selling, serving or giving away such liquors; and providing for the abatement of such nuisances," approved April 28, 1915.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 257: By Senator Desmond—An act to amend Section 491 of the Fish and Game Code, relating to gaff and other such appliances.

Referred to Committee on Fish and Game.

Senate Bill No. 258: By Senators Carter and Biggar—An act to amend Sections 4455 and 4459, and to repeal Sections 4456, 4457, 4458 and 4460 of, and to add a new Section 4460 to, the Public Resources Code, relating to forest insect control, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Natural Resources.

Senate Bill No. 259: By Senator Rich—An act to amend Section 1064 of the Probate Code, relating to estates of deceased persons.

Referred to Committee on Judiciary.

Senate Bill No. 260: By Senator Hatfield—An act to add Sections 4000.2, 4000.3, 4000.4, and 4000.5, to the Public Resources Code, relating to prevention and suppression of fires.

Referred to Committee on Natural Resources.

Senate Bill No. 261: By Senator Salsman—An act to add Chapter 10 to Division 4 of the Education Code; to add Chapters 4.5, 15.5 and 16.5 to Division 3 of said code; to amend Sections 7302, 8702, 9051, 9071 and 9191 of said code; to repeal Article 3 of Chapter 7 of Division 4 of said code and to repeal Sections 6758, 7103, 7105, 7136, 7137, 8951, 8952, 8953 and 10604 of said code, all relating to the Public School System.

Referred to Committee on Education.

Senate Bill No. 262: By Senator Biggar—An act to amend Section 356 of the Streets and Highways Code, relating to State highway routes.

Referred to Committee on Transportation.

Senate Bill No. 263: By Senator Sutton—An act to amend Section 1203.6 of the Fish and Game Code, relating to pheasants.

Referred to Committee on Fish and Game.

Senate Bill No. 264: By Senators Burns, Mixter, Cunningham, Dorsey, and Hatfield—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for a State Office Building in the City of Fresno and in furtherance of the Postwar Building Program.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 265: By Senator Hatfield—An act to authorize the Director of Finance to sell and convey certain real property in the County of Sacramento.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 266: By Senators Hatfield, Quinn, Powers, Tenney, Hulse, Dilworth, DeLap, Jespersen, and Ward—An act to amend Section

986.5 of the Military and Veterans' Code, relating to farm and home aid for veterans.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 267: By Senators Hatfield, Quinn, Powers, Desmond, Kuchel, Tenney, Dilworth, DeLap, and Ward—An act to amend Section 691 of the Military and Veterans Code, relating to the Veterans' Welfare Board.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 268: By Senator Hatfield—An act to add Article 5A, comprising Sections 993 and 994.3 inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1946.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 269: By Senator Salsman—An act to amend the Building and Loan Association Act by amending Sections 9.07 and 9.11 thereof and by adding thereto a new section to be numbered 9.12a, all relating to loans.

Referred to Committee on Financial Institutions.

Senate Bill No. 270: By Senator Salsman—An act to amend the Building and Loan Association Act by amending Sections 9.09, 9.10, and 9.12, relating to loans.

Referred to Committee on Financial Institutions.

Senate Bill No. 271: By Senators Quinn, Hatfield, Tenney, Powers, Desmond, Dilworth, Jespersen, Hulse, Ward, DeLap, and Mixter—An act to amend Sections 894, 895, and 898 of the Military and Veterans Code, relating to veterans' dependents, making an appropriation, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 272: By Senators Quinn, Hatfield, Powers, Desmond, Dilworth, Jespersen, Hulse, Ward, and Tenney—An act to add Sections 971 and 972 to the Military and Veterans Code, relating to the county service officer, and making an appropriation.

Referred to Committee on Military and Veterans Affairs.

RESOLUTIONS

The following resolution was offered:

By Senators McBride and Shelley:

Senate Resolution No. 34

Resolved by the Senate of the State of California, as follows:

That Joseph A. Beek, Secretary of the Senate, be and he is hereby authorized and directed to purchase forty-one (41) sets of each of the following bound volumes and advance sheets of Attorney General's Opinions:

1943 volumes at $20 plus sales tax per set,
1944 advance sheets and volumes at $25 plus sales tax per set,
1945 advance sheets and volumes at $25 plus sales tax per set,
1946 advance sheets and volumes at $25 plus sales tax per set;

and, be it further

Resolved, That Joseph A. Beek, Secretary of the Senate, is instructed to deliver one set of each set of Attorney General's Opinions to each Member of the Senate, and one set to the Secretary of the Senate; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of California Legal Publications for three thousand nine hundred ninety-two and 38/100 dollars ($3,992.38) in payment for the above volumes and advance sheets, and the State Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Rules.

ADJOURNMENT

At 4.30 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10.30 a.m., January 19, 1945, out of respect to the memory of the late Reverend Edward J. Hanna.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

TENTH LEGISLATIVE DAY

TWELFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Friday, January 19, 1945

The Senate met at 10.30 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

By invitation of the President, prayer was offered by the Rev. Wilder V. Immel.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator DeLap, on motion of Senator Seawell, on legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Quinn and Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Manly A. Puckett of Orick, California; and G. L. Spier of Eureka, California.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Kenneth Cunningham and wife, Lois, of Burbank, California.

On request of Senators Desmond and Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. George Strube and Mrs. Anson Boyd of Sacramento, California.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Mary Immel of Sacramento, California.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. W. C. Sample, pastor, Pilgrim Baptist Church, of San Mateo; and Rev. J. T. Muse, pastor, Shiloh Baptist Church, of Sacramento, California.

COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

SACRAMENTO CHAMBER OF COMMERCE
SACRAMENTO 14, CALIFORNIA, January 18, 1945

To the Members of the Senate
of the California State Legislature
in Session at Sacramento

GENTLEMEN: The Directors of the Sacramento Chamber of Commerce take pleasure in extending to you a most cordial invitation to be their guests at a reception and cocktail party, Wednesday evening, January 24th, at the Senator Hotel from 5 to 7 p.m.

Individual invitations will be forwarded to all members, but this preliminary announcement is being made so that you may keep your calendar clear for this particular occasion.

Yours very truly,

W. H. HAINES, President

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 19, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 9

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, January 18, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 2

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MAYO, Chairman

Above reported bill ordered to second reading.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 273: By Senator McCormack—An act to amend Section 21 of the Bank Act relating to maintenance of surplus account.

Referred to Committee on Financial Institutions.

Senate Bill No. 274: By Senator McCormack—An act to repeal Sections 19 and 19.1 of the Bank Act relating to the ratio of the paid-up capital and surplus to deposits required to be maintained by banks.

Referred to Committee on Financial Institutions.

Senate Bill No. 275: By Senator Biggar—An act to amend Section 4280 of the Political Code, relating to the compensation for public service.

Referred to Committee on Local Government.

Senate Bill No. 276: By Senators Judah and Jespersen—An act to amend Sections 108 and 109 of, and to add Section 38k to, the State Employees' Retirement Act, and to amend Section 20750 of, and to add Section 20461.5 to, the Government Code, relating to the State Employees' Retirement System, increasing the State contributions to the State Employees' Retirement Fund, and providing a procedure whereby contracting public agencies may elect to subject themselves and their employees to provisions of the law otherwise applicable only to State Employees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 277: By Senator Gordon—An act to provide for the acquisition of a State Park in the County of Napa as part of the State Park System, and making an appropriation.

Referred to Committee on Natural Resources.

Senate Bill No. 278: By Senators Dillinger and DeLap—An act to amend Sections 17053.5, 19200, 19201, 19202, 19203, 19204, and 19205, of the Revenue and Taxation Code, relating to personal income taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 279: By Senator Dillinger—An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, relating to a franchise tax imposed on banks and corporations, and providing for the use of part of the proceeds of said tax.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 280: By Senator Desmond—An act to add Section 43.5 to the Alcoholic Beverage Control Act, relating to suspension and revocation of licenses.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 281: By Senators Dillinger and DeLap—An act to amend Section 5.5 of the Corporation Income Tax Act, relating to income tax imposed on corporations and providing for the use of part of the proceeds of said tax.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 282: By Senator Dillinger—An act to amend Sections 2453, 2454, 2600, 2621, 2626, 2627, 2628, 2629, 2633, 2670, 2742, 2840, 2841, 2893, 2897 and the article heading of Article IV of Chapter 2 of Division 5, and to repeal Sections 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2622, 2623, 2624, 2625, 2630, 2631, and 2632 of the Elections Code, relating to sponsor certificates and verification deputies.

Referred to Committee on Elections.

Senate Bill No. 283: By Senators Dilworth, Brown, Quinn, Powers, Hatfield, Hulse, Carter, and Dillinger—An act to amend Section 4006 of the Public Resources Code relating to agreements of the State Forester with counties, municipalities or districts for fire protection.

Referred to Committee on Local Government.

Senate Bill No. 284: By Senators Dilworth, Brown, Quinn, Powers, Hatfield, Hulse, Dillinger, and Carter—An act to amend Section 1 of an act entitled "An act to enable municipalities to contract with the county to exercise fire protection functions in municipalities and to reimburse the county for such services," approved May 18, 1929, by extending the provisions thereof to a fire district, fire protection district and the State of California.

Referred to Committee on Local Government.

Senate Bill No. 285: By Senators Dilworth, Brown, Quinn, Powers, Hatfield, Hulse, and Dillinger—An act to amend Section 4041.6 of the Political Code and to add a new section to said code to be numbered 4041.6a, relating to jurisdiction and powers of boards of supervisors.

Referred to Committee on Local Government.

Senate Bill No. 286: By Senators Shelley, Judah, Cunningham, Dillinger, and Powers—An act to amend Sections 19 and 20 of, and to add Section 24 to the Unemployment Insurance Act, relating to unemployment insurance, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

Senate Bill No. 287: By Senators Shelley, Judah, Cunningham, Dillinger, and Powers—An act to amend Section 57.7 of the Unemployment Insurance Act, relating to the benefit rights of veterans, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

Senate Bill No. 288: By Senators Deuel, Dillinger, Gordon, Keating, and Jespersen—An act to add Article 4 to Chapter 1 of Title 1 of Part 3 to, and to amend Section 5003 of, the Penal Code, providing for the establishment of the California Vocational Institution, relating to the commitment and transfer of persons thereto and therefrom, and to make an appropriation for the temporary establishment, support, and operation thereof.

Referred to Committee on Institutions.

Senate Bill No. 289: By Senators Deuel, Dillinger, Gordon, Keating, and Jespersen—An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for the California Vocational Institution and in furtherance of the Postwar Building Program.

Referred to Committee on Institutions.

Senate Bill No. 290: By Senators Deuel, Dillinger, Gordon, Keating, and Jespersen—An act making an appropriation to be expended for the construction and establishment of the California Vocational Institution.

Referred to Committee on Institutions.

Senate Bill No. 291: By Senator Deuel—An act to amend Section 3048 of the Penal Code, relating to parole.

Referred to Committee on Judiciary.

Senate Bill No. 292: By Senator Deuel—An act to amend Section 8981 of, and to add Section 8986 to, the Health and Safety Code, relating to the taxation of public cemetery districts.

Referred to Committee on Public Health and Safety.

Senate Joint Resolution No. 4: By Senator Collier—Relative to memorializing the Congress of the United States and the United States Department of War in relation to the proposed diversion of the waters of the Klamath River watershed.

Referred to Committee on Natural Resources.

Senate Concurrent Resolution No. 17: By Senator Seawell—Relative to the adjournment of the Legislature for the constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date of said adjournment and said reassembling.

Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 17, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 17

Senate Concurrent Resolution No. 17—Relative to the adjournment of the Legislature for the constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date of said adjournment and said reassembling.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 18: By Senator Collier—Relative to creating the Joint Committee on Rivers and Flood Control.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 19, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 18

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered to third reading.

THIRD READING OF SENATE BILLS (OUT OF ORDER)

Senate Concurrent Resolution No. 18—Relative to creating the Joint Committee on Rivers and Flood Control.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Field, Johnson, and Lowrey as a Committee on Conference concerning:

Senate Concurrent Resolution No. 3—Relative to Joint Rules of the Legislature.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

REPORTS OF STANDING COMMITTEES

Committee on Labor

SENATE CHAMBER, SACRAMENTO, January 19, 1945

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Joint Resolution No. 7

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 7; committee vote: Ayes 4; absent 3.

SHELLEY, Chairman

Above reported resolution ordered to third reading.

THIRD READING OF SENATE BILLS (OUT OF ORDER)

Assembly Joint Resolution No. 7—Relative to memorializing Congress to enact a Seamen's Bill of Rights.

Resolution read, and presented by Senator Shelley.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILLS NOS. 286 AND 287

Senator Seawell moved that Senate Bills Nos. 286 and 287 be withdrawn from Committee on Governmental Efficiency, and referred to Committee on Social Welfare.

Motion carried.

ADJOURNMENT

At 11.35 a.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.30 p.m., January 22, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

ELEVENTH LEGISLATIVE DAY
FIFTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Monday, January 22, 1945

The Senate met at 2.30 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:
Senator Biggar, on motion of Senator Breed, on legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Joun Erreca, Mayor of Los Banos and Mr. George Nickel, Jr., of Los Banos.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Howard Dayton of Tulelake and Mr. Joe Botasti of Jackson.

On request of Senator Hulse, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Hugh Osborne of El Centro.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss E. Lillian Jones, American Red Cross, Brisbane, Australia, and Milwaukee; Mr.

Vernon McLeod, Secretary Taft Chamber of Commerce, Taft; Judge T. R. Anderson, Maricopa, and Mr. M. E. Faulkner, Taft.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joseph R. Armstrong, S 2/c, U. S. S. Ammen, San Francisco.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ben Cowan of San Bernardino.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Jack McCord, Jr., of Sacramento; and Mr. Hugh P. Donnelly, Jr., Senator's son, of Turlock.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO 14, January 22, 1945

To the Senate of the State of California

At the request of the State Reconstruction and Reemployment Commission, I have the honor to present to your honorable body a report on the study provided for by Chapter 36, Statutes 1944 (Fourth Extraordinary Session), upon the subject of the administration, organization and financial support of the Public School System.

The Reconstruction and Reemployment Commission has expressed the hope that the report will be helpful, and that the Legislature will have an opportunity to give it consideration.

Respectfully.

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO 14, January 22, 1945

To the Senate of the State of California

I have the honor to inform you that I have made the following appointments, and respectfully request your confirmation thereof and consent thereto:

TOLAND C. MCGETTIGAN, resident of Santa Rosa, district attorney of Sonoma County since May 18, 1937, having resigned that office to accept the appointment of Law Enforcement Officer of the State War Council in which capacity he has served since September 1, 1944. Graduated from the University of San Francisco in 1929, after practicing law five years in San Francisco moved to Sonoma County where in 1935 he became Assistant District Attorney—

as Member of the California Unemployment Insurance Appeals Board, and Member of the California Employment Stabilization Commission, vice Homer W. Buckley, resigned, for the term ending December 31, 1946. Appointed December 14, 1944.

ROBERT A. HEINZE, resident of Alameda, secretary of Charles L. Neumiller, President of the State Board of Prison Directors from 1917 to 1927. From 1927 to 1940 he was with the State Bureau of Parole. He was later transferred to a position of Supervising State Parole Officer of San Quentin Prison. Last January, he was transferred from San Quentin Prison to Folsom, and in recent months has been serving as Associate Warden at Folsom—

as Warden, California State Prison at Folsom, for the term ending at the pleasure of the Director of Corrections. Appointed December 28, 1944.

VICTOR R. HANSEN, resident of La Canada, born March 12, 1904, Minneapolis, Minnesota; attended Grammar School, Manual Arts High School, in Los Angeles; Pre-legal, 3 years, U. C. L. A.; Law Graduate, U. S. C., 1928, degree LL.B. Engaged in individual private law practice 1928-1929-1930. Member of law firm Hansen & Sweeney, January 1, 1931 to date. Army Service, graduate senior R.O.T.C., U. C. L. A., 1925. Organized Reserves, yearly summer active duty, 1926-1927-1929-1930-1931-1933-1934-1935-1937-1938-1939-1940. Ordered to extended active duty May 1, 1941. Camp Roberts, May 1, 1941, to July 1, 1941, as Intelligence Officer and Troop Movement Officer. G-3 Section, Headquarters, Ninth Corps Area, July 1, 1941, to December 18, 1941. Headquarters, Western Defense Command, War Plans Division; General Staff Corps, December 18, 1941, to April 15, 1942. Assistant, G-3 Western Defense Command, G.S.C., April 15, 1942, to November 14, 1943. Liaison Officer, Western Defense Command, G.S.C., G-2 Section, November 14, 1943, to December 27, 1944, when relieved from Headquarters Western Defense Command. Temporary duty, War Department, G-3 Section, 1941. Temporary duty, Vancouver, Canada, 1943.

Military Service Schools: Graduate Chemical Warfare School, Edgewood, Maryland. Graduate Command and General Staff School, General Staff Course, Fort Leavenworth, Kansas. Promotions: Captain, Infantry, to Major, February 22, 1942. Major to Lieutenant Colonel, February 23, 1943. Detailed General Staff Corps, December 21, 1941—

as Adjutant General, State of California, vice Ray W. Hays, resigned, for the term at the pleasure of the Governor. Appointed December 22, 1944.

Respectfully.

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

MOTION TO PRINT IN JOURNAL

Senator Rich moved that the Report on Investigation of Disease Bearing Mosquito Hazard in California be printed in the Journal.

Motion carried.

A REPORT ON INVESTIGATION OF THE DISEASE BEARING MOSQUITO HAZARD IN CALIFORNIA

Submitted to the Governor and to the Fifty-Sixth Session of the California Legislature Pursuant to Senate Concurrent Resolution No. 11 by the State Department of Public Health—January 1945

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH
SAN FRANCISCO (2), CALIFORNIA, January 19, 1945

His Excellency The Governor of California
and *The California Legislature*
State Capitol
Sacramento, California

GENTLEMEN: Pursuant to Senate Concurrent Resolution No. 11, we are submitting a copy of our Report and Recommendations on the Disease Bearing Mosquito Hazard in California.

Sincerely,

WILTON L. HALVERSON, M.D.
Director of Public Health

REPORT ON INVESTIGATION OF THE DISEASE BEARING MOSQUITO HAZARD IN CALIFORNIA

Prepared by the State Department of Public Health in Accordance With Senate Concurrent Resolution No. 11

SUMMARY AND RECOMMENDATIONS

Summary

MALARIA

(1) Malaria in California is now being reasonably well controlled by the combined efforts of the local mosquito abatement districts and the wartime activities of the United States Public Health Service, through the State Department of Public Health.

(2) The effect of the return of large numbers of malaria carriers from combat areas can not be accurately assessed. Plans must be made to meet this problem.

(3) The Malaria Control Program of the United States Public Health Service around military establishments employs 35 to 40 men with com-

pletely equipped trucks and includes two mobile units immediately available in the event of a malaria outbreak anywhere in the State.

(4) Existing Mosquito Control Programs should be maintained and expanded to assist in control of other mosquito-borne diseases.

OTHER MOSQUITO-BORNE DISEASES

(5) Other mosquito-borne diseases, including yellow fever, dengue fever, filariasis and encephalitis, might be imported but only the last is considered a public health problem in California.

(6) Both the St. Louis and Western equine types of encephalitis have been known to exist in California for many years and have been recently demonstrated as transmissible by common domestic mosquitoes.

(7) The reported deaths from encephalitis for the past 10 years have averaged 45 per year as compared with five per year for malaria.

(8) Japanese "B" and other types of encephalitis may be imported into California, and if not recognized and promptly controlled, the results might well become catastrophic; for example, the 1924 Tokyo epidemic caused 6,000 cases and 3,797 deaths.

(9) Advance of battle areas toward Japan and Eastern Asia will expose our military personnel to Japanese "B" encephalitis, and with rapid air transport unrecognized cases could easily reach California.

(10) The only practical method for control of our present encephalitis and Japanese "B" encephalitis is mosquito control, since effective vaccines or chemical prophylactics are not available for humans.

(11) The highest incidence of encephalitis as well as malaria in California is reported from the great Central Valley and the State should develop a Mosquito Control Program for counties in that area.

(12) Since equine encephalomyelitis (horse brain fever) is also transmitted by mosquitoes, a control program would be advantageous for economic as well as public health reasons.

(13) A plan is needed for quick assembly of State and local health and mosquito control agencies for work in any area affected by imported mosquito-borne disease such as malaria and Japanese "B" encephalitis.

MOSQUITO CONTROL

(14) The long established techniques of mosquito control must still be used since recently reported advances including the use of D.D.T. (Dichloro-diphenyl-trichloroethane) were developed for military purposes and are not yet available for civilian use.

(15) Present mosquito control work in organized districts is limited to 3 per cent of the area of the State and within the districts fairly good control of pest mosquitoes is accomplished with an expenditure of $363,000 annually.

(16) Wartime malaria and mosquito control in the immediate vicinity of military establishmems is effective with an expenditure of $67,000 annually.

(17) In other areas of the State, except a few in which local health departments carry on relatively small local programs, no mosquito control work is done.

(18) A State-wide and State-operated program designed to control pest as well as disease bearing mosquitoes, is not considered feasible, and

the results obtained would not justify the cost which is estimated to be between $5,000,000 and $10,000,000 per year.

(19) A State-operated Mosquito Control Program, limited to areas having the highest incidence of mosquito-borne disease, would not be desirable, particularly in those sections now carrying on local control work, because it would be difficult to avoid parallel organizations, overlapping jurisdiction, and other vexatious problems. The cost is estimated at $850,000 per year.

(20) A Program of Mosquito Control, supervised by the State, with subventions to local governmental agencies meeting minimum standards of personnel and operations, limited to areas having the highest incidence of mosquito-borne disease, and with two mobile units for State-wide use is considered most desirable. Effective operation would require the expenditure of approximately $500,000 per annum.

(21) A program of State promotion of local districts with technical field staff and mobile demonstration units would possibly accomplish good results if enough time were allowed. This would be less effective than a program including subventions. The cost would be about $75,000 per annum.

(22) Formation of mosquito abatement districts under the existing act and with the restrictions of the District Investigations Act of 1933 is extremely difficult and cumbersome and causes delay in working out any program. This should be remedied, by amendments to both the Mosquito Abatement Chapter of the Health and Safety Code and the District Investigations Act of 1933.

Recommendations

It is recommended that:

(1) A Program of Mosquito Abatement be planned and developed for all sections of the State now having mosquito-borne disease problems.

(2) Subventions be made to local agencies meeting minimum standards for personnel and operation on an equal matching basis.

(3) A sum of $500,000 per year be made available to carry out this project including the following items:

	First Year	*Second Year*
Training Program	$12,000 00	----------
Administration	50,000 00	50,000 00
Equipment for Mobile Units	8,000 00	1,600 00
Field Personnel	15,000 00	15,000 00
Materials and Supplies	2,000 00	2,000 00
Transportation	2,000 00	2,000 00
Travel Expense	8,000 00	8,000 00
Contingencies	3,000 00	3,000 00
Subventions to Local Agencies	400,000 00	418,400 00
	$500,000 00	$500,000 00

(4) A plan be developed for quick assembly of State and local health and mosquito abatement agencies for work in any area affected by imported mosquito-borne disease such as malaria and Japanese "B" encephalitis.

(5) The Mosquito Abatement Chapter of the Health and Safety Code be amended to provide a procedure for initiation of formation proceedings by resolution of the county board of supervisors.

(6) The District Investigations Act of 1933 be amended to provide that it does not apply to mosquito abatement districts.

REPORT

Introduction

This report is prepared in accordance with Senate Concurrent Resolution No. 11, adopted in the Senate June 12, 1944, and in the Assembly June 13, 1944. The resolution reads as follows:

> **Senate Concurrent Resolution No. 11**—Relating to the investigation of the malaria hazard in California.
>
> WHEREAS, Records show that malaria has been endemic in California since the earliest settlers arrived; and
>
> WHEREAS, Anopheline mosquitoes, which are the vector of malaria, are widespread in the State, being especially prevalent in the irrigated areas of the great Central Valley; and
>
> WHEREAS, The State Department of Public Health and the University of California started the control of malaria and of Anopheline mosquitoes more than 30 years ago and have continued to foster the development of mosquito control through local agencies, particular mosquito abatement districts under an act of the Legislature in the year 1915, all of which has resulted in a marked control of malaria in peacetime; and
>
> WHEREAS, The returned of the armed forces from tropical theaters of war is and will continue to be a threat to the public health of the people of California, because of the high incidence of malaria infection among discharged personnel and convalescents on furlough; and
>
> WHEREAS, The normal measures for the control of malaria may become insufficient under war or postwar conditions; now, therefore, be it
>
> *Resolved, by the Senate of the State of California, the Assembly thereof concurring*, That the Director of the State Department of Public Health is hereby respectfully urged to consider existing and alternative methods of mosquito control and abatement, including an evaluation of the comparative effectiveness, feasibility and cost of each such alternative method and to submit a report and his recommendations to the Governor and to the Legislature not later than the Fifteenth Legislative Day of the Fifty-seventh Regular Session of the Legislature; and be it further
>
> *Resolved*, That the Secretary of the Senate is hereby directed to forward a copy of this resolution to the Director of the State Department of Public Health.

This report is concerned with the threat to the public health of the people of California from mosquito-borne diseases now existing in the State and those which may be introduced hereby returning military personnel. The discussion of disease hazards will, therefore, be divided into two parts, the first dealing with malaria and the second with all other mosquito-borne diseases which have been or may be introduced into California. Time has not permitted a detailed study of "existing and alternative methods of mosquito control and abatement," but from department records and conferences with local officials, sufficient data have been obtained to make this report.

Malaria

Malaria is the best known mosquito-borne disease, and annually affects over 20,000,000 people throughout the world. The malarious areas are widespread within the Tropic and Temperate Zones. The theaters of war in the Pacific are all located in highly endemic areas. In the early days of the war, malaria in these areas caused more casualties than those

from actual battle, and practically every military person was affected with the disease. The Army and Navy, in order to make their military efforts effective, have instituted anti-malarial campaigns including mosquito control, thus reducing the incidence of malaria among certain overseas military units from approximately 960 per 1,000 to 40 per 1,000. This reduction is important as the number of potential malaria carriers returning to this State has been greatly reduced.

This history of malaria in California clearly indicates that the control of mosquito breeding, a general improvement of irrigation practices in the use of water, and improvement in housing conditions of the people have reduced the importance of this disease locally, thus eliminating the

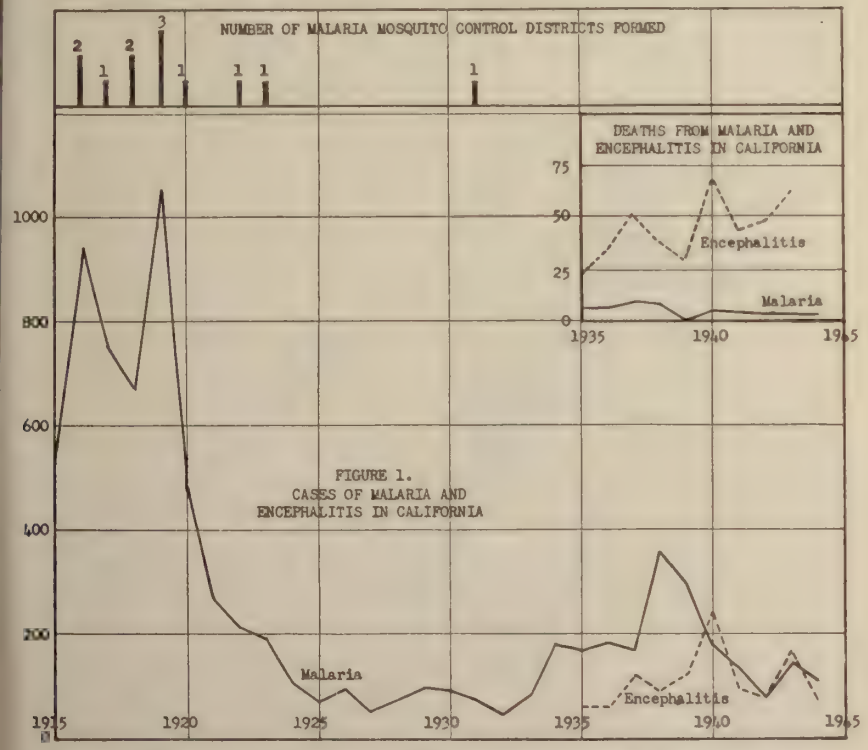


FIGURE 1.
CASES OF MALARIA AND
ENCEPHALITIS IN CALIFORNIA

important foci of infection. To justly appreciate the effect of this change in the malaria history, it is wise to consider the habits of the malaria-carrying mosquito *(Anopheles freeborni)* in California. The female of this species, before it can lay its eggs, must have a blood meal, and obtains it by biting an animal or human. As a result of this biting habit, malaria is transmitted from one human to another. Recent extensive laboratory studies have shown that about 4 per cent of the mosquitoes with blood meals have ingested human blood, 60 per cent have ingested bovine blood, and the remainder had blood from other animals, or gave indefinite reactions.

During the Gold Rush Days, the miners lived in the open, close together on the stream banks, and there were very few domestic animals. The female mosquitoes, therefore, had to get most of their blood meals from humans, and this may have been one of the reasons why malaria was hyper endemic.

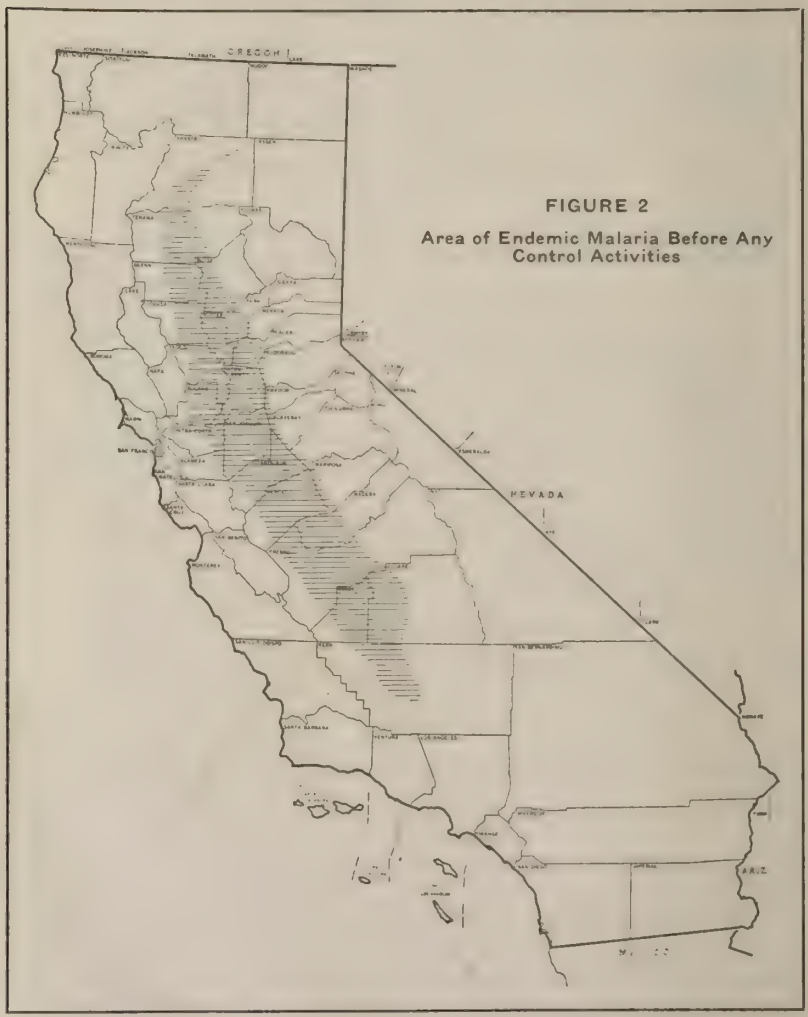


FIGURE 2

Area of Endemic Malaria Before Any Control Activities

With the advent of agricultural development and the careless use of water for irrigation, malaria remained prevalent. Later, the use of irrigation water became better controlled, and the breeding of mosquitoes was reduced. With the introduction of stock grazing, mosquitoes had

more opportunity to bite animals than humans. Along with these changes, anti-malarial control measures were undertaken in highly endemic areas of the State, eliminating many foci of infection. The accompanying graph (Figure 1) shows the number of malaria cases and the number of malaria control districts formed, by years. The map (Figure 2) shows areas of the State formerly having the highest incidence of malaria.

The small outbreaks of malaria occurring during the past 10 years were due to the importation of infected carriers from other States along with migration of agricultural workers to certain areas in this State. These outbreaks were due in part to poor housing conditions of the persons affected. All outbreaks occurred in areas having no mosquito abatement program. Here we have an example of malaria carriers entering unprotected areas in California, and causing small localized outbreaks but no widespread epidemic.

MALARIA HAZARD FROM RETURN OF ARMED FORCES

The return of large numbers of the armed forces from overseas theaters of war will greatly increase the number of malaria carriers in the State. Studies by the United States Public Health Service have demonstrated that our local Anopheline mosquitoes can transmit imported malaria and hence are a definite threat to the public health. Their studies are continuing. In California, any increase in malaria would be expected in the great Central Valley where the disease was formerly endemic. Protection against this malaria hazard can be best provided by an expansion of present activities in malaria and mosquito control.

MALARIA CONTROL IN WAR AREAS PROGRAM

As a protection to the personnel of military establishments in endemic malaria areas, the United States Public Health Service, under the direction of the State Department of Public Health and in co-operation with the Army and Navy, has undertaken active anti-malarial control programs around these establishments. The program is known as Malaria Control in War Areas (MCWA).

The control of Anopheline or malaria-bearing mosquitoes is confined to malarious areas contiguous to military establishments, areas where large numbers of military personnel congregate, and areas adjacent to essential war industries or essential war housing.

Operations of Malaria Control in War Areas in California were first undertaken in August, 1942, when the State Office was organized in the Bureau of Sanitary Engineering, after an intensive survey of war areas was instituted to determine where active malaria control operations should begin.

Control operations were undertaken by MCWA in September, 1942, in one-mile zones about the Visalia and Porterville Army Air Fields in Tulare County and the Merced Army Air Field at Merced. At approximately the same time, inspectional service to determine the presence and numbers of *Anopheles freeborni* (the California malaria vector) mosquitoes was begun about the Rankin and Sequoia Army Flight Instruction Schools in Tulare County; the Army Hammond General Hospital at Modesto; and the Yuba City-Marysville Area, the recreational center for nearby Camp Beale. The inspectional service about the Hammond

General Hospital and at Marysville subsequently showed the presence and breeding of *A. freeborni* in sufficient quantities to constitute a potential malaria hazard and anti-Anopheline control was begun about these locations in March and April of 1943. The Army De Witt General Hospital at Auburn was completed for occupancy in January, 1944. Inspectional surveys about the hospital during the fall of 1943 showed the breeding and presence of malaria vectors here in sufficient numbers to constitute a potential hazard in view of the probability of malaria cases being hospitalized there and the epidemic history of malaria in this region. Anti-Anopheline control measures were begun in the mile zone about this hospital in November, 1943. In June, 1943, anti-Anopheline work was discontinued about the Army Air Fields in Tulare County due to the failure to show the presence of *A. freeborni* in sufficient numbers to constitute a malaria problem.

In line with the problems arising due to returning malaria carriers in military personnel and carriers in prisoner-of-war camps, the MCWA established in February, 1944, two Mobile Malaria Control Units to operate in California. One has operated in Northern California and the other in Southern California during 1944. Each of these units has been under the direction of a commissioned United States Public Health Service entomologist. They have consisted of a small crew with a truck equipped to undertake limited control about the general hospitals and prisoner-of-war camps where malaria vectors have been present in appreciable numbers.

The control program has consisted of larviciding with Diesel oil or paris green and minor and major drainage of water areas. The effectiveness of the larviciding work has been continuously checked by inspectors assigned to each control zone.

The MCWA Program in California is an integral part of the State Department of Public Health, and all work done by its men is in cooperation with the local health officers in each area in question. Six United States Public Health Service officers, three office workers, and a field crew of four area supervisors, four area inspectors, and a varying number of laborers, depending on the season, are employed on this program. Since the inauguration of the work, 42 military areas have been carefully surveyed for the presence of *Anopheline freeborni*. Anopheline control procedures have been carried on in 17 of these war areas.

Other Mosquito-borne Diseases

In the present Pacific War Theater our Soldiers and Sailors are now being exposed to other mosquito-transmitted diseases, including yellow fever, dengue fever, filariasis and, as the Pacific Theater moves forward, our men will move into an area where Japanese "B" encephalitis is endemic and where many severe epidemics have occurred. Japanese "B" encephalitis is a type of insect-borne virus disease closely related to the Western equine type and the St. Louis type of encephalitis which have been recognized in California within the last 15 years. Other virus infections which might be introduced into California are the Eastern equine type and the Venezuelan type of encephalitis.

YELLOW FEVER AND DENGUE FEVER

Although yellow fever and dengue fever are important in the Pacific Area, these two diseases are transmitted by mosquitoes not known

to be present in California. Hence, it is assumed there is no threat to the public health of the people of California from these two diseases.

FILARIASIS

Filariasis which, as a result of repeated infections, develops into elephantiasis, has been the cause of many fears among our Service Men in the Pacific Area. Infected military people are hospitalized and returned to this Country immediately. Several common species of our ordinary so-called pest mosquitoes are capable of transmitting this disease. Thousands of these cases have been returned to this Country but as yet there is no knowledge of the transmission of the disease from these cases. The infective agent in this disease is a worm which develops in the lymph glands and the larvae of these worms enter the peripheral blood-stream and only when present there can this disease be transmitted by mosquitoes. Several thousand returned patients have been tested, but, in an exceedingly small number of cases have larval forms of the worm been found in the peripheral bloodstream. Filariasis cases are kept under careful observation by the Medical Departments of the Army and Navy and most of them are considered non-infective. Hence, filariasis brought to California by returning military personnel is not considered to be a public health threat.

ENCEPHALITIS

Studies carried out in the past few years indicate the method of spread and the animal hosts of Western equine and St. Louis types of encephalitis. Because of the great public health importance of these two diseases in California, they will be discussed in some detail.

The Western equine type was previously thought to affect only horses, but studies of recent outbreaks in the San Joaquin and Sacramento Valleys have shown that this disease also may be transmitted to man. In human cases, the early symptoms are familiar to poliomyelitis. Many investigators believe that about 25 per cent of the cases diagnosed as poliomyelitis are in reality cases of encephalitis.

Mosquitoes have been known for some time to be capable of transmitting the encephalitis viruses in the laboratory, but in 1943 it was demonstrated for the first time in Kern County, California, that mosquitoes were infected in nature and those species found infected were capable of transmitting the disease. Mosquitoes were demonstrated repeatedly to be infected. At the same time it was demonstrated that domestic fowl and other birds are the common source of mosquito infection, although these birds show no evidence of infection. Extensive field and laboratory studies of these infections are being continued by research workers of the Hooper Foundation, University of California Medical School. Our knowledge at the present time definitely incriminates as vectors several species of the common so-called "pest" mosquitoes of California, particularly *Culex tarsalis*. *Culex pipiens, Aedes dorsalis,*

Culiseta inornata, and *Anopheles freeborni* have all been found infected in nature. Most of these mosquitoes breed in greatest numbers in foul waters, such as cesspools, sewer farms, dairy barn, and farm drainage.

Although domestic and wild fowl, acting as a reservoir, are not affected by this disease, mosquitoes biting these fowl may transmit it to larger animals or human beings, causing equine encephalomyelitis in horses and encephalitis in humans. It has been definitely proved that the mosquitoes do not transmit the virus from one large animal to another or to a human but must pick up the virus from a fowl. The accompanying tables (Table I and Table II) show the number of human cases of encephalitis in California in recent years. The disease occurs in all sections of the State. The highest incidence has been reported in 16 counties of the Sacramento-San Joaquin Valleys, as shown on the map (Figure 3).

EQUINE ENCEPHALOMYELITIS

Although not of public health importance, the loss of live stock is of economic importance and should be considered. For this reason, data relative to the incidence of cases of equine encephalomyelitis in California and the United States are given in the accompanying table (Table III). The economic loss to the State is considerable. Fortunately, a successful animal vaccine against this disease has been developed and since its use the number of animal cases has been reduced. It is important to note that human vaccines have not commonly been used.

JAPANESE "B" ENCEPHALITIS

In the study of encephalitis in California, the types found in other areas also have been studied. These studies brought out that the Japanese "B" encephalitis occurring in Japan and Eastern Asia, is caused by a virus similar in certain ways to the strains found in California. This disease is also transmitted by many species of mosquitoes, some of which are commonly found in California. With this virus the reservoir for the disease is the human carrier or large animal. On the eighth to tenth day after a person is bitten by an infectious mosquito, he carries the virus in his bloodstream and is a potential source of mosquito infection. He may or may not become ill. Prior to the advent of rapid transoceanic transportation, this disease would have been of no consequence, as the period during which the virus circulates would have been completed before the patient could arrive in this Country. With trans-Pacific crossings by airplane in a few days, it is possible for infected persons to enter this Country without the disease being recognized. With the presence of uncontrolled mosquitoes capable of transmitting this disease, a definite threat to public health of California people might exist. Should this strain of encephalitis be introduced, the results might well become catastrophic. This disease has a high fatality rate. Its presence in Japan was reported as early as 1900. More than half the cases of the Tokyo epidemic of 1924 were fatal, 6,000 cases being reported, with 3,797 deaths.

Table I—Cases of Human Encephalitis Reported in California, 1935-1944, by Counties

County	*1935*	*1936*	*1937*	*1938*	*1939*	*1940*	*1941*	*1942*	*1943*	*1944*
Alameda	5	8	7	5	4	2	3	2	11	7
Alpine	--	--	--	--	--	--	--	--	--	--
Amador	--	--	--	--	--	--	--	--	--	--
Butte	—	2	—	1	2	2	2	—	5	—
Calaveras	--	--	--	--	--	--	--	--	--	2
Colusa	—	--	--	1	--	1	--	--	1	--
Contra Costa	4	3	—	1	1	1	2	1	4	3
Del Norte	--	--	--	--	--	--	1	--	--	--
El Dorado	--	--	--	--	1	--	--	--	--	--
Fresno	5	8	31	21	23	45	20	11	24	8
Glenn	--	--	1	--	--	--	1	1	--	1
Humboldt	1	2	--	--	--	--	--	--	--	--
Imperial	--	--	2	--	1	--	--	--	1	2
Inyo	--	--	--	--	--	--	--	--	--	--
Kern	1	—	3	18	37	53	10	26	25	9
Kings	2	--	--	1	1	3	10	5	13	2
Lake	--	--	--	--	--	--	--	--	--	--
Lassen	--	--	--	--	--	--	--	--	--	--
Los Angeles	3	1	7	4	3	5	1	6	5	3
Madera	--	--	1	1	8	1	1	--	5	1
Marin	--	--	--	1	--	--	1	--	1	1
Mariposa	--	--	--	--	--	--	--	--	--	--
Mendocino	--	--	2	--	1	--	1	--	--	--
Merced	3	1	3	2	8	7	1	1	2	1
Modoc	1	1	--	--	--	--	--	--	--	--
Mono	--	--	--	--	--	--	--	--	--	--
Monterey	--	1	--	1	--	2	--	--	1	1
Napa	--	2	--	--	1	--	1	--	--	--
Nevada	--	--	--	--	--	--	--	--	--	--
Orange	--	1	--	1	--	--	--	--	--	--
Placer	--	--	1	--	--	--	--	1	1	--
Plumas	--	--	--	--	--	--	--	--	--	--
Riverside	--	2	--	12	2	--	--	--	1	--
Sacramento	6	--	5	1	2	16	2	2	8	11
San Benito	--	--	--	--	--	--	1	--	--	--
San Bernardino	1	1	3	4	1	2	2	1	1	1
San Diego	5	2	5	1	1	1	2	2	--	1
San Francisco	12	7	6	6	2	14	1	3	1	1
San Joaquin	3	8	6	4	6	10	4	7	14	2
San Luis Obispo	--	1	--	1	--	--	1	--	1	--
San Mateo	--	1	2	1	3	5	--	--	--	--
Santa Barbara	2	2	--	--	1	--	--	--	2	1
Santa Clara	2	5	6	3	2	1	2	1	1	4
Santa Cruz	--	--	--	--	1	3	1	--	1	1
Shasta	--	1	--	--	--	1	1	--	--	--
Sierra	--	--	--	--	--	--	--	--	--	--
Siskiyou	--	--	--	--	--	1	--	--	--	--
Solano	2	2	--	1	--	1	--	1	3	2
Sonoma	1	1	3	1	--	--	1	--	1	--
Stanislaus	1	--	3	--	1	2	--	1	8	1
Sutter	--	--	--	1	3	10	1	2	2	2
Tehama	--	--	--	--	--	--	--	--	--	--
Trinity	--	--	--	--	--	--	--	--	--	--
Tulare	1	2	21	2	5	36	21	6	5	4
Tuolumne	--	--	--	--	--	--	--	--	--	--
Ventura	--	--	--	--	--	1	1	1	1	--
Yolo	5	--	3	--	3	13	--	--	20	4
Yuba	--	2	2	--	1	4	2	1	3	2
California (not allocated to any County)	--	--	--	2	1	2	3	--	--	--
Total Cases	66	67	123	98	126	245	101	82	172	78
*Total Deaths	23	34	51	38	30	68	43	48	63	?

* NOTE.—Deaths are not necessarily from among the cases of the same year. Encephalitis cases may not terminate in death until several years after the first illness reported under cases.

Table II—Cases of Human Encephalitis Reported in California, 1935-1944

By Age Groups

Age Groups	*Year* 1935	1936	1937	1938	1939	1940	1941	1942	1943	1944
Under 1 year	1	--	2	4	7	37	3	3	16	4
1-4 years	2	4	15	13	18	35	15	8	28	14
5-9 years	1	1	15	7	22	25	10	8	10	11
10-14 years	5	4	12	10	11	19	11	15	15	7
15-19 years	5	9	11	8	16	18	13	7	9	4
20-24 years	8	6	10	6	6	15	7	9	13	6
25-34 years	11	11	11	11	16	31	20	16	20	9
35-44 years	12	9	14	15	14	15	6	5	13	7
45-54 years	12	14	20	12	5	20	6	7	21	3
55-+ years	9	9	13	10	10	26	9	3	25	9
Adult	--	--	--	2	--	--	--	--	1	2
Not stated	--	--	--	--	1	4	1	1	1	2
Total cases	66	67	123	98	126	245	101	82	172	78

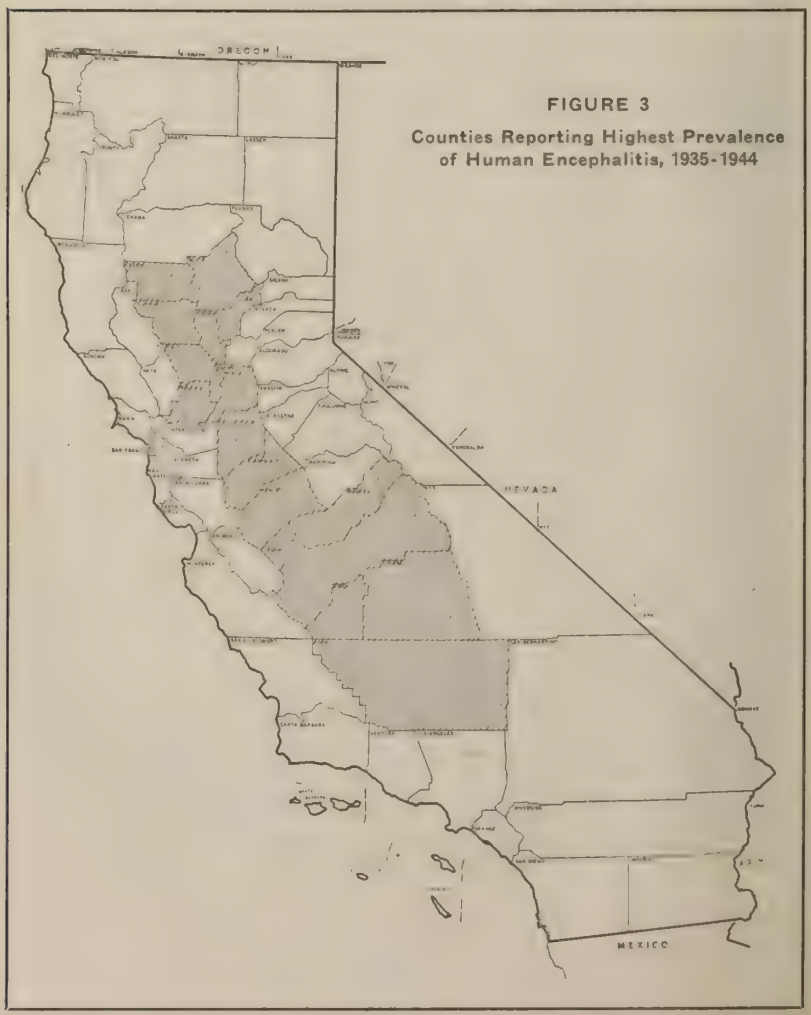


FIGURE 3

Counties Reporting Highest Prevalence of Human Encephalitis, 1935-1944

By Months

Months Reported	*1935*	*1936*	*1937*	*1938*	*1939*	*1940*	*1941*	*1942*	*1943*	*1944*
January	5	7	5	5	4	10	6	3	1	3
February	1	6	1	3	2	6	3	1	4	5
March	--	6	6	7	4	4	5	9	5	8
April	3	1	5	4	5	5	3	6	4	8
May	5	1	4	2	4	11	10	2	2	4
June	2	4	5	6	4	19	4	5	12	5
July	6	8	9	11	18	79	4	5	30	5
August	6	11	24	15	32	43	15	6	45	10
September	9	12	45	19	17	37	22	11	32	5
October	12	8	13	11	21	17	21	14	15	18
November	5	3	2	11	11	8	2	14	10	3
December	12	--	4	4	4	6	6	6	12	4
Total cases	66	67	123	98	126	245	101	82	172	78

Table III—Equine Encephalomyelitis in California and the United States

From Animal Reports, United States Department of Agriculture Bureau of Animal Husbandry

California

Year	*Horses and Mules in Affected Area*	*Horses and Mules Affected*	*Cases per 1000 Horses and Mules*	*Total Deaths*	*Deaths per 100 Affected Animals*	*Months of First Case*	*Months of Last Case*
1935	-------	?	--	---			
1936	-------	few	--	---			
1937	-------	305	--	---	30.		
1938	142,300	491	3.5	---	16.1		
1939	196,500	493	2.5	166	33.		
1940	209,800	732	3.5	242	33.	Feb.	Oct.
1941	78,992	322	4.1	111	34.	June	Oct.
1942	159,910	267	1.7	90	34.	May	Nov.
1943	160,540	760	4.7	206	27.	May	Oct.

United States

Year	*Horses and Mules Affected*	*Cases per 1000 Horses and Mules*	*Total Deaths*	*Deaths per 100 Affected Animals*
1935	23,512	--	--	--
1936	3,929	--	--	--
1937	173,889	--	--	--
1938	184,662	--	--	--
1939	8,008	1.1	2,471	30
1940	16,947	2.6	4,187	25
1941	36,872	6.1	8,210	28
1942	4,939	1.0	1,334	30
1943	4,768	1.1	1,622	30

EASTERN EQUINE AND VENEZUELAN ENCEPHALITIS

Other types of encephalitis may be imported to California, and may be also transmitted by our common mosquitoes. They include the eastern equine type found originally in eastern United States but recently found in Texas; and the Venezuelan type. Both of these diseases are similar to those types already in California but their effects are more vicious.

PREVENTION OF ENCEPHALITIS

The only possible method for prevention of the spread of the various types of encephalitis now known is through mosquito control, since safe vaccines or chemical prophylactics are not available for humans. Mosquito control for the prevention of these diseases is without precedent. Due to recent discovery of the method of transmission of these diseases, mosquito control for this purpose would be amply justified.

Activities of Mosquito Abatement Agencies in California

Mosquito control and abatement methods used in California are all based on the elimination of larvae breeding. Larvae are the immature forms of the mosquito. The elimination of breeding areas by drainage, filling, or diking is well established, and is generally used where permament control is desired. If breeding areas can not be eliminated, then breeding must be controlled by the use of larvicides (including oil), fish, or otherwise making the body of water unsuited for the development of mosquitoes. In addition, individuals may protect themselves from mosquito bites by screening doors and windows and using sprays indoors. This attack by individuals on adult mosquitoes has little or no effect on the

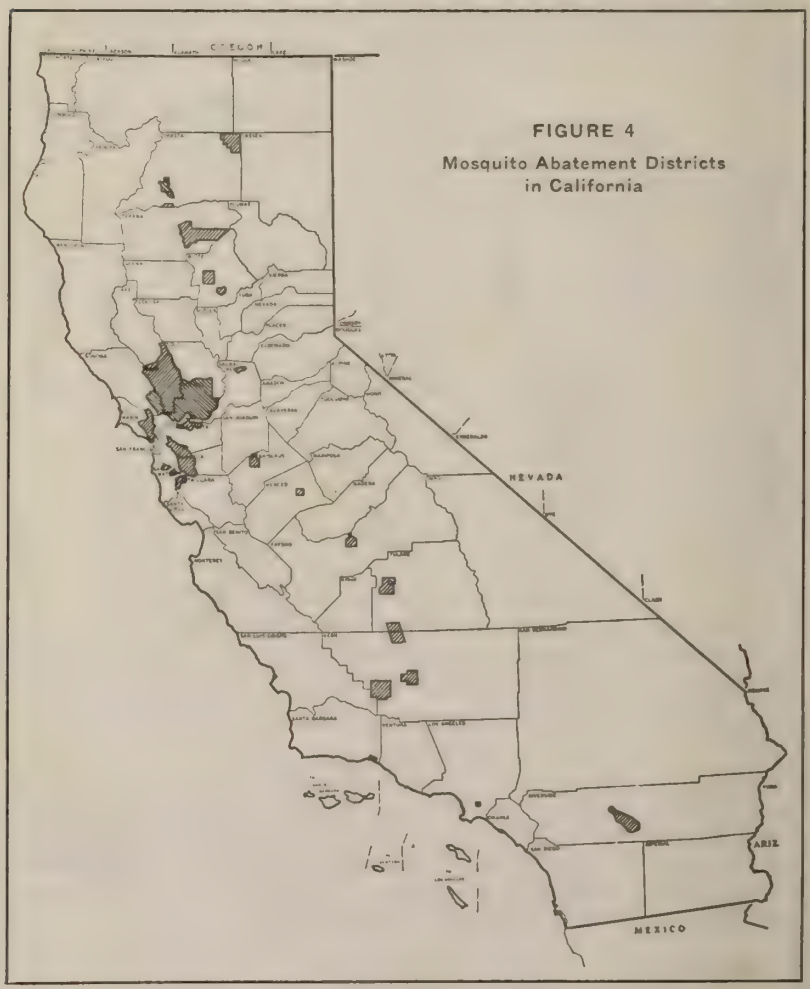


FIGURE 4

Mosquito Abatement Districts in California

mosquito population of the area, but if universally practiced, can reduce mosquito-borne diseases.

There have been no recent changes in these basic methods, except for recent developments by the Army and Navy which have been successfully used for mosquito control. Included are new repellents, the aerosal spray, and D.D.T. (Dichloro-diphenyl-trichloroethane). These materials are not available now for civilian use. Only D.D.T. appears to have value for mosquito control in large areas. Since D.D.T. has not been available, no investigations have been made to study its adaptability for this purpose in California. It is hoped that D.D.T. will be available in 1945 for experimental use here. Due to its residual toxic effect, when sprayed on buildings, D.D.T. may offer an effective method of adult mosquito control. Its use in this manner will be exceedingly valuable in controlling localized outbreaks of mosquito-borne diseases. Other than this emergency use of D.D.T., no changes in mosquito control methods can be expected before the end of the war.

Twenty-six mosquito abatement districts, two pest abatement districts and at least ten health departments are doing mosquito control work in California. The accompanying map (Figure 4) shows the location of abatement programs in California, and brings out the small areas encompassed compared to the area of the county in which each is situated.

Twelve districts, all in the Sacramento and San Joaquin Valleys, were organized for malaria control, but have also carried on work against pest mosquitoes. One small district in Sacramento County has become inactive because malaria is no longer a problem, and income from taxes is not sufficient to carry on effective control of pest mosquitoes. The map (Figure 2) shows the widespread distribution of the *Anopheles* vector of malaria transmission in the Central Valleys where malaria was formerly endemic.

The effectiveness of the work done in each area varies with the available funds, the interest of the taxpayers and the interests of the trustees and employees. In general, it may be concluded that districts in sections of the State where malaria was formerly endemic have effectively controlled the disease, and those around San Francisco Bay and in other sections having pest mosquito control problems have, in most cases, obtained satisfactory control. In all districts property values have increased, and the health and comfort of the residents have been materially benefitted.

Data on the districts are given in the accompanying table (Table IV) showing area, population, assessed valuation and annual budget.

The problems of mosquito abatement are so complex that they are not subject to simple analysis. For example, costs per square mile, per person, per $100 assessed valuation, or any other basis are not comparable. The density of population, the irrigated area, the cost of water, and the habits of the people are all extremely variable in these districts. The biting and breeding habits of mosquitoes found in each area and even the standards of comfort of the people, play a large part in determining the control program and its cost.

Table IV—Data Relating to Mosquito Control Districts of California

Name	*County*	*Year Organized*	*Area, Square Miles*	*Population*	*Assessed Valuation*	*Tax Rate per $100*	*Budget*	*Cost per sq. Mile*	*Cost per Capita*	*Personnel*
Alameda County	Alameda	1930	320	550,000	$486,800,000 00	$0.01	$47,050 00	$147 00	$0.086	11
Anderson	Shasta	1919	11	1,500	600,000 00	0.15	860 00	78 00	0.57	1
*Carpinteria	Santa Barbara	1937	10	2,500	4,800,000 00	0.03	3,100 00	310 00	1.24	1
Clear Creek	Shasta	1920	32	1,500	1,800,000 00	0 42	1,500 00	47 00	1.00	2
Coachella Valley	Riverside	1928			Activities restricted to gnats only					
Compton Creek	Los Angeles	1929	25	25,000	14,500,000 00	0.0553	7,950 00	318 00	0.32	2
Contra Costa No. 1	Contra Costa	1927	131	52,000	54,000,000 00	0.024	14,000 00	107 00	0.27	3
Cottonwood	Shasta	1919	14	500	700,000 00	0.11	770 00	55 00	1.54	1
Delano	Kern	1944	350	40,000	14,000,000 00	0.06	8,000 00	23 00	0.20	4
Delta	Tulare	1922	27	20,000	10,600,000 00	0.085	10,200 00	380 00	0.51	5
Doctor Morris	Kern	1916	82	75,000	55,900,000 00	0.07	40,000 00	490 00	0.53	10
Durham	Butte	1918	56	1,000	2,600,000 00	0.093	3,000 00	54 00	3.00	1
*East Side	Stanislaus	1939	90	35,000	28,400,000 00	0.10	26,420 00	292 00	0.76	10
Fair Oaks	Sacramento	1918	6	Inactive						
Fresno	Fresno	1942	47	100,000	85,000,000 00	0.06	50,000 00	1,060 00	0.50	8
Los Molinos	Tehama	1917	180	1,700	2,000,000 00	0.15	3,000 00	17 00	1.76	3
Marin County	Marin	1915	181	75,000	45,400,000 00	0.035	16,400 00	91 00	0.22	3
Matadero	Santa Clara	1918	74	32,000	32,000,000 00	0.036	15,000 00	203 00	0.47	4
Merced	Merced	1923	90	16,000	13,000,000 00	0.10	14,000 00	156 00	0.87	3
Napa	Napa	1925	787	42,000	26,100,000 00	0.015	3,900 00	5 00	0.09	3
Oroville	Butte	1916	12	8,500	4,100,000 00	0.103	4,200 00	350 00	0.50	2
Pine Grove	Shasta	1931	210	1,000	4,000,000 00	0.08	3,250 00	15 00	3.25	3
Pulgas	San Mateo	1916	96	40,000	42,100,000 00	0.0232	13,000 00	135 00	0.32	3
Redding	Shasta	1919	4	12,000	4,400,000 00	0.15	8,400 00	2,100 00	0.70	7
Solano County	Solano	1930	911	110,000	65,000,000 00	0 035	16,200 00	18 00	0.15	6
Sonoma	Sonoma	1917	216	8,000	5,100,000 00	0.06	3,000 00	14 00	0.38	1
Three Cities	San Mateo	1915	90	45,000	49,000,000 00	0.029	14,000 00	156 00	0.31	5
Tulare	Tulare	1944	160	20,000	15,300,000 00	0.15	20,230 00	126 00	1.01	5
West Side	Kern	1931	433	25,000	78,000,000 00	0.02	15,600 00	36 00	0.62	6
Totals			4,645	1,339,200	$1,145,200,000 00		$363,030 00			

* Note.—Pest Abatement District.

Alternative Mosquito Control Program

Without detracting in the least from present malaria programs aimed at the control of Anopheline mosquitos and in fact urging improvement in these programs, it is important to pay attention to the recent incrimination of several common species of mosquitoes in the spread of human encephalitis and animal encephalomyelitis in California. Hence, control programs now need to be put on a broader base. So far as the cases of human encephalitis are concerned, the highest rates are reported in 16 counties of the Sacramento and San Joaquin Valleys. A large portion of the program should operate in these counties. It has already been shown that existing control programs on a limited scale are carried on in 10 of the 16 valley counties where human encephalitis is most prevalent. Current expenditures for mosquito control within these 10 counties amount to approximately $281,000 per year. Of this amount, $214,000 are expended by local districts and $67,000 by the United States Public Health Service through its Malaria Control in War Areas Program. These sums do not permit more than an incidental gain in combatting encephalitis. A radical expansion is needed to obtain control of the mosquito vectors of this disease.

State-wide Mosquito Control

State-wide and State-operated mosquito control has been suggested from time to time by various persons, but this is an unnecessary, impracticable, costly, and hence undesirable project. The cost could hardly be less than $5,000,000 per annum, and might reach $10,000,000; under present conditions, the results which could be obtained would not justify such costs. Furthermore, experience indicates that local participation in carrying a large share of the costs of mosquito abatement, and in carrying on the work through local official agencies, has many advantages in practicality and expediency over State-operated abatement, even in emergencies. The proposals made herein therefore contemplate the fullest possible use of the facilities, personnel, and financial resources of local agencies, with supplemental aid from State funds, and with technical and administrative advice and supervision from the State to insure adequate coverage of the problem, and adequate results.

State-Operated Mosquito Control

A State-operated Mosquito Control Program has been considered for areas having the highest reported incidence of mosquito-borne disease. In this area, comprising the great Central Valley of the State, 11 mosquito abatement districts are now carrying on control work. The districts' activities are limited to small areas and outside these small areas no control work is done. A State-operated program might either take over all of the work in the area including that of the existing districts or supplement that work. In either case, friction would almost certainly occur due to parallel organizations, overlapping jurisdiction, and other vexatious problems. The cost to the State would approximate $850,000 per year. This project is not considered advisable.

Proposed Mosquito Control Program

It is concluded that State funds in the order of $500,000 per year are needed to extend present malaria control work and to offer prospects of control of human encephalitis in California. The main elements of the

program comprise (1) an intensified Training Program for Supervisory Personnel, (2) promotion and guidance of the program by a small State administrative force, and (3) an allotment of control funds through subventions to existing or newly formed public agencies. The estimated cost of this program for the first two years is as follows:

	First Year	*Second Year*
Training Program	$12,000 00	$
Administration	50,000 00	50,000 00
Equipment for Mobile Units	8,000 00	1,600 00
Field Personnel	15,000 00	15,000 00
Materials and Supplies	2,000 00	2,000 00
Transportation	2,000 00	2,000 00
Travel Expense	8,000 00	8,000 00
Contingencies	3,000 00	3,000 00
Subventions to Local Agencies	400,000 00	418,400 00
	$500,000 00	$500,000 00

Such a program is proposed and should be undertaken on a continuing basis. The first year the actual control measures would be largely larvicidal and of temporary value. In succeeding years, permanent measures of control such as drainage would increase. Experience in mosquito control in California indicates a gradual reduction in annual cost of control after original equipment is purchased and permanent works are constructed.

With respect to protecting the State against imported mosquito-transmitted disease, Japanese "B" encephalitis is one of the most fearsome. The threat is as yet in a speculative stage. Nevertheless, the plague-like consequences of the disease are such that the opinion of experts is that agencies with facilities for mosquito control should be made ready to roll into action within 24 hours after the virus of the disease is detected in this State. The program outlined above for meeting the prevailing hazards of mosquito-borne disease, supplemented, of course, by local aid, should provide such an action agency which could be thrown quickly into combat against any of the imported and highly dangerous mosquito-borne diseases.

State Promotion of Local Districts

The State has been carrying on through the State Department of Public Health and the University of California limited activities in the promotion of mosquito abatement districts. This work might be expended with technical field staff and mobile demonstration units and would possibly accomplish good results after several years. The cost would be about $75,000 per year. This program is considered less desirable than the program proposed above.

Laws Relating to Mosquito Abatement Districts

Chapter 5 of the Health and Safety Code provides for the organization and management of mosquito abatement districts. The formation of a district can be initiated only by a petition signed by at least 10 per cent of the registered voters, based on the votes cast at the last Gubernatorial election. After suitable hearings before the county board of supervisors, the district may be formed. Proceedings would be simplified and time

saved in emergencies if the county board of supervisors could by resolution initiate the formation of a district. Precedent has been established in the formation of sewer maintenance and county sanitation districts (See Health and Safety Code, Sections 4871 and 4710). Appropriate legislative action should be taken.

The District Investigations Act of 1933 (Act 2119, Deering's General Laws 1941) requires detailed investigation for the information of property owners prior to the formation of certain districts, including mosquito abatement districts. This has delayed formation of several new districts. Hearings must be held before the county board of supervisors in advance of the formation of a new mosquito abatement district and it seems ample opportunity is thus given for protests by property owners. In several other kinds of districts the investigation is not required. A great stimulus to proposed districts would be given if the District Investigations Act were amended so it would no longer apply to mosquito abatement districts.

MOTION TO PRINT COPIES

Senator Rich moved that the Secretary of the Senate be directed to have 200 copies of the Report on Investigation of Disease Bearing Mosquito Hazard in California printed.

Motion carried.

MOTION TO PRINT IN JOURNAL

Senator Mayo moved that the Report of the California Commission on Interstate Cooperation, be printed in the Journal.

Motion carried.

CALIFORNIA COMMISSION ON INTERSTATE COOPERATION
SACRAMENTO 14, January 17, 1945

Honorable Frederick F. Houser
President of the Senate
State Capitol, Sacramento, California

ATTENTION: Mr. Joseph A. Beek, Secretary

DEAR MR. HOUSER: We transmit herewith the Report of the Activities of the California Commission on Interstate Cooperation as submitted by Chairman Robert W. Kenny, in order that the Legislature may have the report as required by Section 8009 of the Government Code.

Very sincerely yours

W. C. JACOBSEN, Executive Secretary

REPORT OF THE CALIFORNIA COMMISSION ON INTERSTATE COOPERATION

To the Governor and the Legislature

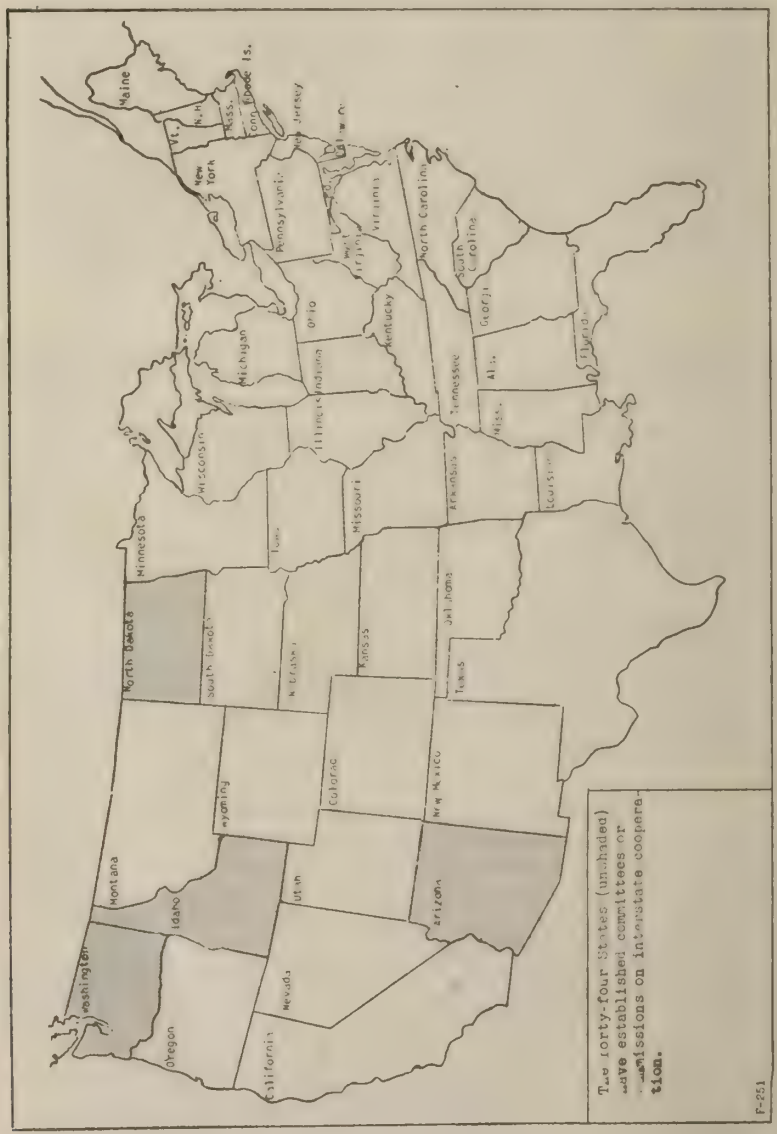
CALIFORNIA COMMISSION ON INTERSTATE COOPERATION
SACRAMENTO 14, January 15, 1945

To the Honorable Earl Warren, Governor,
And to the Legislature of the State of California

The California Commission on Interstate Cooperation, in accordance with the legislation establishing said commission, respectfully submits its report, covering the period from January 10, 1943, to this date.

During this period of time, the commission has engaged a major part of its activities in cooperating with the other States in promoting an all out war effort. In addition, it has contributed substantially to the development of sound and workable postwar plans both Nationally and within the Western Region.

ROBERT W. KENNY, Chairman



MEMBERSHIP OF THE COMMISSION ON INTERSTATE COOPERATION[1]

1943-1944

Hon. Earl Warren, Governor, Ex-officio member

Officers

Hon. Robert W. Kenny, Chairman
Senator Jesse M. Mayo, Vice Chairman
Hon. W. C. Jacobsen, Executive Secretary

Senate Members

Senator Randolph Collier — Senator Ed Fletcher
Senator R. R. Cunningham — Senator Thomas F. Keating
Senator Jesse M. Mayo

Assembly Members

Assemblyman Harrison W. Call — Assemblyman Gardiner Johnson
Assemblyman Harvey Hastain — Assemblyman Jack Massion
Assemblyman James E. Thorp

Administrative Members

Hon. James S. Dean — Hon. Warren T. Hannum
Hon. Gordon H. Garland — Hon. Robert W. Kenny
Hon. Charles H. Purcell

CREATION OF THE COMMISSION[2]

The California Commission on Interstate Cooperation was established in 1939 (Cal. Stats. 1939, Chap. 376). This act makes this State a participating member of the Council of State Governments, and is substantially identical to the uniform act under which similar commissions have been established in 43 other States. The present statutory authority of the commission is found in Title 2, Division 1 of the Government Code (Secs. 8000-8011).[3]

FIELD OF ACTIVITY OF THE COMMISSION

The primary function of the California Commission on Interstate Cooperation is to furnish a means whereby California can join with the 43 other States now having like commissions in dealing with interstate problems not coming within the purview of Federal jurisdiction, and which are so broad in scope as to not lend themselves to as effectual solutions if dealt with by the States individually. These involve—interstate compacts contemplated by Article I, Section 10 of the Constitution of the United States, the adoption of uniform and model legislation by the various States, promotion of regional programs beneficial to the States within the area, and reciprocal administrative acts or agreements. Participation in, and acting upon, such matters are among the goals which this commission seeks to accomplish in order to develop interstate unity among the States. In addition, this commission has aided in promoting a clearer understanding of many Federal-State problems.

The wisdom in establishing Commissions on Interstate Cooperation has been clearly demonstrated by the magnificent contribution of the

[1] Committee assignments and membership are listed at the end of this report.
[2] For prior prior report of commission, see Vol. 2, Appendix to Journals, Fifty-fifth Session (1943).
[3] The statutory provisions, set forth at length, are attached to this report.

States to the war effort through intergovernmental collaboration. In recent months this unity of action has been responsible for the preparation of sound and responsible programs in anticipation of the impacts of postwar demands.

The following will serve to illustrate how active the California Commission has been in realizing the goals of speeding victory and winning the peace.

CHRONOLOGICAL RECORD OF INTERSTATE CONFERENCES

The commission, in addition to its 11 regular meetings within California, participated in six interstate conferences during the past biennium. Some idea of the importance and variety of interstate problems considered is indicated by the group of conferences.

January 24-26, 1943—Baltimore, Maryland

SIXTH GENERAL ASSEMBLY OF THE COUNCIL OF STATE GOVERNMENTS

Four hundred and thirty-six officials from 40 States met to review the progress made by the States in contributing to the war effort, to further augment their activities in this field and to lay general plans for postwar. California was represented at this conference by Senators Ed Fletcher and Jesse Mayo; Assemblymen Harrison W. Call, and Ralph C. Dills; Gordon Garland, Director of Motor Vehicles, Attorney General Robert W. Kenny, and Dixwell Pierce, Secretary of the State Board of Equalization.

April 30-May 1, 1943—San Francisco, California

WESTERN REGIONAL CONFERENCE ON POSTWAR PROBLEMS IN THE STATES

Sixty-five representatives from six Western States participated in this conference which was one of four regional meetings devoted to the development of postwar plans. Governor Earl Warren and Attorney General Robert W. Kenny represented the California Commission in the discussions on the postwar development of natural resources, the administration of Governmental agencies in the postwar period, and methods to improve the operation of the State postwar agencies. In line with the action taken at the other regional conferences, five representatives were designated to serve on a 20-member Interstate Committee on Postwar Reconstruction and Development. Williard Keith, Director of the War Council, was named from California. Subsequently, he was replaced by Alexander R. Heron, Director of Reconstruction and Reemployment.

At the conclusion of addresses by Governor E. P. Carville of Nevada, Governor Earl Snell of Oregon, Governor Earl Warren of California, Attorney General Grover Giles of Utah, and Representative Clinton S. Harley of Washington, resolutions were adopted for the relief of the gold mining industry of the West, and for the compiling and furnishing of suitable information relating to the use of land.

October 1-2, 1943—San Francisco, California

WESTERN REGIONAL CONFERENCE ON POSTWAR PROBLEMS IN THE STATES

Thirty-five officials from six States met to review the work and recommendations of Interstate Committee on Postwar Reconstruction and Development[4] and to discuss such important topics as postwar public

[4] The report of this committee, dated May, 1944, is covered more fully in a later part of this report.

works, unemployment compensation, postwar agriculture, postwar fiscal policies, postwar veterans' problems, and postwar legislation. In this meeting, the California Commission was represented by Senators Randolph Collier, R. R. Cunningham, and Jesse M. Mayo; Assemblymen Harvey Hastain, Gardiner Johnson, Jack Massion, and James Thorp; Administrative members Attorney General Robert W. Kenny, Charles H. Purcell, Department of Public Works; and Executive Secretary W. C. Jacobsen.

After hearing from such speakers as P. Hetherton, Washington State Planning Council; Silas Gaiser, Oregon Unemployment Compensation Commission; Robert A. Allen, Nevada State Planning Board; and Senator Grant Macfarlane of Utah, resolutions were adopted urging the Defense Plant Corporation to make known the terms and conditions upon which Government-owned plants would be disposed of; stressing that the waters of the streams in the Western States should be administered under the laws of said States; calling upon the States to carefully reexamine their unemployment compensation laws in the light of possible postwar demands; advocating continued use of the present Federal aid formula in public works programs; and asking for the removal of all trade barriers.

February 11-12, 1944—Carson City, Nevada

INTERSTATE CONFERENCE ON POSTWAR INDUSTRIAL DEVELOPMENT OF THE WEST

The Commissions on Interstate Cooperation of California, Nevada, Oregon, and Utah called a conference when the War Production Board suspended construction of the structural steel mill at the Geneva Steel Plant in Provo, Utah. The purpose was to determine what steps could be taken to encourage the completion of this mill, and to review the whole general problem of the postwar future of Government-owned war plants in the West. The California Commission was represented by Senators Randolph Collier, R. R. Cunningham, and Ed Fletcher; Assemblymen Harvey Hastain, Gardiner Johnson, Jack Massion, and James Thorp; Administrative members James S. Dean, Gordon Garland, Warren T. Hannum, Robert W. Kenny, Charles H. Purcell as well as W. C. Jacobsen, Executive Secretary.

Senator Pat McCarran, Chairman of the United States Senate Committee on the Centralization of Industry, made a special trip to attend this conference and participate with other speakers such as Governor E. P. Carville of Nevada and Dr. J. H. Mahoney of the University of Utah. The continuation and extension of the Geneva Steel Mill was advocated, and the resolution relating to the disposal of Government-owned plants, adopted in the San Francisco Regional Meeting on October 1-2, 1943, was reaffirmed. In addition, resolutions were adopted urging the Federal war agencies to include greater representation from the West; the early resumption of mining operations; the continuation of the existing method of rate making by the Interstate Commerce Commission; and urging that the Commissions on Interstate Cooperation of the Western States be provided with sufficient budgets so as to make possible legislative participation in interstate conferences.

September 29-30, 1944—Salt Lake City, Utah

WESTERN CONFERENCE ON POSTWAR PROBLEMS AND LEGISLATION

Seventy officials from eight Western States took part in the discussions which centered around specific programs and postwar action by the States as well as the development of some general legislative recommendations for the 1945 Sessions of the State Legislatures. The California Commission was represented by Senators R. R. Cunningham and Ed Fletcher; Assemblymen Harvey Hastain, Gardiner Johnson, and Jack Massion; Administrative members Warren T. Hannum, Robert W. Kenny; and W. C. Jacobsen, Executive Secretary.

Governors Herbert B. Maw of Utah and John Vivian of Colorado, Joseph Bursey, Director of the New Mexico Tourist Bureau, Joe D. Wood, Idaho Commission of Public Works, Robert A. Allen, Chairman of Nevada State Planning, B. L. Flanagan, Acting Executive Director of the Utah Department of Employment Security, Colonel Alexander R. Heron, Director of the California Reconstruction and Reemployment Commission, Senator Thomas Stirling of Wyoming, and Joseph S. Weppner, Purchasing Agent of Wyoming, discussed such important basic postwar State problems as promotional activities; conservation programs; highway and airport policies; unemployment compensation programs; and surplus property. Resolutions were adopted asking that Western industries not be discriminated against in the elimination of Government wartime emergency controls; urging our Congressional Delegations to greater participation in the formulation of a sound National policy for the current and postwar guidance of agriculture; resisting the future extension of Federal ownership of land; insisting on retention by States of unemployment compensation, and the return of the employment services to the States after the cessation of the war in the Pacific; and asking that WPB Order L-208 be rescinded.

The legislative recommendations are so important that they have been set forth in full as follows:

I. *Highways*

"Since the Congress has crystallized its ideas on highways, the Senate has passed the Hayden Bill, S 2105, and the House Roads Committee has unanimously reported out the Robinson Bill, HR 4915, we urge the very early consideration of Federal aid road legislation so that the States may be advised of the extent to which they will have to provide cooperating funds.

II. *Airports*

We endorse in principle the Federal Aid Airport Act as introduced in the House by Congressman Randolph, since it parallels the Federal Aid Highway Act which has been so beneficial in satisfying the traffic needs of our people. The act provides for 50-50 cooperation with the States and offers joint benefits and responsibilities to the States.

We recommend a study be made of the Federal Aid Highway Act as it applies to the public land States with the view of applying this principle to any Federal Aid Airport Act and its financing by the States and Federal Government.

We recommend that States explore and investigate the provisions of airport legislation and put their houses in order at their next legislative

sessions to provide the necessary cooperative airport legislation and funds.

We recommend that the States guard against the raising of artificial barriers that will retard and impede air transport development.

We recommend close cooperation between the Public Roads Administration, the Civil Aeronautics Authority and the States in the formulation of any State airport plan to the end that we build only to meet the traffic needs of our people.

We recommend that in any plan of flight strip or airport development the States utilize to the fullest extent their respective Highway Departments whose skill in design and supervision has been developed at the cost of the people during the last three decades.

We recommend the linking together of roadbuilding and airport construction to provide a well constructed and maintained system of roads and airports for public use.

III. *Unemployment Compensation Insurance of States*

Since unemployment compensation is definitely a matter for State solution, it must stay on State level.

We recommend the return by the Federal Government immediately upon termination of hostilities of local State employment agencies to the Unemployment Insurance Departments of the States.

We recommend the devising of an effective and uniform method of handling postwar claims and the prompt payment of benefits.

We recommend the closest cooperation by the States in the furnishing of detailed and uniform information in respect to out of State claimants in order that every safeguard be maintained to preserve the principle of unemployment compensation.

IV. *Development to Tourist Travel*

We recommend that the Legislatures of the 11 Western States study the advisability of forming interstate compacts to foster cooperatively the development of the tourist business in the West.

V. *Flood Control*

We recommend that activities of the United States Engineer Corps be enlarged and extended to the study of flood control projects for the prevention and control of soil erosion and that States provide suitable cooperative legislation.

VI. *Surplus Property*

We recommend that the member States designate one central State agency to appraise the available surplus war property, study the needs of the States, its various subdivisions and coordinate the surplus with the demands.

VII. *Interstate Compacts*

Recognizing constant efforts by the Federal Government to create Federal authorities to control natural resources of the States and believing the centralization of authority in Federal hands is unsound and that States should exercise maximum control under State laws; we recommend that States should be compact or uniform laws create their own machinery to carry out such purposes."

Those attending the Utah meeting were given an opportunity to inspect the operating Geneva Steel Mill, thereby adding visual emphasis to the importance of the industrial interrelationships of the Western Area.

December 8-12, 1944—Phoenix, Arizona

WESTERN REGIONAL CONFERENCE ON WAR AND POSTWAR LEGISLATION

Governors, Legislators, and other public officials from nine Western States met to discuss a series of model bills and uniform laws designated to cope with pressing wartime problems and future postwar demands. The California Commission was represented by Senators Randolph Collier, and Ed Fletcher; Assemblymen Harvey Hastain, Jack Massion, and James Thorp; Administrative members James S. Dean, Gordon Garland, Warren T. Hannum, and Robert W. Kenny, as well as W. C. Jacobsen, Executive Secretary.

The following model bills there discussed are mentioned by title[5]:

Acknowledgments and other Notarial Acts by Service Personnel Act.
Aeronautics Department Act.
Airports Act.
Airport Condemnation Amendment.
Airport Zoning Act.
Conservators for Missing Personnel Act.
Enrichment of white bread and flour legislation.
Evidence of Death or Other Status of Missing Persons Act.
Exchange of Tax Information Act.
Flour and Meal Container Act.
Investment of Public Funds Act.
Powers of Attorney Act.
Proof of Wills Act.
Public Construction Labor and Material Statistics Act.
Purchases of Federal Surpluses Act.
Revised State and Local Postwar Reserve Funds and Planning Acts.
Second Injury Fund Act.
Speed Limits Adjustment Act.
State food, drug, and cosmetic legislation.
State Plane Coordinate System Act.
State Veterans Service Officer Act.
Temporary Licensing of Physicians Act.
Unauthorized Wearing of Military Uniforms Act.

All of these measures have been approved by the Drafting Committee of the Council of State Governments of which Assemblyman Gardiner Johnson of the California Commission is a member, and which met in Washington, D. C., on November 11, 1944. Because of existing statutes in California, some of these measures may not be necessary. The majority of them, however, are worthy of serious consideration, and the California Commission plans to have its Legislative Committee, headed by Senator Thomas J. Keating, review them carefully and determine which should be introduced.

[5] For the complete text of these proposals see Reports Nos. 1 and 2 of "Suggested State War and Postwar Legislation for 1945" and the recommended Uniform State Aviation Codes drafted by the National Association of State Aviation Officials.

ACTIVITIES OF THE CALIFORNIA COMMISSION ON INTERSTATE COOPERATION

During the past biennium, the California Commission on Interstate Cooperation has done an outstanding job of encouraging and assisting the State of California to work in harmony and in cooperation with the other forty-seven States in promoting an all-out war effort and in developing adequate postwar plans.

War Emergency Legislation

Action taken by the California Legislature in its regular session in 1943 demonstrated the sound and farsighted vision of this commission. Sensing the grave danger inherent in the dark days of 1942, the California Commission assisted the Council of State Governments in sponsoring a Western Regional Conference on War Legislation in Los Angeles on December 8, 1942. At this conference, certain war emergency legislation was thoroughly discussed, and it is interesting to note that the following suggested bills were subsequently incorporated into actual statutes as indicated:

Armed forces, powers of attorney (Cal. Stats., 1943, Chap. 413).
Acknowledgments by military personnel (Cal. Stats., 1943, Chap. 365).
Amendments to State bank loans limitation statutes (Cal. Stats., 1943, Chap. 281).
Child care centers (Cal. Stats., 1943, Chap. 16).
Military Traffic Control Act (Cal. Stats., 1943, Chap. 734).
State Emergency War Powers Act and Executive Statuary Suspension Act (Cal. Stats., 1943, Chap. 1, 1st Ex. Sess.).
State Postwar Reserve Fund and Planning Act (Cal. Stats., 1943, Chap. 631).
War housing legislation (Cal. Stats., 1943, Chap. 798).

As mentioned above, the California Commission expects to take a very active part in sponsoring the new measures relating to military personnel which were approved in 1944 by the Drafting Committee of the Council of State Governments and which were thoroughly discussed at the Interstate Conference at Phoenix in December, 1944.

Uniform State Laws

Pursuant to an agreement between the Council of State Governments and the National Conference of Commissioners on Uniform State Laws, the various Commissions on Interstate Cooperation have undertaken to work with the several Commissions on Uniform State Laws in the adoption of those proposals considered beneficial to the particular State involved.

The California Commission on Uniform State Laws is composed of Professor Max Radin, Chairman; Martin Dinkelspiel, Richard Olson, and Fred B. Wood, Legislative Council. In December, 1942, it recommended several measures to the California Commission on Interstate Cooperation [6] but only certain parts of the Uniform Veterans' Guardianship Act were adopted during the 1943 Session.

[6] See report of the California Commission on Interstate Cooperation to the Legislature, January 10, 1943.

On December 9, 1944, the California Commission on Uniform State Laws recommended that the California Commission on Interstate Cooperation sponsor the following measures:

Uniform Simultaneous Death Act
Uniform Veterans' Guardianship Act (additional amendments).

Naturally, the California Commission desires to promote greater uniformity in legislation among the States, but without seeking to jeopardize California statutes designed to meet local conditions.

Interstate Trade Barriers

It will be recalled that former Chairman William J. Cecil of the California Commission conferred at Olympia, Washington, in August, 1942, relative to certain interstate trade barriers affecting the wine industry of California. At that conference a recommendation was made at the request of the Washington authorities that the requirement of "date of packing" on apple containers as required by California law, be eliminated.[7] It should be noted that during the 1943 Session of the California Legislature this statutory trade barrier was repealed (Cal. Stats., 1943, Chap. 270).

During the 1943 Session, Assembly Bill No. 1387 was introduced making unlawful the importation of "single-trip" beer bottles although not prohibiting their manufacture within the State of California. After this bill had been passed by the Legislature, Governor Warren, after consultation with Chairman Kenny of the California Commission, vetoed this bill both as a trade barrier and as an unconstitutional delegation of legislative power.[8] His veto was sustained by the Legislature.

On March 16, 1943, Governor Warren, at the request of the wine industry of California, wrote to Governor Bricker of Ohio asking that he take steps to prevent the enactment of pending legislation which would have discriminated against tank car shipments of wine. This legislation never became effective.

Two bills were passed by the New York Legislature (S.B. 885; A.B. 1162) during the 1944 Session which sought to control the tendency toward interlocking relationships between liquor, wine, and beer producers and distributors but which raised possible questions regarding the ability of California wineries to obtain licenses for resale in New York. The California Commission undertook to communicate certain facts to Governor Dewey relative to these measures, and on April 14, 1944, he disapproved both bills asking that they be studied more fully.

Soldier-Sailor Voting

A matter in which the California Commission can take particular pride is the leadership it displayed in promoting the improvement of absentee ballot procedure for members of the Armed Forces. It will be recalled that the California Legislature added certain sections to the Election Code to relax its rather strict provisions on absentee voting in order that members of the Armed Forces would have a better opportunity to cast their ballots. (Cal. Stats., 1943, Chap. 865). Because of the length of time involved in the transmission to many overseas theatres, a movement to support a Federal ballot in place of a State ballot overseas made con-

[7] See report of the California Commission on Interstate Cooperation, January 10, 1943.
[8] See Assembly Journal, page 2894: April 27, 1943.

siderable headway. The proposed Federal measure soon became involved in a very bitter fight in Congress and, in the meantime, the Council of State Governments at the Board of Managers meeting in November, 1943, devoted considerable time to the discussion of what the States should do and subsequently published a brochure setting forth the various State laws on the subject.[9]

Assemblyman Harrison W. Call, California's designee to the Board of Managers of the Council of State Governments, reported at length on its deliberations at the California Commission on Interstate Cooperation meeting on December 7, 1943, and as a result, the commission unanimously adopted a resolution which was forwarded to Governor Warren urging that he include in the agenda for the contemplated special session in January, 1944, a request that the Legislature adopt a comprehensive Soldier-Sailor Voting Law.

At this special session, Governor Warren, in his message to the Legislature, referred to the action taken by the California Commission, and the Legislature did adopt one of the most comprehensive State Soldier-Sailor voting laws in the Country.

Postwar Problems

Reference has already been made to the participation by the California Commission in various interstate conferences dealing with general and specific problems of the postwar readjustment and development of the States. In addition, the California Commission and its members have taken an active part in the formulation of the memoranda developed by the various special committees as well as the Interstate Committee on Postwar Reconstruction and Development of the Council of State Governments. The commission, therefore, is in full sympathy with the following general postwar recommendations formulated by these committees of the council:[10]

"1. That the States cooperate with the National Government in developing improved machinery for job recruitment and for employee placement and transfer.

2. That the States appropriate adequate funds to finance research and investigations by State universities and other suitable agencies relative to the discovery and commercial utilization of natural resources, the development of new industries, the conversion of war plants, and the readjustment of war boom towns to maximum use of their new facilities.

3. That the National Government and the States should adequately support services and facilities necessary to conserve and develop timber, mineral, and other natural resources, and should adopt policies which permit the sound utilization of such resources to promote private employment.

4. Appropriate State agencies should be charged now with the responsibility of conducting studies and investigations relative to the effect of existing fiscal and other legislation on the incentive to invest. Consideration should be given to the feasibility of interstate agreements designed to prevent predatory and uneconomic interstate tax competition.

[9] "Soldier-Sailor Voting," A Digest of State and Federal Laws, December, 1943. Also see revised edition of July, 1944.

[10] See "Wartime and Postwar Problems and Policies of the States," The Council of State Governments, May, 1944, pp. 19-22.

5. The States should continue their efforts to eliminate interstate trade barriers, discriminatory freight rates, and all other monopolistic practices which serve to restrict new investment.

6. Each State which has not already done so should give consideration to the designation or establishment of an agency with adequate funds to aid and assist the small business man in solving his engineering, production, sales, financial, and other problems.

7. The States and localities should consider now what changes in educational programs, administrative organization, and methods of finance are needed to provide equal access for all of the types of education and training best adapted to promote democracy, full employment, and a high standard of living, and should begin now to prepare an effective method of providing transition for youth from school to responsible employment.

8. In collaboration with the National Government, the States should begin now to prepare a diversified program for vocational training and retraining for returned veterans and former war workers.

9. In collaboration with the National Government, the States should consider what further development of their programs for old-age and other public assistance and what changes in organization and methods of finance will provide adequate assistance to all recipients throughout the country.

10. In collaboration with the National Government, the States and the localities shall consider what changes in administrative organization and methods of finance are required more adequately to conserve the health of the Nation and to minimize the economic drain resulting from preventable sickness and premature death. The States and their own health, hospital, or medical services, and the extent to which Federal hospitals, built for war purposes, might be taken over and adapted by the States or localities and incorporated into their present hospital systems.

11. Relief needs arising from the liquidation of war activities are a Federal responsibility and should be financed by the National Government. Such relief, however, should be administered by the States and localities as part of their general relief program. All work relief should be operated by the States as part of their general shared relief program.

12. In respect to services in the financing or administration of which two or more levels of Government participate, financial support from the National Government to the States or from the States to the localities should be allocated on a basis which reflects both the need and the financial ability of the recipient units.

13. Policies and programs should be developed cooperatively.

14. All levels of Government should participate financially.

15. General policy and over-all programs should be set forth in Federal statutes after due consideration by Congress, so that the respective parts of the program to be performed by the several levels of Government are clearly defined and due recognition given to the rights and duties of each.

16. The immediate supervision and direction of the program should be in the hands of the States.

17. Responsibility for local operation should be given to the localities.

18. Necessary authority should be commensurate with responsibility and lines of command and direction should be scrupulously followed."

Agriculture

One of the important postwar challenges to the States is that of developing a sound and effective postwar program relating to agriculture. In an effort to be of assistance to the States, the Council of State Governments, through its Interstate Committee on Postwar Reconstruction and Development, has formulated some comprehensive recommendations as follows:[11]

"1. Maintenance of full employment in industry.

2. Expansion of international trade in certain agricultural products.

3. Removal of domestic trade barriers.

4. Constructive land policies.

5. Proper policies for new settlement on farm lands.

6. Adequate conservation of resources.

7. Improvement of marketing practices.

8. Extension of agricultural education and research."

The Agriculture Committee of the California Commission, under Assemblyman James E. Thorp, has been studying the postwar utilization demountable war housing, now under the control of the Federal Public Housing Authority, for agricultural purposes. This committee assisted in the adoption of a resolution by the California Legislature in a special session in June, 1944, urging such a program. It was also responsible for the passage of a resolution at the Interstate Conference at Salt Lake City on September 29-30, 1944, calling upon the Congressional Delegations of agricultural States to coordinate their efforts, based upon advice from official and unofficial organizations and agencies in their States, toward the development of a sound National policy for the stabilization of farm production, so that goals would be responsive to actual food supply needs, and to guide stored surplus disposal away from conflict with postwar domestic farm production.

Aviation

The two model codes relating to establishment of a State Aeronautics Department and the promotion and development of State airports have already been referred to, but it should be noted that these measures were formulated cooperatively by the National Association of State Aviation Officials, the Council of State Governments, the National Institute of Municipal Law Officers and other interested organizations. Subsequently these bills were approved by the Aviation Committee of the council as well as its Board of Managers which had previously adopted a model State Airport Zoning Act, which has also been referred to before. Naturally, because of the expected increase in postwar air traffic with consequent need for adequate airport facilities, all States are determining whether present statutes adequately provide for postwar contingencies.

The California Commission has devoted several of its meetings during 1944, to discussions of various phases of aviation and in this field, Assemblyman Harrison W. Call, who is also a member of the Aviation Committee and the Board of Managers of the Council of State Governments, has been of considerable assistance.

[11] See "Wartime and Postwar Problems and Policies of the States," May, 1944, pp. 61-72.

Crime Control

Unfortunately, one of the major postwar problems that must be met by the States is that of the inevitable resurgence of crime after the war. For this reason, the Council of State Governments established a Committee on Crime Control headed by Attorney General Robert W. Kenny, Chairman of the California Commission, to make a thorough study of the whole problem of crime and delinquency with a view toward making some general recommendations for State action. These recommendations covering preconviction procedures and agencies, postconviction procedures and agencies, and principles for improvement of correctional systems and administration of criminal justice are set forth fully in a committee memorandum which is included in the report of the Interstate Committee on Postwar Reconstruction and Development already referred to earlier in this report.[12]

Because a Youth Authority has been established in California, the California Commission has sought to point out the advantages of such an agency to other States, and has urged them to consider the model act suggested by the American Law Institute.

Forestry

One of the most important committees of the Council of State Governments is that devoted to the study of forestry problems. This committee has studied such problems as the exhaustion of timber supply, forest management, public ownership of land, and forest fire protection. In addition, it has drafted a model Forest Cutting Practices Bill which, together with its report, is being submitted to the Seventh Annual General Assembly of the Council of State Governments at St. Louis in January, 1945. Senator Ed Fletcher represents the California Commission on this important Nationwide Committee headed by Governor Earl Snell of Oregon.

Planning Agencies and Public Works

The Council of State Governments has done much to encourage every one of the 48 States to develop some sort of postwar planning machinery, and to undertake some measure of public works planning to meet postwar demands. The council, through its Interstate Committee on Postwar Reconstruction and Development, has made the following recommendations:[13]

"1. That a central agency, adequately staffed and financed, be designated or established in every State to concern itself definitely and specifically with postwar problems.

2. That the State Agencies for Postwar Reconstruction and Development thus designated or established include in their membership representatives of State and local governments, industry and commerce, labor and agriculture.

3. That State Agencies for Postwar Reconstruction and Development be charged with the following duties:

a. To conduct over-all studies and investigations relative to the social and economic reconstruction and development of the State.

[12] See "Wartime and Postwar Problems and Policies of the States," The Council of State Governments, May, 1944, pp. 73-82.
[13] Ibid., pp. 15-16.

b. To stimulate and assist postwar preparation and research by individual business concerns in respect to such matters as potential new products, production techniques, and markets.

c. To encourage, guide, and assist postwar preparation within the operating departments and agencies of State Governments.

d. To energize and to establish continuing contacts with local or regional planning agencies, planning agencies in the National Government, and similar bodies in the fields of commerce and industry, labor, and agriculture for the purpose of exchanging information and assistance, harmonizing proposed plans, policies, and programs, and securing proper timing in their execution.

e. To encourage community self-appraisal programs so that the problems peculiar to each community may be recognized and effectively met through planning at either the local or State level.

f. To collaborate with business and labor groups in devising ways and means of assisting business concerns in the conversion of war plants, development of new industries, utilization of State resources, readjustment of war-boom towns to maximum use of their new facilities, and guidance of the migration of stranded war workers.

g. To publicize all findings and recommendations sufficiently in advance of the time at which legislative or other action on them will be required in order to permit the development of an informed public opinion on all issues involved.

4. That where necessary, States pass enabling legislation permitting local governments to establish postwar planning bodies."

This Nation-wide Committee has also laid special stress on advance public works planning through the following recommendations:[14]

"1. That appropriate State agencies be designated or established to prepare portfolios of needed postwar public works, including the following types of projects:

a. Maintenance and repair projects necessary to restore normal public services to their peacetime standards.

b. Public works such as transportation facilities, public utilities, etc., which will facilitate the conversion of war industries to peacetime use.

c. Projects for future development and expansion conforming to an over-all or master plan.

2. That all necessary arrangements, including the preparation of engineering designs and specifications and the provision of funds, be made now to permit such public works projects to be put into immediate execution when the appropriate time comes.

3. That specific projects should be selected and timed for execution with a view to promoting employment stability.

4. That the States should aid their local subdivisions in adopting similar public works programs through the enactment of permissive legislation and the furnishing of technical and other assistance.

5. That, in programming long-range projects for future development and expansion, States and localities should give consideration to the modernization of highway and other transportation facilities

[14] See "Wartime and Postwar Problems and Policies of the States," The Council of State Governments, May, 1944, pp. 17-18.

with special emphasis on the provision of express highways and off-street parking in urban areas. Consideration should also be given to the development and financing of integrated systems of airports designed for both passenger and freight service."

To implement these general recommendations, the California Commission on Interstate Cooperation has brought to the attention of the other States, particularly those in the Western Region, the outstanding work being performed by the California Senate Interim Committee on Postwar Construction Programs, the California Assembly Interim Committee on Postwar Rehabilitation, the California Reconstruction and Reemployment Commission, and the California State Highway Department, particularly in public works planning and construction as well as in the establishment of postwar reserves by California and its political subdivisions, and the investment of these reserves in Federal securities.[15]

Particular note should be made of the Postwar Committee of the California Commission headed by Assemblyman Jack Massion, which took an active part in the development of material for the Interstate Conference on Poswar Industrial Development of the West held at Carson City on February 11-12, 1944, relative to the Geneva Steel situation. Subsequently, this committee assisted in the adoption by the California Legislature in a special session in June, 1944, of a resolution urging the War Manpower Commission and the War Production Board to make manpower available for the Geneva Steel Plant. It has also had under study the possible establishment of a research and standards bureau which would serve industry in the Western Region on a basis similar to the activities of certain institutes now located in other regions of the Country.

Taxation and Fiscal Policy

For some time, the Council of State Governments has been advocating a sound fiscal policy for States and local governments in the light of war conditions and postwar possibilities. Some of the specific measures recommended by its Board of Managers in November, 1942, still offer sound advice to the States:[16]

"1. Rapid retirement of debt.

2. Restriction of expenditures to war activities and necessary governmental functions.

3. Improved management to conserve manpower and materials.

4. Legislation to permit surplus financing.

5. Establishment of reserves for emergency and postwar use.

6. Maintenance of tax rates to permit the building-up of reserves.

7. Removal of interstate trade barriers.

8. Reappraisal of all Government activity, particularly with respect to its relation to the War Program.

9. Preparation of programs and blueprints for public works, and the means of financing them to offset possible postwar depression."

[15] For complete review of California's postwar legislation see "California's Legislature Girds for the Battle of Postwar Employment," State Bar Journal of California, Volume XIX, page 195.

[16] See "Wartime and Postwar Problems and Policies of the States," The Council of State Governments, May, 1944, page 35.

The California Commission has been wholly in accord with these objectives, and recognizes that the California Legislature and administrative departments have accomplished practically every single one.

The Taxation Committee of the California Commission, headed by Senator Randolph Collier, has been studying the problem of duplication and conflicts in State taxation in the Western Region with a view toward working out some solutions to these problems through interstate cooperation. In addition, Mr. Dixwell Pierce, a member of this committee, is also a member of a committee established by the Council of State Governments which is presently cooperating with the Civil Aeronautics Authority in studying conflicting State taxation of airlines.

Unemployment Compensation

The Council of State Governments has been in large part responsible for the retention of the unemployment compensation systems in the States. At the same time, however, it has sought to encourage the States to improve their systems to meet postwar contingencies.[17]

The California Commission has watched with interest the work of the California Senate Interim Committee on Unemployment Insurance, headed by Senator John F. Shelley, and has sought to make available some of the suggestion contained in its report[18] to other States particularly in the field involving interstate cooperative action. It also established a committee of the commission on the interstate problems of unemployment insurance headed by Administrative Member James S. Dean at a meeting in Sacramento on June 10, 1944.

Mining

As a result of the active interest of General Warren T. Hannum, chairman of the Commission's Conservation Committee, a resolution embodying the recommendations for the development of the Western mining industry set forth in the report to the Governors of the Eleven Western States and South Dakota (San Francisco, Augus 10-11, 1944) was approved by the commission, and later by the Salt Lake City Conference emphasizing there the recision of War Production Board, Order L-208 which had closed down gold mining.

FINANCES

Your commission believes that the benefits derived from its activities and participation in the work of the Council of State Governments justifies continued and expanded support. The record of the past two years has demonstrated that interstate cooperation is paying major benefits in effective prosecution of the war and the establishment of a firm postwar future that have more than repaid the investment made in its activities during the past biennium.

Your commission supports the recommendation, that the California Legislature continue at least the sum provided during the current biennium and again submitted to allow for its operation in the budget now being considered. Then it can effectively operate during the 1945-1947 biennium by continued participation in the many conferences, meet-

[17] See "Unemployment Compensation in the Postwar Period," The Council of State Governments, December, 1944.

[18] See "Preliminary Report of the Senate Interim Committee on Unemployment Insurance to the California Legislature," June 15, 1944.

ings, and other functions which have proven to be of much practical benefit to the State of California, and also meet its proportionate share of the cost involved in supporting the many important and vital activities of the Council of State Governments in rendering outstanding service to the States.

SUMMARY

Your commission feels that in presenting this report, it has shown the constantly expanding progress being made in the broad field of interstate cooperative action. It also feels that the necessity for further endeavor is apparent.

Continued effective participation by California with other States in National programs designed to keep the war effort at full speed and to lay a foundation for real postwar progress, must be extended. In addition, the ever increasing need for regional unity in the West to meet postwar demands will require the full and effective participation by California with the other Western States to develop sound and effective programs for the development and betterment of Western agriculture, mining, and industry.

Already, interstate machinery has been established to bring about these objectives. The Western Governors, it will be recalled, have revitalized their organization, and have held meetings in Salt Lake City, Denver, and Phoenix during the past two years. The postwar directors of their States have formed a group which can be the means of effective interstate solution and solidification of major Western postwar problems. At the recent Salt Lake City Conference on September 29-30 a committee was established composed of one representative from each Western State for the purpose of preventing any undue discrimination to the West in the relaxation of Government controls at the end of the European War. Naturally, the California Commission on Interstate Cooperation is anxious to work with and assist these various groups to achieve the great goal of postwar prosperity in the West.

The time is rapidly approaching also for the establishment of cooperative interstate macinery in the form of continuing committees composed of representatives of each Western State which could help solve major interstate problems in such fields as State truck regulations, State taxation, State agricultural barriers, fisheries, and migratory worker relationships. The effective force of the Commission on Interstate Cooperation in each State will be to carry out the recommendations of such continuing committees by the adoption of necessary legislation within each State. The California Commission is, therefore, most willing to assist in encouraging the establishment of Commissions on Interstate Cooperation in those Western States which have none at this time, namely: Arizona, Idaho, and Washington.

It is obvious that an increasing burden of work must be assumed by the Executive Secretary who has performed this function for the Commission in addition to many other duties in connection with his official capacity with the Department of Agriculture. The commission may, therefore, find it necessary in the very near future to employ at least a part-time assistant if its work continues to increase at the present pace.

The Regional Representative of the Council of State Governments Headquartering at San Francisco has been outstandingly helpful and

cooperative on all matters, having furnished much data and counselled on interstate problems whenever opportunity between his travels to other States permitted. The contribution made from commission funds to the council has redounded most beneficially and has proved to have completely justified California's financial participation in its support.

COMMITTEE ASSIGNMENTS AND MEMBERSHIP FOR THE CALIFORNIA COMMISSION ON INTERSTATE COOPERATION—1943-1944

Agriculture

Assemblyman James E. Thorp, Chairman; A. A. Brook, Director of Agriculture; Gordon Garland, Director of Motor Vehicles; Assemblyman Harvey Hastain; Ralph Taylor, Agricultural Council of California.

Conservation

Warren T. Hannum, Director of Natural Resources, Chairman.

Crime and Correction

Assemblyman Gardiner Johnson, Chairman; Karl Holton, Youth Correction Authority; Robert W. Kenny, Attorney General.

Federal Relations

Assemblyman Harvey Hastain, Chairman; James S. Dean, Director of Finance; James Fauver, Exeter; Senator Ed Fletcher; Senator Thomas Keating; Dixwell Pierce, Secretary, State Board of Equalization; Edwin J. Regan, District Attorney.

Fish and Wildlife

Assemblyman Harrison W. Call, Chairman; Assemblyman Walter Fourt; Gordon Garland, Director of Motor Vehicles; Assemblyman Harvey Hastain; David Oliver, California Sardine Products Institute; Dr Allan C. Taft, Bureau of Conservation, Division of Fish and Game; Dr. Richard Van Cleve, Bureau of Commercial Fisheries, Division of Fish and Game.

Interstate Trade Barriers

Senator Jesse M. Mayo, Chairman.

Legislative

Senator Thomas Keating, Chairman (all legislator members form this committee).

Postwar

Assemblyman Jack Massion, Chairman; Arch Anderson, California Bank; Dr. Benjamin Anderson, University of California; R. E. Fisher, Pacific Gas and Electric Company; Gordon Garland, Director of Motor Vehicles; C. J. Haggerty, President, California State Federation of Labor; Lawrence A. Harvey, representing Aircraft Parts Association; Assemblyman Gardiner Johnson; Walter J. Little, American Association of Railroads; R. C. McFadden, Southern California Edison Company; E. S. McKittrick, Associated General Contractors of America; Herbert F. Ormsby, California State Chamber of Commerce; John A. Pettis, California Manufacturers Association; David G. Shearer, Trucking Industry Incorporated; J. A. Smith, Independent Petroleum Producers; V. B.

Stanbery, Reconstruction and Reemployment Commission; C. P. Watson, Oil Producers' Agency; George Wilson, President, San Francisco CIO Council; Professor Baldwin Woods, University of California.

Relief and Education

Senator R. R. Cunningham, Chairman; Gordon Garland, Director of Motor Vehicles; Senator Jesse M. Mayo.

Taxation and Fiscal Problems

Senator Randolph Collier, Chairman; Assemblyman Harrison W. Call; Dr. Malcolm M. Davisson, University of California; Dixwell Pierce, Secretary, California State Board of Equalization; John M. Pierce, Tax Counsellor, State Chamber of Commerce; Fred Alexander, County Supervisors Association.

Transportation

Gordon Garland, Director of Motor Vehicles, Chairman; John M. Desch, Traffic Counsellor; Charles Purcell, Director of Public Works.

Unemployment Insurance Problems

James S. Dean, Director of Finance, Chairman.

Water Resources

Senator Ed Fletcher, Chairman; E. C. Batchelder, Del Mar; Ralph Bull, Eureka; Senator Randolph Collier; Gordon Garland, Director of Motor Vehicles; Warren T. Hannum, Director of Natural Resources; Assemblyman Harvey Hastain; Edward Hyatt, State Engineer.

THE COUNCIL OF STATE GOVERNMENTS

Central Office

1313 East 60th Street, Chicago, Illinois
Frank Bane, Executive Director
Hubert R. Gallagher, Associate Director

Regional Office

995 Market Street, San Francisco, California
Perry H. Taft, Regional Representative
Margaret Perkins, Secretary

"Chapter 1. Interstate Cooperation

8000. There is in the State Government a Senate Committee on Interstate Cooperation, consisting of five members of the Senate. The members and chairman of this committee shall be designated in the same manner as are the members and chairmen of standing committees of the Senate. The President of the Senate may serve as one of the five members of this committee.

8001. There is in the State Government an Assembly Committee on Interstate Cooperation consisting of five members of the Assembly. The members and the chairman of this committee shall be designated in the same manner as are the members and chairmen of standing committees of the Assembly. The Speaker of the Assembly may serve as one of the five members of this committee.

8002. The Committee of the Senate and the Committee of the Assembly shall function during the regular sessions of the Legislature and also during the interim between such sessions. Their members shall serve until their successors are designated and they shall respectively constitute for the State the Senate and the Assembly Executive Committees of the American Legislators' Association.

8003. There is in the State Government the California Commission on Interstate Cooperation.

8004. The California Commission on Interstate Cooperation consists of fifteen members, namely:

(a) The five members of the Senate Committee on Interstate Cooperation.

(b) The five members of the Assembly Committee on Interstate Cooperation.

(c) Five officers of the State appointed by the Governor who holds office during the pleasure of the Governor and one of whom shall be designated by him as chairman of the commission.

The Governor is ex officio an honorary nonvoting member of the commission.

8005. It is the function of the California Commission on Interstate Cooperation:

(a) To carry forward the participation of this State as a member of the Council of State Governments both regionally and nationally.

(b) To confer with officers of other States and of the Federal Government.

(c) To formulate proposals for cooperation between this State and the other States, and with the Federal Government.

(d) To organize and maintain governmental machinery for such purposes.

8006. The commission may establish such committees and advisory boards as it deems advisable to conduct conferences and to formulate proposals concerning subjects of intergovernmental cooperation. Subject to the approval of the commission, the members of every committee and advisory board shall be appointed by the chairman of the commission.

8007. State officials who are not members of the commission may be appointed as members of any committee or advisory board which it establishes, and private citizens may serve on any board. At least one member of the commission shall be a member of every committee and board.

8008. The commission may establish rules concerning the membership and the functioning of any committee and board which it establishes.

8009. The commission shall report to the Governor and to the Legislature within 15 days after the convening of each regular legislative session and at such other times as it deems appropriate.

8010. The members of the commission and the members of all committees which it establishes shall serve without compensation. They may be paid their necessary expenses incurred in carrying out the obligations imposed upon them by this chapter.

8011. The commission may employ such persons and incur other expenses as may be necessary for the proper performance of its duties.

It may, by contributions to the Council of State Governments and other similar Governmental organizations affiliated with it, participate with other States in maintaining the council's regional and central secretariats and other similar Governmental services."

MOTION TO PRINT COPIES

Senator Mayo moved that the Secretary of the Senate be directed to have 450 copies of the Report of the California Commission on Interstate Cooperation printed.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Concurrent Resolution No. 1

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Concurrent Resolution No. 1—Relative to the continuance of the Fact-Finding Committee on Agricultural and Industrial Employment, created by Resolutions Chapter 38 of the 1943 Regular Session.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 1?

Amendment No. 1

On page 1 of the printed resolution, strike out lines 2 to 11, inclusive, and insert "bly thereof concurring, that the sum of three thousand eight hundred dollars ($3,800), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate and Assembly at this session for the expenses of the Fact Finding Committee on Agriculture and Industrial Employment, created by Resolution, Chapter 38, 1943 Regular Session, and its members for the preparation of its report, and for any charges, expenses or claims it may incur therefor, to be paid equally from the Contingent".

The roll was called, and the Senate concurred in Assembly amendment to Senate Concurrent Resolution No. 1 by the following vote:

AYES—Senators Breed, Burns, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Above resolution ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 9

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 284

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Joint Resolution No. 9—Relative to memorializing the Senate of the United States not to advise nor consent to a proposed Treaty with Mexico, signed February 3, 1944, relating to the waters of the Colorado and Tijuana Rivers and the Rio Grande.

Referred to Committee on Rules.

Assembly Bill No. 284—An act to make an appropriation for the cost of auditing and collecting unemployment relief restitution to take effect immediately.

Referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 20, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 17
Senate Concurrent Resolution No. 18

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 22, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 2—Relative to the commemoration of the Centennial of the Raising of the Bear Flag of the California Republic at Sonoma on June 14, 1846.

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-second day of January, 1945, at 2 p.m.

SEAWELL, Chairman

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, January 19, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 345

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman.

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Assembly Bill No. 345—An act to amend Section 1160.5 of the Harbors and Navigation Code, relating to pilots, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Request for Unanimous Consent

Senator Shelley asked for, and was granted, unanimous consent to take up Assembly Bill No. 345, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 345

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Shelley:

Resolved, That Assembly Bill No. 345 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section

requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—32.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 345—An act to amend Section 1160.5 of the Harbors and Navigation Code, relating to pilots, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Shelley.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO APPROVE JOURNALS

Senator Seawell moved that the Senate Journals of Monday, January 15, 1945; Tuesday, January 16, 1945; Wednesday, January 17, 1945; Thursday, January 18, 1945; and Friday, January 19, 1945, be approved as corrected by the Journal Clerk and the Minute Clerk.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 293: By Senator Hatfield—An act to amend Section 647 of the Agricultural Code, relating to conveyances for the hauling of milk.

Referred to Committee on Agriculture.

Senate Bill No. 294: By Senator Rich—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, to take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 295: By Senator Weybret—An act to amend Section 203 of the Welfare and Institutions Code, relating to county hospitals.

Referred to Committee on Local Government.

Senate Bill No. 296: By Senator Collier—An act to add Section 630.3 to the Fish and Game Code, relating to closing of streams.

Referred to Committee on Fish and Game.

Senate Bill No. 297: By Senator Weybret—An act to amend Sections 812.4, 829.2 and 829.35 of the Agricultural Code, relating to fruit and vegetable containers.

Referred to Committee on Agriculture.

Senate Bill No. 298: By Senator Collier—An act to amend Sections 737h and 737uu of the Political Code, relating to the salaries of judges.

Referred to Committee on Local Government.

Senate Bill No. 299: By Senator Collier—An act to amend Sections 4260 and 4283 of the Political Code, relating to compensation for public service.

Referred to Committee on Local Government.

Senate Bill No. 300: By Senator Hatfield—An act to amend Section 1804 of the Education Code, relating to the election of school trustees.

Referred to Committee on Education.

Senate Bill No. 301: By Senators Hatfield and Crittenden—An act to add Section 1270.1 to the Agricultural Code, relating to produce dealers.

Referred to Committee on Agriculture.

Senate Bill No. 302: By Senator DeLap—An act to amend Section 600 of the Probate Code, relating to the filing of the inventory and appraisement.

Referred to Committee on Judiciary.

Senate Bill No. 303: By Senator Swing—An act to amend Section 27 of, and to add Section 25.4 to, an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties, to develop a Postwar Public Works Program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights-of-way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, relating to Postwar Public Works Programs.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 304: By Senator Slater—An act to validate the organization, boundaries, trustees, acts, proceedings and bonds of recreation districts.

Referred to Committee on Local Government.

Senate Bill No. 305: By Senator Dorsey—An act to add Chapter 8, consisting of Sections 19810, 19811, and 19812, to Part 3 of Division 13 of the Health and Safety Code, relating to inflammable or explosive materials and governing their use.

Referred to Committee on Public Health and Safety.

Senate Bill No. 306: By Senator Dorsey—An act to add Section 613.3 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Senate Bill No. 307: By Senator Dilworth—An act to provide for the acquisition of the site of the home of Louis Rubidoux in West Riverside in the County of Riverside as part of the State Park System, and making an appropriation.

Referred to Committee on Natural Resources.

Senate Bill No. 308: By Senator Dilworth—An act to add Section 2559.5 to the Health and Safety Code, relating to functions of health officers.

Referred to Committee on Public Health and Safety.

Senate Bill No. 309: By Senators Dilworth and Sutton—An act to amend Section 3301 of the Health and Safety Code, relating to hospitals.

Referred to Committee on Public Health and Safety.

Senate Bill No. 310: By Senator Fletcher—An act declaring portions of the lands conveyed to the City of San Diego by an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the Bay of San Diego to the City of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and excluding such portions from use for navigation, commerce and fisheries, and authorizing the use of said portions of said lands by the State of California for the erection thereon of a State building.

Referred to Committee on Transportation.

Senate Bill No. 311: By Senator Quinn—An act to repeal Sections 3800 and 3801 of, and to add Sections 3800 and 3801 to, the Harbors and Navigation Code, relating to the administration of the Port of Eureka, creating a Board of Harbor Commissioners for Humboldt Bay and transferring the powers and duties of the Department of Public Works over such port and bay to said Harbor Commission.

Referred to Committee on Transportation.

Senate Bill No. 312: By Senator Quinn—An act to add Sections 301, 590, and 650 to the Military and Veterans Code, relating to the granting of honorable discharges and service medals to members of the military forces of the State, and to provide an appropriation therefor.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 313: By Senator Quinn—An act to add Section 705.5 to the Vehicle Code, relating to transportation of saw logs.

Referred to Committee on Transportation.

Senate Bill No. 314: By Senator Quinn—An act to amend Section 4254 of the Political Code, relating to the compensation for public services in counties of the twenty-fifth class.

Referred to Committee on Local Government.

Senate Bill No. 315: By Senator Quinn—An act to amend Section 122 of the Agricultural Code, relating to plant quarantine and pest control.

Referred to Committee on Agriculture.

Senate Bill No. 316: By Senator Fletcher—An act to add Section 5003.7 to the Public Resources Code, relative to State parks and management thereof.

Referred to Committee on Natural Resources.

Senate Bill No. 317: By Senator Fletcher—An act to amend the Personal Income Tax Law of the State of California so as to allow credit on State income taxes for income taxes paid by the individual to the Federal Government.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 318: By Senator Shelley—An act to add Section 9.1 to the Unemployment Insurance Act, relating to unemployment insurance and the definition of employer thereunder, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

Senate Bill No. 319: By Senators Fletcher, McCormack, Burns, and Shelley—An act to add Article 5, comprising Sections 540 to 552, inclusive, to Chapter 1 of Part 2 of Division 1 of the Health and Safety Code, relating to the registration and examination of sanitarians employed full time in State and local departments of public health.

Referred to Committee on Public Health and Safety.

Senate Bill No. 320: By Senator Crittenden—An act to amend Sections 4214, 4217, and 4219 of the Political Code and to repeal Section 4220 thereof, relating to the qualification, powers and duties of the county surveyor.

Referred to Committee on Local Government.

Senate Bill No. 321: By Senator Crittenden—An act to add Section 13.13a to the Building and Loan Association Act, relating to the duties of the Building and Loan Commissioner while in possession of the property, business and assets of a building and loan association, and to accounts, inspection of records and annual reports.

Referred to Committee on Financial Institutions.

Senate Bill No. 322: By Senators Crittenden, Mixter, Hatfield, Jespersen, Weybret, Hulse, McCormack, Sutton, and Gordon—An act to amend Section 21 of the Agricultural Code relating to the compensation of the Director of Agriculture.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 323: By Senator Donnelly—An act to amend Section 12107 of, and to add a new Section 12107.5 to, the Business and Professions Code, relating to tares.

Referred to Committee on Business and Professions.

Senate Bill No. 324: By Senator Donnelly—An act to amend Sections 12009, 12024 and 12201 of, and to add a new Section 12515 to, the Business and Professions Code, relating to weights and measures.

Referred to Committee on Business and Professions.

Senate Bill No. 325: By Senator Donnelly—An act to amend Sections 12703, 12704 and 12705 of, the Business and Professions Code, relating to public weighmasters.

Referred to Committee on Business and Professions.

Senate Bill No. 326: By Senator Donnelly—An act making an appropriation to the Department of Agriculture for conducting poultry disease control.

Referred to Committee on Agriculture.

Senate Bill No. 327: By Senator Donnelly—An act to amend Section 452 of the Vehicle Code, relating to persons riding bicycles or riding or driving animals upon highways.

Referred to Committee on Transportation.

Senate Bill No. 328: By Senators Donnelly and Salsman—An act to amend Section 14345 of the Revenue and Taxation Code, relating to inheritance taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 329: By Senator Donnelly—An act to provide for research on turkey diseases by the University of California and making an appropriation.

Referred to Committee on Education.

Senate Bill No. 330: By Senator Donnelly—An act to add Chapter 8, consisting of Section 19810, 19811 and 19812, to Part 3 of Division 13 of the Health and Safety Code, relating to inflammable or explosive materials and governing their use.

Referred to Committee on Public Health and Safety.

Senate Bill No. 331: By Senator Hatfield—An act making an appropriation to the counties of this State for road and highway purposes.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 332: By Senators Donnelly, Judah, Rich, McBride, Salsman, Cunningham, Powers, Carter, Weybret, Brown, Parkman, Hulse, Quinn, McCormack, Deuel, Slater, Tenney, Jespersen, Hatfield, Dorsey, Dilworth, Collier, Dillinger, Sutton, Mixter, Crittenden, Gordon, Biggar, Swing, Burns, and Fletcher—An act to amend Section 312 of the Agricultural Code, and making an appropriation for carrying out the provisions of said code, relating to meat inspection.

Referred to Committee on Agriculture.

Senate Bill No. 333: By Senator Salsman—An act to amend Sections 9164, 9200, 9204, 9205, 9206, and 9221 of, and to add Sections 9202, 9207, 9208, 9209, 9210, 9212, 9213, 9214, 9215, and 9217 of the Public Resources Code and to repeal Section 10058 of the Elections Code, relating to the general district elections held in soil conservation districts.

Referred to Committee on Elections.

Senate Bill No. 334: By Senator Salsman—An act to amend Section 13.07 of the Building and Loan Association Act, relating to building and loan associations and the appraisement of properties and investments of such associations.

Referred to Committee on Financial Institutions.

Senate Bill No. 335: By Senator Salsman—An act to amend the title of, and to add Section 1.5 to, an act entitled "An act authorizing any county, city and county, city, town, district, or any political subdivision of the State, or any public or municipal corporation of the State, in the letting of contracts for public work, or the doing of such work, to comply with requirements of Federal laws and of regulations and orders issued under authority thereof with respect to the awarding of contracts, hours of labor, employment preferences, and other matters covered thereby, and imposed as a condition or prerequisite to the loan or grant of Federal funds or the funds of any Federal corporation or agency in aid of such public work, and declaring this act to be an urgency measure, and providing that it take effect immediately," approved July 6, 1935, relating to contributions or loans to local agencies, declaring this act to be an urgency measure, and providing that it take effect immediately.

Referred to Committee on Local Government.

Senate Bill No. 336: By Senator Judah—An act to amend Sections 3025 and 3084 of the Welfare and Institutions Code, relating to aid to the needy blind.

Referred to Committee on Social Welfare.

Senate Bill No. 337: By Senator Sutton—An act to amend Sections 255 and 257 of, and to add Section 255a to, the Health and Safety Code, relating to physically handicapped children.

Referred to Committee on Public Health and Safety.

Senate Bill No. 338: By Senator Gordon—An act to amend Section 4261 of the Political Code, relating to compensation for public service in counties of the thirty-second class.

Referred to Committee on Local Government.

Senate Bill No. 339: By Senator Gordon—An act to amend Section 9603.5 of the Revenue and Taxation Code, relating to the taxation of vehicles.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 340: By Senator Gordon—An act to amend Sections 25 and 33 of the Civil Code, relating to minors.

Referred to Committee on Judiciary.

Senate Bill No. 341: By Senator Shelley—An act to amend Section 1515 of the Elections Code relating to ballot pamphlets.

Referred to Committee on Elections.

Senate Bill No. 342: By Senators Dilworth, McBride, and Judah—An act to amend Sections 7301 and 7302 of the Business and Professions Code, relating to the State Board of Cosmetology.

Referred to Committee on Business and Professions.

Senate Bill No. 343: By Senator Fletcher—An act making an appropriation to the State Division of Beaches and Parks, Department of Natural Resources, for acquisition, development, and improvement of Mission Bay Park.

Referred to Committee on Natural Resources.

Senate Bill No. 344: By Senator McBride—An act to amend the Building and Loan Association Act by amending Section 1.01 thereof relating to definitions and Sections 6.01, 6.02, 6.03, 6.04, and 6.05 thereof relating to withdrawals, and to repeal Sections 6.01a, 6.01b, and 6.06 thereof relating to withdrawals.

Referred to Committee on Financial Institutions.

Senate Bill No. 345: By Senator McBride—An act to amend the Building and Loan Association Act by amending Section 2.04 thereof relating to approval of articles of incorporation, Section 2.07 thereof relating to branches, Section 3.02 thereof relating to withdrawable shares, Section 3.03 thereof relating to maturity of shares, Section 5.01 thereof relating to investment certificates, Section 8.09 thereof relating to regulation of interest and dividends and to notice of transfer of encumbrance, Section 8.10 thereof relating to rate of return on shares and investment certificates, and Section 13.20 thereof added by an act approved May 28, 1943, by repealing Sections 5.03 and 8.09a and Section 13.20 added by an act approved May 16, 1933, and by adding to the Building and Loan Association Act a new section to be numbered Section 2.10 relating to defined net worth.

Referred to Committee on Financial Institutions.

Senate Concurrent Resolution No. 19: By Senator Weybret—Relative to providing for a full year State-wide celebration in 1950 commemorating admission of California to the Union and the end of the war and providing for a Joint Committee to plan for the celebration.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 20: By Senator Dorsey—Relative to creating the Joint Committee on Purchase of Federal Property.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Senator Brown:

Senate Resolution No. 35

Creating the Senate Committee on Local Governmental Agencies, and defining its powers and duties

WHEREAS, Local governmental agencies during recent years have entered upon various types of enterprises for the service of the inhabitants of the several areas over which such agencies, respectively, have jurisdiction and in which they function; and

WHEREAS, These enterprises in increasing number involve the acquisition and use, within and without the areas thus served, of facilities which are operated, many of them, in a proprietary or quasi-proprietary capacity; and

WHEREAS, These circumstances give rise to relationships, contractual and otherwise, between these several agencies and individual citizens and other public agencies, relationships which it is the obligation and responsibility of the State as sovereign to regulate, and the reciprocal obligations of all concerned to clarify and define, in the public interest and for the common weal; now, therefore, be it

Resolved by the Senate of the State of California, as follows:

1. The Senate Committee on Local Governmental Agencies is hereby created, and authorized and directed to ascertain, study and analyze all facts relating to the subjects mentioned in the recitals of this resolution, particularly as to the status of cities, counties, and public districts as owners and operators of facilities and properties used by them in the service of their inhabitants, and the civil rights, duties, privileges and responsibilities of such cities, counties and districts toward their inhabitants and toward other persons and public agencies, growing out of, or in any way related to their acquisition, ownership, operation or management of such facilities and properties wherever situate, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of _____ Members of the Senate appointed by the Senate Committee on Rules. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, but not after final adjournment.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon Investigating Committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding regular session are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of two thousand five hundred dollars ($2,500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 2—An act to amend Section 2020 and to repeal Section 2020.01 of the Welfare and Institutions Code, relating to the amount of aid to the aged.

Bill read second time.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Bill No. 2, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 2

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Tenney:

Resolved, That Assembly Bill No. 2 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, Denel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Swing, Tenney, and Ward—30.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 2—An act to amend Section 2020 and to repeal Section 2020.01 of the Welfare and Institutions Code, relating to the amount of aid to the aged.

Bill read third time, and presented by Senator Tenney.

Motion to Amend

Senator Mayo moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "2020 and to repeal".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 15, and insert

"SECTION 1. Section 2020.01 of the Welfare and Institutions Code is amended to read:

2020.01. The amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, fifty dollars ($50) per month. If, however, in any case it is found the actual need of an applicant exceeds fifty dollars ($50) per month, such applicant shall be entitled to receive aid in an amount, not to exceed fifty dollars ($50) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

This section shall remain in effect until the ninety-first day after final adjournment of the *Fifty-seventh* Regular Session of the Legislature. While this section is in effect it shall supersede Section 2020 of this code, and wherever in any provision of law reference is made to Section 2020, such reference shall be deemed to refer to this section; but Section 2020 is not repealed by this section and after this section is no longer effective Section 2020 shall have the same force and effect as though this section had not been enacted."

Amendments read.

Roll Call Demanded

Senators Tenney, Shelley, and Slater demanded a roll call.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Brown, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Hatfield, Mayo, Mixter, Rich, and Seawell—13.

NOES—Senators Breed, Burns, Crittenden, Desmond, Donnelly, Dorsey, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Parkman, Quinn, Salsman, Shelley, Slater, Sutton, Swing, Tenney, and Ward—22.

Further Consideration of Assembly Bill No. 2

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senators Quinn, Hatfield, DeLap, Tenney, Dilworth, and Ward:

Senate Resolution No. 36

Relative to universal military training

WHEREAS, There has been introduced in Congress a bill providing for universal military training for the youth of the United States, and

WHEREAS, Such training will result in building up the physical and mental health of young Americans in an atmosphere faithful to the democratic institutions of the Country and equip large numbers of our citizens in the fundamentals of military service so that they may rapidly respond to any future needs for the defense of our Nation, now, therefore, be it

Resolved, by the Senate of the State of California, That the Senate and House of Representatives of the United States in Congress assembled are hereby petitioned and urged to enact a bill providing for universal military training for the youth of the Country; and be it further

Resolved, That copies of this resolution be transmitted by the Secretary to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Member of Congress from this State.

Resolution read, and referred to Committee on Military and Veterans Affairs.

ADJOURNMENT

At 3.45 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.30 p.m., January 23, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

TWELFTH LEGISLATIVE DAY

SIXTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Tuesday, January 23, 1945

The Senate met at 2.30 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Deuel, on motion of Senator Seawell, on legislative business.
Senator Gordon, on motion of Senator Seawell, on legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Former Senator Edward Tickel of Monterey County.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Alma Clifton of Sacramento.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Diety Nelson of Perris.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. R. I. McCarty of San Francisco.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Misses Jean Fitten and Barbara Jenkins, San Francisco Junior College, San Francisco; and Mr. James Ricketts, General Manager, Golden Gate Bridge, San Francisco.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Fred H. Jacobs, Past-State President, Justices and Constables Assn., Uplands; Jim Markey, Marshall, Municipal Court, Santa Monica; Judge Paul A. Eymann and wife Marian, Fresno; and Judge John L. Webster, State President, Justices and Constables Assn., Malibu.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Ernest Johnson, of Yreka.

REPORTS OF STANDING COMMITTEES

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, January 23, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Joint Resolution No. 3

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 9.

COLLIER, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, January 23, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 161

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

COLLIER, Chairman

Above reported bill ordered to third reading.

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, January 22, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 258

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

FLETCHER, Chairman

Above reported bill ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, January 23, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 224

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 23, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 223

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 23, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Joint Resolution No. 9

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; absent 1.

SEAWELL, Chairman

Above reported resolution ordered to third reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, January 22, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 177

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 23, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 1—Relative to the continuance of the Fact-Finding Committee on Agricultural and Industrial Employment, created by Resolutions Chapter 38 of the 1943 Regular Session.

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-third day of January, 1945, at 12 m.

SEAWELL, Chairman

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 346: By Senators Dorsey, Judah, Mixter, McBride, and Salsman—An act providing for the acquisition of sites, construction of buildings, and purchase of materials for California academies, and making an appropriation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 347: By Senators Dorsey, Judah, Mixter, McBride, and Salsman—An act to establish California academies for children who require special care and supervision, to provide for the government and administration thereof, and making an appropriation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 348: By Senators Dorsey, Judah, Mixter, McBride, and Salsman—An act making an appropriation for the support of California academies.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 349: By Senator Dorsey—An act to add Section 8893 to the Health and Safety Code, relating to the formation of public cemetery districts and providing that such formation shall not be subject to the District Investigation Act of 1933 as amended.

Referred to Committee on Public Health and Safety.

Senate Bill No. 350: By Senator Dorsey—An act to add Section 4056a to the Political Code relating to county ordinances and providing for codification thereof.

Referred to Committee on Local Government.

Senate Bill No. 351: By Senator Dorsey—An act to add Article 4.5 to Chapter 9 of Division 2 of the Education Code, relating to the annexation of elementary school districts to union or joint union elementary school districts.

Referred to Committee on Education.

Senate Bill No. 352: By Senator Weybret—An act to amend Section 103.7 of the Fish and Game Code, relating to District 103.7.

Referred to Committee on Fish and Game.

Senate Bill No. 353: By Senator Dilworth—An act to amend Section 39.1 of the Fish and Game Code, relating to hunting and fishing.

Referred to Committee on Fish and Game.

Senate Bill No. 354: By Senator Seawell—An act to amend Sections 7351, 8353, 8358 and 8651 of the Revenue and Taxation Code, providing for an increase in taxes on motor vehicle fuel and for the expenditure of the revenue received therefrom.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 355: By Senator Swing—An act to add Section 103.1 to the Code of Civil Procedure, relating to justices' courts.

Referred to Committee on Judiciary.

Senate Bill No. 356: By Senator Slater—An act to amend Section 9141 of the Education Code, relating to vocational rehabilitation.

Referred to Committee on Education.

Senate Bill No. 357: By Senator Slater—An act to amend Section 5804 of the Education Code, relating to vocational rehabilitation and making an appropriation therefor.

Referred to Committee on Education.

Senate Bill No. 358: By Senator Swing—An act to amend Section 737jj of the Political Code, relating to salaries of superior court judges of San Bernardino County.

Referred to Committee on Local Government.

Senate Bill No. 359: By Senator Hatfield—An act to amend Sections 643 and 644 of the Agricultural Code, relating to sterilization on dairies and in milk plants.

Referred to Committee on Agriculture.

Senate Bill No. 360: By Senator Seawell—An act to repeal Section 384a of the Penal Code, and to add Chapter 7, comprising Sections 4900 to 4916 inclusive, to Division 4 of the Public Resources Code, relating to the removal of plants and other substances from public or private lands or rights of way, centralizing the control of Christmas tree traffic in the Division of Forestry, providing for revenue for its administration and enforcement, and prescribing penalties for the violation thereof.

Referred to Committee on Natural Resources.

Senate Bill No. 361: By Senator Seawell—An act to amend Section 618 of, and to add Section 619.6 to, the Fish and Game Code, relating to trout and whitefish.

Referred to Committee on Fish and Game.

Senate Bill No. 362: By Senator Seawell—An act to amend Sections 1272, 1273, and 1274 of the Fish and Game Code, relating to deer.

Referred to Committee on Fish and Game.

Senate Bill No. 363: By Senators Seawell, Hatfield, Keating, Mayo, and Shelley—An act to amend Section 1 of an act entitled "An act providing for preparation for postwar State highway construction projects, and making an appropriation therefor," approved May 18, 1943.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 364: By Senator Quinn—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land as part of the State Park System.

Referred to Committee on Natural Resources.

Senate Bill No. 365: By Senator Fletcher—An act to amend Section 5922 of the Education Code, relating to revolving fund for warehouse stock.

Referred to Committee on Education.

Senate Bill No. 366: By Senator Fletcher—An act to add Section 10177.5 to the Business and Professions Code, relating to suspension or revocation of licenses of real estate licensees.

Referred to Committee on Business and Professions.

Senate Bill No. 367: By Senator Fletcher—An act to add Section 4231.1 to the Education Code and to amend Section 4232 of said code, relating to junior college districts.

Referred to Committee on Education.

Senate Bill No. 368: By Senator Fletcher—An act to add Section 13401.1 to the Education Code, relating to teachers' institutes.

Referred to Committee on Education.

Senate Bill No. 369: By Senator Fletcher—An act to amend Section 19183 of the Education Code, relating to library funds of city school districts.

Referred to Committee on Education.

Senate Bill No. 370: By Senator Fletcher—An act to amend Section 2301 of, and to add Section 2305.5 to the Public Resources Code relating to Mining Claims, and declaring the urgency thereof.

Referred to Committee on Natural Resources.

Senate Bill No. 371: By Senator Dillinger—An act to amend Sections 19485, 19597 and 19620 of the Business and Professions Code, relating to the regulation and licensing of horse racing and horse race meetings, wagering on the results thereof and the disposition of State revenues therefrom.

Referred to Committee on Business and Professions.

Senate Bill No. 372: By Senators Dillinger and Sutton—An act to add Section 4455.5 to the Health and Safety Code, relating to pollution of water.

Referred to Committee on Public Health and Safety.

Senate Bill No. 373: By Senator Dillinger—An act to amend Section 241 of the Code of Civil Procedure, relating to grand juries and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions.

Referred to Committee on Judiciary.

Senate Bill No. 374: By Senator Keating—An act to amend Section 820 of the Streets and Highways Code, relating to assent to the provisions of the Federal Highway Act.

Referred to Committee on Transportation.

Senate Bill No. 375: By Senator Judah—An act to amend Section 10607 of the Health and Safety Code pertaining to proceedings to establish record of birth, death, or marriage.

Referred to Committee on Public Health and Safety.

Senate Bill No. 376: By Senator Brown—An act to amend Sections 1272, 1273 and 1274 of the Fish and Game Code, relating to deer.

Referred to Committee on Fish and Game.

Senate Bill No. 377: By Senator Brown—An act to add Section 207 to the Streets and Highways Code, relating to investment of moneys in the State Highway Fund.

Referred to Committee on Transportation.

Senate Bill No. 378: By Senator Brown—An act to add Section 1348 to the Fish and Game Code, relating to tule elk.

Referred to Committee on Fish and Game.

Senate Bill No. 379: By Senator Desmond—An act to amend Section 891 of the Military and Veterans Code, relating to educational assistance to veterans' dependents, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 380: By Senator Desmond—An act to amend Section 6362 of the Revenue and Taxation Code, relating to retail sales and use taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 381: By Senator Desmond—An act to add Section 13443 to the Revenue and Taxation Code, relating to inheritance taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 382: By Senator Desmond—An act to amend Section 736.15 of the Agricultural Code, relating to local control boards for marketing areas for fluid milk and cream.

Referred to Committee on Agriculture.

Senate Bill No. 383: By Senator Crittenden—An act to amend Section 8826 of the Education Code, relating to the payment of tuition for junior college pupils.

Referred to Committee on Education.

Senate Bill No. 384: By Senator Sutton—An act to amend the heading of Article 2, Chapter 1, Division 5, and Sections 2451, 2453, 2454, 2831, 2832, 2842, and 2843 of, to add a new article heading immediately preceding Section 2455 to, and to repeal Sections 2450, 2452, 2840 and 2841 of, the Elections Code, relating to county central committees.

Referred to Committee on Elections.

Senate Bill No. 385: By Senator Sutton—An act to add Section 2792.2 to the Elections Code, relating to State conventions of political parties.

Referred to Committee on Elections.

Senate Bill No. 386: By Senator Mixter—An act to amend Section 796.2 of the Agricultural Code, relating to citrus fruits.

Referred to Committee on Agriculture.

Senate Bill No. 387: By Senator Mixter—An act to amend Section 796.2 of the Agricultural Code, relating to citrus fruits.

Referred to Committee on Agriculture.

Senate Bill No. 388: By Senator Dilworth—An act to amend Section 23 of the Agricultural Code, relating to organization of the Department of Agriculture.

Referred to Committee on Agriculture.

Senate Bill No. 389: By Senator Dilworth—An act to add a new section, to be numbered 1044, to the Agricultural Code, relating to rules and regulations.

Referred to Committee on Agriculture.

Senate Bill No. 390: By Senator Dilworth—An act to amend Section 28.6 of the Agricultural Code, relating to collections.

Referred to Committee on Agriculture.

Senate Bill No. 391: By Senator Dilworth—An act to amend Section 28.5 of the Agricultural Code, relating to refunds.

Referred to Committee on Agriculture.

Senate Bill No. 392: By Senator Dilworth—An act to amend Section 28 of the Agricultural Code, relating to funds.

Referred to Committee on Agriculture.

Senate Bill No. 393: By Senator Dilworth—An act to amend Section 102 of the Agricultural Code, relating to pest certificates.

Referred to Committee on Agriculture.

Senate Bill No. 394: By Senator Dilworth—An act to amend Section 106 of the Agricultural Code, relating to plant quarantine regulations.

Referred to Committee on Agriculture.

Senate Bill No. 395: By Senator Dilworth—An act to add a new section, to be numbered 1030.5, to the Agricultural Code, relating to auxiliary plant chemicals.

Referred to Committee on Agriculture.

Senate Bill No. 396: By Senator Dilworth—An act to amend Section 1037 of the Agricultural Code, relating to sampling fertilizing materials.

Referred to Committee on Agriculture.

Senate Bill No. 397: By Senator Dilworth—An act to amend Section 1038 of the Agricultural Code, relating to tonnage license tax.

Referred to Committee on Agriculture.

Senate Bill No. 398: By Senator Dilworth—An act to add a new section, to be numbered 1064.5, to the Agricultural Code, relating to economic poisons.

Referred to Committee on Agriculture.

Senate Bill No. 399: By Senator Dilworth—An act to amend Section 1066.5 of the Agricultural Code, relating to economic poisons.

Referred to Committee on Agriculture.

Senate Bill No. 400: By Senator Dilworth—An act to amend Section 123 of the Agricultural Code, relating to nursery stock shipments.

Referred to Committee on Agriculture.

Senate Bill No. 401: By Senator Dilworth—An act to amend Section 122 of the Agricultural Code, relating to nursery stock certificates.

Referred to Committee on Agriculture.

Senate Bill No. 402: By Senator Dilworth—An act to add Sections 796.3, 796.4, and 796.5 to the Agricultural Code, relating to citrus fruits.

Referred to Committee on Agriculture.

Senate Bill No. 403: By Senator Dilworth—An act to amend Section 146 of the Agricultural Code, relating to pest control liens.

Referred to Committee on Agriculture.

Senate Bill No. 404: By Senator Dilworth—An act to amend Section 281.5 of the Agricultural Code, relating to wax salvage plants.

Referred to Committee on Agriculture.

Senate Bill No. 405: By Senator Dilworth—An act to amend Sections 911.23, 912, 914, 915, 915.5, 917, 919 of, and to add Section 915.1 to, the Agricultural Code, relating to seeds.

Referred to Committee on Agriculture.

Senate Bill No. 406: By Senator Quinn—An act granting certain salt marsh, tide and submerged lands of the State of California to the City of Eureka, including the management, use, and control thereof.

Referred to Committee on Transportation.

Senate Bill No. 407: By Senator Quinn—An act to add Section 1225 to the Government Code, relating to and prohibiting conscientious objectors from holding public office.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 408: By Senator Keating—An act to add Section 1½ to an act entitled "An act to regulate the construction, operation and maintenance of toll bridges and toll roads situated wholly or in part within the State of California; vesting the exclusive jurisdiction over said toll bridges and toll roads in the Department of Public Works of the State of California; authorizing and empowering said department to grant upon certain terms, limitations, conditions and restrictions and under such supervision as in its judgment may be necessary, franchises, privileges or licenses for the construction or operation of toll bridges and toll roads and for the taking and keeping of tolls thereon, and to fix, determine, modify or change the rate of tolls to be taken thereon; to terminate the right of boards of supervisors to grant franchises, privileges or licenses for the construction, operation and the taking and keeping of tolls on toll bridges and toll roads; also providing that the State may purchase or retake any such toll bridges or toll roads constructed hereunder and repealing all other acts and parts of acts in conflict therewith," approved June 10, 1929, as amended, relating to franchises, licenses and privileges for toll bridges, toll roads and toll ferries and making administration of said act a charge against the State Highway Fund.

Referred to Committee on Transportation.

Senate Bill No. 409: By Senator Parkman—An act to amend Section 2206 of the Education Code, relating to gifts, donations, bequests and devises to school districts.

Referred to Committee on Education.

Senate Bill No. 410: By Senators Salsman, Keating, Seawell, Powers, Parkman, and Burns—An act to add Chapter 5, comprising Sections 28200 to 28323, inclusive, to Division 21 of the Health and Safety Code and to repeal an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed;

regulating the use of sealed containers and providing for the sterilization of bottles, receptacles and containers used for foods, drugs and liquors; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; providing for the licensing of premises upon which walnuts are shelled or otherwise prepared and for the inspection of such premises and prohibiting the purchase, acquisition or receiving of walnuts shelled or prepared other than on licensed premises; providing for license fees; providing for producer exemption and empowering the California State Board of Public Health to make rules and regulations, and providing for the keeping of records; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to the regulation and sanitation of food handling establishments as defined therein, providing for the inspection and licensing of such premises, and prescribing penalties for the violation hereof.

Referred to Committee on Public Health and Safety.

Senate Bill No. 411: By Senator Mixter—An act to repeal Section 282 of, and to add Section 255 to, the Fish and Game Code, relating to game refuges.

Referred to Committee on Fish and Game.

Senate Bill No. 412: By Senator Mixter—An act to amend Sections 1313, 1340.6, and 1340.7 of the Fish and Game Code, relating to bears.

Referred to Committee on Fish and Game.

Senate Bill No. 413: By Senators Donnelly, Quinn, Dorsey, Hatfield, and Slater—An act to amend Sections 427, 428, and 990 of the Fish and Game Code, relating to hunting and fishing, and the issuance of licenses therefor.

Referred to Committee on Fish and Game.

Senate Bill No. 414: By Senators Donnelly, Dorsey, Hatfield, Quinn, and Slater—An act making an appropriation for the purpose of investigating, discovering and prosecuting evasions and violations of the Alien Land Laws.

Referred to Committee on Judiciary.

Senate Bill No. 415: By Senators Donnelly, Quinn, Dorsey, Slater, Crittenden, Weybret, and Judah—An act to amend an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and adopted and approved by the electors of the State of California, November 2, 1920,

as amended, by amending Section 7.5, relating to the proceeds of sales of real property by the State.

Referred to Committee on Judiciary.

Senate Bill No. 416: By Senator Powers—An act to amend Sections 737r, 737y, and 737ff of the Political Code, relating to judges salaries.

Referred to Committee on Local Government.

Senate Bill No. 417: By Senator Powers—An act to amend Sections 4269, 4273, and 4278 of the Political Code, relating to compensation for public services.

Referred to Committee on Local Government.

Senate Bill No. 418: By Senators Collier, Mayo, McCormack, Brown, Powers, Dillinger, and Seawell—An act to add Section 1241.5 to the Water Code, relating to the forfeiture of water rights, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Water Resources.

Senate Bill No. 419: By Senator Ward—An act to amend Section 2160 of the Welfare and Institutions Code, relating to aid to aged persons, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

Senate Bill No. 420: By Senator Dilworth—An act to add Section 171c to the Civil Code, relating to the management and control of community property.

Referred to Committee on Judiciary.

Senate Bill No. 421: By Senator Dilworth—An act to amend Sections 1237, 1246, 1251, 1252, 1253, 1254, 1255, 1256, 1260 and 1263 of the Civil Code, relating to homesteads.

Referred to Committee on Judiciary.

Senate Bill No. 422: By Senator Dilworth—An act to add Sections 1426.1 and 1426.2 to the Penal Code, relating to proceedings on misdemeanor complaints.

Referred to Committee on Judiciary.

Senate Bill No. 423: By Senator Salsman—An act to amend the Building and Loan Association Act by amending Section 9.14 thereof relating to loans.

Referred to Committee on Financial Institutions.

Senate Bill No. 424: By Senator Desmond—An act to add Chapter 4, comprising Sections 1130 and 1166, inclusive, to Division 5 of the Military and Veterans Code, relating to the establishment and government of a Women Veterans' Home of California, and making an appropriation.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 425: By Senator McBride—An act to amend Section 10202 of the Insurance Code, relating to group life insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 426: By Senator McBride—An act to amend Section 4248 of the Political Code, relating to compensation of public officers.

Referred to Committee on Local Government.

Senate Bill No. 427: By Senator McBride—An act to amend Section 737ddd of the Political Code, relating to the salary of the judge of the superior court of the County of Ventura.

Referred to Committee on Local Government.

Senate Bill No. 428: By Senator Shelley—An act to add Section 14.1 to an act entitled "An act to aid commerce and navigation by authorizing certain improvements in and about Islais Creek and as a means thereof creating a reclamation district to be called and known as the 'Islais Creek Reclamation District,' fixing the boundaries thereof, providing for the management and control thereof, vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district; and to aid and assist such works of reclamation granting to the City and County of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said Islais Creek Reclamation District," approved April 6, 1925, relating to the deposit of funds in the bond fund of the district.

Referred to Committee on Transportation.

Senate Bill No. 429: By Senator Shelley—An act appropriating money to pay the claim of Josephine Lovejoy against the State of California.

Referred to Committee on Finance.

Senate Bill No. 430: By Senator Shelley—An act to amend Section 355 of the Streets and Highways Code, relating to State highway routes.

Referred to Committee on Transportation.

Senate Bill No. 431: By Senators Donnelly and Collier—An act to amend Section 2957 of the Civil Code, relating to chattel mortgages.

Referred to Committee on Judiciary.

Senate Bill No. 432: By Senator Ward—An act to amend Section 20 of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred", approved June 16, 1931, Statutes 1931, Chapter 1020, as amended, by amending subsection (b) thereof and adding subsection (c) thereto relating to the power of water conservation districts to enter into cooperative contracts and agreements with municipalities, water districts of all types and kinds, counties, cities and counties, the State of California, or the Government of the United States for the acquisition

and/or construction and/or disposal of works, water, water rights or water storage facilities authorized to be acquired and/or constructed and/or disposed of by the terms of said act, and prescribing certain provisions to be incorporated in such contracts.

Referred to Committee on Water Resources.

Senate Bill No. 433: By Senator Ward—An act to amend Section 35 of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, Statutes 1931, Chapter 1020, as amended, relating to calling of elections in water conservation districts to submit to the qualified electors thereof whether a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes of said act, prescribing a notice of said election, specifying the matters to be submitted to said electors and the vote necessary to authorize said assessment providing said assessment may be levied in two, three, four or not to exceed 40 annual installments, and prescribing the purposes for which said assessment must be used.

Referred to Committee on Water Resources.

Senate Bill No. 434: By Senator Mixter—An act to amend the County Employees Retirement Act of 1937, relating to county employees' retirement systems.

Referred to Committee on Local Government.

Senate Bill No. 435: By Senator Hulse—An act making an appropriation to pay the claim of Thomas N. Finney against the State of California.

Referred to Committee on Finance.

Senate Constitutional Amendment No. 5: By Senator Dillinger—Proposed amendment to Section 8 of Article I of the Constitution, relative to grand juries.

Referred to Committee on Judiciary.

Senate Constitutional Amendment No. 6: By Senators DeLap, Shelley, Rich, Breed, Collier, and Deuel—Proposed amendment to Section 26 of Article VI of the Constitution, relative to the selection of judges and the filling of vacancies in such judicial offices.

Referred to Committee on Elections.

Senate Constitutional Amendment No. 7: By Senators DeLap and Shelley—Proposed amendment adding Section 8½ to Article VI of the Constitution, relative to nominations or appointments to fill vacancies in the office of judge of a superior court or of any court of record inferior to the superior court.

Referred to Committee on Elections.

Senate Concurrent Resolution No. 21: By Senator Dillinger—Relative to the continuance of the Joint Committee on the Tax Structure of the State created by Chapter 122 of Resolutions of the 1943 Regular Session.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 22: By Senator Fletcher—Relative to the duty of the United States Government to pay any and all costs of the counties or State of California in relation to indigent Japanese returned from the Relocation Centers.

Referred to Committee on Local Government.

Senate Joint Resolution No. 5: By Senators Shelley, Judah, Cunningham, Powers, and Dillinger—Relative to memorializing Congress to consider early return to this State of the administration and control assumed by the Federal Government as part of a Nationwide War-time Employment Program.

Referred to Committee on Social Welfare.

Senate Joint Resolution No. 6: By Senator Dilworth—Relative to making available to the Palo Verde Mesa lands certain waters of the Colorado River.

Referred to Committee on Water Resources.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Joint Resolution No. 9—Relative to memorializing the Senate of the United States not to advise nor consent to a proposed Treaty with Mexico, signed February 3, 1944, relating to the waters of the Colorado and Tijuana Rivers and the Rio Grande.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 161—An act to add Section 18600.5 to the Health and Safety Code, relating to auto and trailer camps, and declaring the urgency thereof, the act to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers,

Quinn, Rich, Salsman, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 258—An act to amend Sections 4455 and 4459, and to repeat Sections 4456, 4457, 4458 and 4460 of, and to add a new Section 4460 to, the Public Resources Code, relating to forest insect control, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Request for Unanimous Consent

Senator Carter asked for, and was granted, unanimous consent to take up Senate Bill No. 258, at this time, for consideration.

CONSIDERATION OF SENATE BILL NO. 258

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Carter:

Resolved, That Senate Bill No. 258 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—31.
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Senate Bill No. 258—An act to amend Sections 4455 and 4459, and to repeal Sections 4456, 4457, 4458 and 4460 of, and to add a new Section 4460 to, the Public Resources Code, relating to forest insect control, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—36.
NOES—None.

Bill ordered transmitted to the Assembly.

SECOND READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 224—An act to amend Section 3 of an act entitled "An act to provide for the establishment of a Fiscal Agency for the State of California in the City of New York, in the State of New York, and prescribing the duties of such Fiscal Agency and the duties of the public officers in relation thereto," approved June 6, 1913, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Request for Unanimous Consent

Senator Hatfield asked for, and was granted, unanimous consent to take up Senate Bill No. 224, at this time, for consideration.

CONSIDERATION OF SENATE BILL NO. 224

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Hatfield:

Resolved, That Senate Bill No. 224 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Senate Bill No. 224—An act to amend Section 3 of an act entitled "An act to provide fo rthe establishment of a Fiscal Agency for the State of California in the City of New York, in the State of New York, and prescribing the duties of such Fiscal Agency and the duties of the public officers in relation thereto," approved June 6, 1913, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Joint Resolution No. 3—Relative to cooperation among Nations to curtail the production and traffic of opium.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Kuchel, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

SECOND READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 177—An act relating to union elementary school districts, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 223—An act to amend Sections 2 and 4 of "An act to provide for the payment of a portion of the bonded indebtedness of the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately," approved May 19, 1943, relating to the payment of a portion of the bonded indebtedness of the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency.

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "Seventeenth", and insert "Sixteenth."

Amendment No. 2

On page 1, line 13, of the printed bill, after "ments," insert "for such principal and interest."

Amendment No. 3

On page 1, line 13, of the printed bill, strike out "to the Fiscal Agent."

Amendment No. 4

On page 2, line 4, of the printed bill, strike out "five", and insert "one".

Amendment No. 5

On page 2, line 5, of the printed bill, strike out "$11,655,489.75", and insert "$11,651,489.75".

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Finance.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO 14, January 23, 1945

To the Senate of the State of California

At the request of the State Reconstruction and Reemployment Commission, I herewith present to your honorable body Report No. 1 of the Aviation Project Committee appointed by the commission to study aviation problems.

The membership of the Project Committee, which is acting under the chairmanship of Mr. Loyd Wright of Los Angeles, is set forth in the report.

The Reconstruction and Reemployment Commission has expressed the hope that the report and recommendations of the Peace Commission will be helpful, and that the Legislature will have an opportunity to give them its consideration.

Respectfully,

EARL WARREN, Governor

Motion to File Report

Senator Sorrell moved that the Report No. 1 of the Aviation Committee be filed with the Secretary of the Senate.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed

Assembly Bill No. 99

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HARRY LEWIS, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS RESUMED

The following bill was read the first time:

Assembly Bill No. 93—An act to add Section 4830 to the Education Code, relating to the powers of unified school districts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Rules.

Withdrawal and Re-reference of Assembly Bill No. 93

Senator Sorrell moved that Assembly Bill No. 93 be withdrawn from Committee on Rules, and referred to Committee on Education.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, January 23, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 33

Has had the same under consideration, and reports the same back with the recommendation: Do pass

Committee membership: 12; committee vote: Ayes 12

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 23, 1945

MR. PRESIDENT: Your Committee on Judiciary submits that it has adopted the following rules to govern its meetings during the Fifty-sixth Regular Session of the Legislature:

The officers of the committee shall be a chairman, vice-chairman, and secretary.

The chairman shall preside at meetings when present and when absent the vice chairman shall preside.

The secretary shall keep a complete record of the meetings and of action taken by the committee.

The committee shall meet in regular session in Room 424 on Monday and Wednesday of each week at the hour of 2 p.m. Additional meetings or special meetings shall be held at the time fixed by the chairman pursuant to the call for the special meeting.

Special meetings may be called by the chairman by giving at least three hours notice specifying the subject of the meeting and the time and place thereof and the meetings to be considered at such special meeting, and no bill or other matter shall be considered at such meeting other than those specified in the notice.

Seven members shall constitute a quorum, but no bill shall be voted out of committee except on the affirmative vote of seven members. Seven votes shall

be required to table a bill or remove a bill from the table or to reconsider on a bill.

No bill shall be signed out of committee.

The chairman shall arrange the calendar for the various meetings and shall set bills to be heard at the various meetings and give notice thereof. No bills except those on the calendar shall be considered at any meeting except with the unanimous consent of those present. The calendar shall be made up at least twelve (12) hours before time of meeting. Notice of hearing of bills shall be given the author and such other persons requesting notice in writing. Bills will not be considered in the absence of the author without his consent. All bills shall be carefully considered and all controversial measures shall be fully and completely heard in such manner and at such time as the committee shall determine.

Any bill laid upon the table shall not be removed unless one day's notice of intention to remove the same from the table shall have been first given. Reconsideration of the vote by which a bill is voted out, tabled or defeated, may be made at the same meeting or at a subsequent meeting upon at least one day's notice, in writing, to the chairman of the committee and no motion to reconsider a vote or to take it to the table at a subsequent meeting shall be considered unless one day's notice of intention to make such motion shall have been given.

The chairman shall direct the order of presentation of the arguments for and against matters for consideration by the committee and shall permit questions to be asked by the various members of the committee, in an orderly fashion and in keeping with proper decorum.

It shall be the duty of the Sergeant-at-Arms, or an Assistant Sergeant-at-Arms, to be present and maintain order during meetings of the committee.

Bills favorably acted upon shall be reported to the Senate as expeditiously as the reports can be prepared.

Your Committee on Judiciary also took action by unanimous vote to elect Senator T. H. DeLap as its representative on the Joint Legislative Budget Committee pursuant to the Joint Rules.

KEATING, Chairman

Above report read, and ordered printed in the Journal on request of Senator Keating.

RESOLUTIONS

The following resolutions were offered:

By Senator Donnelly:

Senate Resolution No. 37

Relating to the continuance of the Senate Fact-Finding Committee on Japanese Resettlement, created by Senate Resolution No. 122 of th Fifty-fifth Regular Session.

Resolved by the Senate of the State of California, as follows:

1. The committee is authorized to act during this session of the Legislature, including any recess but not after final adjournment.

2. The sum of four thousand eight hundred dollars ($4,800), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the Senate Fact-Finding Committee on Japanese Resettlement, created by Senate Resolution No. 122 of the Fifty-fifth Regular Session and its members and for any charges, expenses or claims it may incur under Senate Resolution No. 18 of this session, printed on page 3 of the Senate Journal for January 16, 1945, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

The money made available by this resolution is less than the unused part of the amount heretofore made available to the committee which will revert to the General Fund.

3. The provisions of paragraphs 1 and 2 of this resolution supersede the provisions of paragraphs 2 and 4 respectively of said Senate Resolution No. 18.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—35.

NOES—None.

By Senator Swing:

Senate Resolution No. 38

Relating to the continuance of the Senate Fact Finding Committee on Needles-Colorado River Problems, created by the Senate Resolution No. 138, of the Fifty-fifth Regular Session.

Resolved by the Senate of the State of California, as follows:

1. The Senate Fact Finding Committee on Needles-Colorado River Problems, created by Senate Resolution No. 138, of the Fifty fifth Regular Session, is continued as a Senate Committee at this session with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring shall be filled by the Committee on Rules of this session.

2. The committee is authorized to act during this session of the Legislature, including any recess but not after final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate that are applicable to such a committee, as soon as such Rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

4. The sum of one thousand dollars ($1,000), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the Senate Fact Finding Committee on Needles-Colorado River Problems created by Senate Resolution No. 138 of the Fifty fifth Regular Session and its members and for any charges, expenses or claims it may incur under Senate Resolution No. 27 of this session, printed on page 7 of the Senate Journal for January 16, 1945, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

The money made available by this resolution is less than the unused part of the amount heretofore made available to the committee which will revert to the General Fund.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dilliuger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

By Senator Powers:

Senate Resolution No. 39

Resolved, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law with the compensation set opposite her name, payable weekly seven days per week, beginning Monday, January 22, 1945, and the Controller is hereby directed to draw his warrants in favor of the respective person for the respective amount, and the Treasurer is hereby directed to pay the same:

Mrs. R. B. Reinbach, Assistant Engrossing and Enrolling Clerk.....$8 00 per day

POWERS, Chairman
Committee on Attaches

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dilliuger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 23, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 35

Has had the same under consideration, and reports the same back with amendments with the recommendation: Be amended, and be adopted, as amended.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Resolution No. 35—Creating the Senate Committee on Local Governmental Agencies, and defining its powers and duties.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

In Section 2 of the resolution, in the blank before the words "Members of the Senate", insert "five".

Amendment read and adopted.

FURTHER CONSIDERATION OF SENATE RESOLUTION NO. 35, AS AMENDED

Senate Resolution No. 35

Creating the Senate Committee on Local Government Agencies, and defining its powers and duties

WHEREAS, Local governmental agencies during recent years have entered upon various types of enterprises for the service of the inhabitants of the several areas over which such agencies, respectively, have jurisdiction and in which they function; and

WHEREAS, These enterprises in increasing number involve the acquisition and use, within and without the areas thus served, of facilities which are operated, many of them, in a proprietary or quasi-proprietary capacity; and

WHEREAS, These circumstances give rise to relationships, contractual and otherwise, between these several agencies and individual citizens and other public agencies, relationships which it is the obligation and responsibility of the State as sovereign to regulate, and the reciprocal obligations of all concerned to clarify and define, in the public interest and for the common weal; now, therefore, be it

Resolved by the Senate of the State of California, as follows:

1. The Senate Committee on Local Governmental Agencies is hereby created, and authorized and directed to ascertain, study and analyze all facts relating to the subjects mentioned in the recitals of this resolution, particularly as to the status of cities, counties, and public districts as owners and operators of facilities and properties used by them in the service of their inhabitants, and the civil rights, duties, privileges and responsibilities of such cities, counties and districts toward their inhabitants and toward other persons and public agencies, growing out of, or in any way related to their acquisition, ownership, operation or management of such facilities and properties wherever situate, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Senate appointed by the Senate Committee on Rules. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, but not after final adjournment.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon Investigating Committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding regular session are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of two thousand five hundred dollars ($2,500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, January 23, 1945

MR. PRESIDENT: The Committee on Conference concerning:

Senate Concurrent Resolution No. 3—Relative to Joint Rules of the Legislature; consisting of the undersigned members, has met, and reports that it has been unable to agree.

SEAWELL	FIELD
POWERS	LOWREY
Senate Committee on Conference	Assembly Committee on Conference

APPOINTMENT OF SECOND COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Mayo, Brown, and Salsman as a Second Senate Committee on Conference concerning Senate Concurrent Resolution No. 3 to meet a like committee of the Assembly.

SEAWELL, Chairman

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 23, 1945

MR. PRESIDENT: The Committee on Rules appoints Senator Dilworth as a member of the Committee on Needles Colorado River Problems, created by Senate Resolution No. 38, to fill the vacancy of former Senator Luckey.

SEAWELL, Chairman

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 248

Senator Judah moved that Senate Bill No. 248 be withdrawn from Committee on Public Health and Safety, for purpose of amendment.

Motion carried.

Senate Bill No. 248—An act to amend Sections 10615 and 10617 of the Health and Safety Code, relating to registration of previously unregistered births.

Bill read second time.

Motion to Amend

Senator Judah moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 15, of the printed bill, after "birth.", strike out "The application shall be filed in duplicate."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

SECOND READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 93—An act to amend Section 6052 of the Penal Code relating to employees in the Department of Corrections, declaring the urgency thereof, and providing this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

ADJOURNMENT

At 4.35 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.30 p.m., January 24, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

THIRTEENTH LEGISLATIVE DAY

SEVENTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Wednesday, January 24, 1945

The Senate met at 2.30 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. May E. Snow of Vista.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ben Rosenthall of Los Angeles.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. George Ososke, Chief Juvenile Probation Officer of San Francisco, and Mrs. George Ososke of San Francisco.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sheriff Charles Cline of Independence; Mr. Jess G. Sutliff of Independence; and Stanley Eckhert of Independence.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Charles M. Cooke, Jr., Sonoma, wife of Vice Admiral Charles M. Cooke, Jr., Chief of Staff of U. S. Navy.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Collins, Sam L., Wollenberg, and Doyle as a Second Committee on Conference concerning:

Senate Concurrent Resolution No. 3—Relative to Joint Rules of the Legislature.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 234

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 234—An act making an appropriation to meet a deficiency in the appropriation for legislative printing.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 23, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 93
Senate Bill No. 161
Senate Bill No. 177
Senate Bill No. 224
Senate Bill No. 258
Senate Joint Resolution No. 3

And reports the same correctly engrossed.

SEAWELL, Chairman

REPORT ON SENATE INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY

MR. PRESIDENT: The Senate Interim Committee on Governmental Efficiency and Economy appointed pursuant to Resolution No. 137 (Senate Journal, No. 43, pages 2981-2) held no meetings for the reason that the field of investigation contemplated by the resolution was adequately covered by a similar committee of the Assembly.

The committee expended no part of the five thousand dollar ($5,000) appropriation made to it under the resolution, save and except the item of expense for Senator James J. McBride, incurred by authorization of the committee pursuant to request of the Governor.

DATED: Senate Chambers, January 24, 1945.

BYRL R. SALSMAN, Chairman
Senate Interim Committee on Governmental Efficiency

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, January 23, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 286

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 23, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 287

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

MAYO, Chairman

Above reported bill ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, January 24, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 284

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 2; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 24, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 204

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bill ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, January 24, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 93

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

SLATER, Chairman

Above reported bill ordered to second reading.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, January 23, 1945

MR. PRESIDENT: The Committee on Conference concerning:

Senate Concurrent Resolution No. 3—Relative to Joint Rules of the Legislature; consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on January 17, 1945, be further amended as follows:

Amendment No. 1

On page 13, line 4, of the printed measure, strike out "seven", and insert "five".

Amendment No. 2

On page 13, line 9, of the printed measure, strike out "six", and insert "four".

Amendment No. 3

On page 13, line 23, of the printed measure, strike out "37", and insert "36".

Amendment No. 4

On page 13 of the printed measure, strike out lines 31 to 38, inclusive, and insert "appoint a Legislative Auditor, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The".

MAYO
BROWN
SALSMAN
Senate Committee on Conference

SAM L. COLLINS
WOLLENBERG
DOYLE
Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Desmond, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

MOTION TO READ SENATE BILLS SECOND TIME

Senator Seawell moved that the bills reported from committees be given second reading.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 286—An act to amend Sections 19 and 20 of, and to add Section 24 to the Unemployment Insurance Act, relating to unemployment insurance, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 2, line 47, of the printed bill, after "Fund", insert "into which shall be deposited or transferred all interest on contributions, penalties and fines collected under this act."

Amendment No. 2

On page 3, line 5, of the printed bill, after "ment", and before "Fund", insert "Contingent".

Amendment No. 3

On page 3, line 6, of the printed bill, after "Employment", and before "Fund", insert "Contingent".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 287—An act to amend Section 57.7 of the Unemployment Insurance Act, relating to the benefit rights of veterans, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 204—An act making an appropriation for the Department of Finance for cost of advertising Veterans' Bond Act of 1943, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 284—An act to make an appropriation for the cost of auditing and collecting unemployment relief restitution, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 93—An act to add Section 4630 to the Education Code, relating to the powers of unified school districts, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 436: By Senator Quinn—An act making an appropriation to the Emergency Fund specified in Item_____of the Budget Act of 1945, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor.

Referred to Committee on Transportation.

Senate Bill No. 437: By Senator Rich—An act to amend Section 661½ of the Political Code, and Section 13923 of the Government Code, relating to revolving funds.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 438: By Senator Desmond—An act to amend Section 428 of the Penal Code, relating to the collection of revenue, taxes, or other sums of money.

Referred to Committee on Judiciary.

Senate Bill No. 439: By Senator Desmond—An act to amend Section 328 of the Revenue and Taxation Code, relating to the description of property for tax purposes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 440: By Senator Desmond—An act making an appropriation for support of the State Printing Plant, State Department of Finance, to take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 441: By Senator Desmond—An act to amend Section 19484 of the Business and Professions Code, relating to fees for horse racing meetings.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 442: By Senator Desmond—An act to authorize the Director of Finance to sell and convey certain real property in the County of Sacramento, known as Camp Christiansen.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 443: By Senator Sutton—An act to add Section 92.7 to the Agricultural Code, relating to agricultural fairs.

Referred to Committee on Agriculture.

Senate Bill No. 444: By Senator Sutton—An act to add Section 92.8 to the Agricultural Code, relating to district agricultural associations.

Referred to Committee on Agriculture.

Senate Bill No. 445: By Senator Sutton—An act to add Section 558 to the Streets and Highways Code, relating to State highway routes.

Referred to Committee on Transportation.

Senate Bill No. 446: By Senator Rich—An act to provide for the reversion to the General Fund of any unexpended balance in the appropriation made by Chapter 556, Statutes of 1919.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 447: By Senator Swing—An act to make an appropriation from the Special Deposit Fund-Federal Flood Control Receipts Account to the County of San Bernardino.

Referred to Committee on Local Government.

Senate Bill No. 448: By Senator Swing—An act to amend Section 473a of the Political Code and Section 11041 of the Government Code, relating to attorneys for State departments.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 449: By Senator Gordon—An act to amend Sections 629, 630 and 631, of the Fish and Game Code, relating to the closing of lakes or streams to fishing.

Referred to Committee on Fish and Game.

Senate Bill No. 450: By Senator Gordon—An act to add Section 39.2 to the Fish and Game Code, relating to granting of powers to the commission to reduce the bag and possession limits on game fish, birds, or mammals.

Referred to Committee on Fish and Game.

Senate Bill No. 451: By Senator Gordon—An act to amend Section 80 of the Fish and Game Code, relating to District 12B.

Referred to Committee on Fish and Game.

Senate Bill No. 452: By Senator Weybret—An act to amend Sections 615.6, 615.7, and 615.8 of the Fish and Game Code, relating to trout.

Referred to Committee on Fish and Game.

Senate Bill No. 453: By Senator Swing—An act to increase the statutory salary and the statutory compensation of State officers and State employees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 454: By Senator Swing—An act to repeal Article 3, comprising Sections 13140 to 13148, inclusive, of Chapter 2 of Part 3 of Division 3 of Title 2 of the Government Code and to add a new Article 3, comprising Sections 13140 to 13144, inclusive, to Chapter 2 of Part 3 of Division 3 of Title 2 of the Government Code, relating to the refund by State agencies of fees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 455: By Senator Jespersen—An act to amend Sections 2541, 2574, 2576, 2702, 2703, 2705, 2753, 2791, 3920, 3921, 3924, 3926, 3930, 3946, 7966, and 8720 of the Elections Code, relating to nominations and party conventions.

Referred to Committee on Elections.

Senate Bill No. 456: By Senator Jespersen—An act to amend Section 12751 of the Education Code, relating to the suspension and revocation of credentials, life diplomas and other documents issued by the State Board of Education.

Referred to Committee on Education.

Senate Bill No. 457: By Senator Jespersen—An act to amend Section 12914 of the Education Code and to add Section 12914.1 to said code, relating to the fees for credentials.

Referred to Committee on Education.

Senate Bill No. 458: By Senator Jespersen—An act to add Sections 322, 368 and 1553 to the Education Code, relating to the destruction of records.

Referred to Committee on Education.

Senate Bill No. 459: By Senator Donnelly—An act to amend Section 1103 of the Agricultural Code, relating to eggs.

Referred to Committee on Agriculture.

Senate Bill No. 460: By Senators Jespersen and Dilworth—An act to amend Sections 11001, 11004, 11035, 11160, 11162, 11164, 11166, 11166.05, 11166.07, 11166.1, 11166.11, 11166.12, 11170, 11200, 11227, 11391, 11395, 11451, 11479, 11530, 11556, 11570, 11572, 11574, 11715, and 11721, of, and to amend the headings of Chapter 5 of Division 10, Article 1 of Chapter 5 of Division 10, and of Article 2 of Chapter 5 of Division 10 of, and to add Sections 11014, 11015, 11016, 11162.5, 11715.7, and a new heading of Article 1 of Chapter 5 of Division 10 to, and to repeal the heading of Article 2 of Chapter 1 of Division 10 of, and to repeal Sections 11331, 11531, and 11720 of, and to repeal Article 1 of Chapter 5 of Division 10 of the Health and Safety Code, relating to the sale, transfer, possession, transportation, and use of narcotics.

Referred to Committee on Public Health and Safety.

Senate Bill No. 461: By Senators Donnelly, Quinn, Dorsey, Slater, and Hatfield—An act to amend Section 315 of the Code of Civil Procedure, relating to the time of commencing civil actions.

Referred to Committee on Judiciary.

Senate Bill No. 462: By Senator Hulse—An act to amend Sections 202, 1050.5 and 6050 of, and to add Sections 8305, 8698, 8699, 20544 and 20545 to the Water Code, relating to administration of the provisions of said code.

Referred to Committee on Water Resources.

Senate Bill No. 463: By Senator Hulse—An act to amend Section 20083 of, and to add to Article 5 of Chapter 1 of Division 10 of the Water Code new Sections 20084, 20085, 20086 and 20087, relating to supervision of districts.

Referred to Committee on Water Resources.

Senate Bill No. 464: By Senator Hulse—An act to add new Sections 20051, 20052, 20053 to Article 3 of Chapter 1 of Division 10 of the Water Code, relating to revocation of bond approval.

Referred to Committee on Water Resources.

Senate Bill No. 465: By Senator Hulse—An act to add a new Section 20033 to Article 2 of Chapter 1 of Division 10 of the Water Code, relating to revocation of orders and reports.

Referred to Committee on Water Resources.

Senate Bill No. 466: By Senator Hulse—An act to amend Section 20003 of and to repeal Chapter 2 of Division 10 of the Water Code, relating to the financial supervision of irrigation and other public districts.

Referred to Committee on Water Resources.

Senate Bill No. 467: By Senator Hulse—An act to amend Section 4250 of the Political Code, relating to compensation for public services in counties of the twenty-first class.

Referred to Committee on Local Government.

Senate Bill No. 468: By Senator Hulse—An act to amend Section 482 of the Vehicle Code, relating to accidents involving vehicles.

Referred to Committee on Transportation.

Senate Bill No. 469: By Senator Breed—An act to add Section 11009 to the Government Code, relating to investments of funds and the sale or exchange of securities by State agencies and the powers of the Department of Finance.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 470: By Senator Biggar—An act to enable and authorize banks, bankers, trust companies, savings banks and institutions, building and loan and savings and loan associations, and other persons carrying on a banking business, insurance companies, corporations and associations carrying on insurance business, and all executives, administrators, guardians, trustees and other fiduciaries to legally invest funds belonging to them or within their control in mortgage or trust deed loans or liens authorized by Public Law 346 of the Seventy-eighth Congress, Chapter 268, the Second Session (S.1767), of the United States and by any law that may be passed in respect of veterans loans or otherwise by the Legislature of the State of California, covering home or farm loans.

Referred to Committee on Financial Institutions.

Senate Bill No. 471: By Senator Crittenden—An act to amend the Building and Loan Association Act by amending Sections 16.03 and 16.04, relating to building and loan associations, the Building and Loan Commissioner, plans for the rehabilitation, readjustment, reorganization or liquidation of such an association or of all or of any part of the business, properties and assets of such association or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association and the rights of investors and creditors of any such association in the possession of the commissioner to obtain assets

of such association in exchange for investment certificates or unsecured creditor's claims, providing for the organization of a corporation or corporations to acquire such assets or a portion thereof; providing for the kinds of securities issuable in connection therewith; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to or dissent from such a plan as defined, and to exchange shares, stock, investment certificates or other rights or claims for securities issued or for property and to continue to hold as a legal investment any securities or properties so received.

Referred to Committee on Financial Institutions.

Senate Bill No. 472: By Senator Parkman—An act to amend Section 356 and 356a of the Political Code, and Sections 11253, 11310 and 11314 of the Government Code, relating to State departments.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 473: By Senator Fletcher—An act to amend Section 429 of the Fish and Game Code, relating to license fees.

Referred to Committee on Fish and Game.

Senate Bill No. 474: By Senators McBride, Dorsey, Brown, Mayo, Shelley, and Gordon—An act to amend Section 1622 of the Welfare and Institutions Code, relating to inspection services licensing agencies for child care and home finding, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

Senate Bill No. 475: By Senators McBride, Dorsey, Brown, Mayo, Shelley, and Gordon—An act to amend Section 2302 of the Welfare and Institutions Code, relating to the inspection services licensing agencies for the care of the aged, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

Senate Bill No. 476: By Senators McBride, Dorsey, Brown, Mayo, Shelley, and Gordon—An act to amend Sections 2300, 2301, 2306, 2308 and 2309 of, and to add Sections 2298, 2299 and 2311 to, the Welfare and Institutions Code, and to add Chapter 5, comprising Sections 1650 to 1660, inclusive, to Division 2 of the Health and Safety Code, relating to establishments, homes, and institutions in which aged persons are received and cared for, and providing for the supervision, licensing, regulation and inspection thereof; and prescribing the powers and duties of the State Department of Social Welfare and the State Department of Public Health in relation thereto.

Referred to Committee on Social Welfare.

Senate Bill No. 477: By Senator Judah—An act to amend Section 4255 of the Political Code, relating to compensation for public service in counties of the twenty-sixth class.

Referred to Committee on Local Government.

Senate Bill No. 478: By Senator Judah—An act to renumber and amend Section 10202 and to add Section 10553 to the Health and Safety Code, relating to certified copies of birth and death certificates.

Referred to Committee on Public Health and Safety.

Senate Bill No. 479: By Senator Parkman—An act to amend Section 8541 of the Education Code, relating to the Public School System.

Referred to Committee on Education.

Senate Bill No. 480: By Senator Parkman—An act to amend Section 13033 of the Education Code, relating to the Public School System.

Referred to Committee on Education.

Senate Bill No. 481: By Senator Parkman—An act to amend Section 18853 of the Education Code, relating to the Public School System.

Referred to Committee on Education.

Senate Bill No. 482: By Senator Crittenden—An act to abolish the Joint Navigation and Flood Control Project Fund and to repeal Article 1 of Chapter 7 of Part 4 of Division 5, comprising Sections 8900 to 8913, of the Water Code, relating to said fund.

Referred to Committee on Water Resources.

Senate Bill No. 483: By Senator DeLap—An act to add Sections 130 and 131 to the Penal Code and to amend Sections 14, 121, 122, 926 and 927 of said code, relating to the crime of false swearing.

Referred to Committee on Judiciary.

Senate Bill No. 484: By Senator Brown—An act to add Section 5326 to the Business and Professional Code, relating to outdoor advertising license fees.

Referred to Committee on Business and Professions.

Senate Bill No. 485: By Senator Dilworth—An act to add Section 8821.2 to the Education Code, relating to the admission to junior colleges of persons who have served in active military service.

Referred to Committee on Education.

Senate Bill No. 486: By Senator Dilworth—An act to repeal Chapters 1, 2, 3, 4, 5, and 7 of Division 7, of the Education Code and to add Chapter 1 to Division 7 of said code, all relating to the authorization of persons to serve in the public schools.

Referred to Committee on Education.

Senate Bill No. 487: By Senator Deuel—An act to amend Sections 2699, 5057, 5079, 5080, 6025, and 6050, and to repeal Sections 2521, 2521.5 and 6051 of the Penal Code, relating to the Department of Corrections, and providing for the appointment and salaries of officers and employees of the department and the respective powers and duties of the officers and agencies thereof.

Referred to Committee on Judiciary.

Senate Bill No. 488: By Senator Deuel—An act to amend Section 1554.2 of the Penal Code, relating to proceedings against fugitives from justice, and authorizing the California Institution for Women to apply to the Governor for requisitions for the return of persons committed thereto.

Referred to Committee on Judiciary.

Senate Bill No. 489: By Senator Deuel—An act to amend Section 817 of the Penal Code, relating to peace officers.

Referred to Committee on Judiciary.

Senate Bill No. 490: By Senator Deuel—An act to amend Section 2701 of the Penal Code, relating to the employment of prisoners in State prisons, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

Senate Bill No. 491: By Senator Deuel—An act to amend Sections 2700 and 3323 of the Penal Code, relating to the employment of prisoners.

Referred to Committee on Judiciary.

Senate Bill No. 492: By Senator Deuel—An act to add Section 2714 to and repeal Sections 2710, 2710.1, 2710.2, 2713, 2720, and 2746 of the Penal Code, relating to revolving funds for the maintenance of the work program in prisons and institutions under the jurisdiction of the Department of Corrections.

Referred to Committee on Judiciary.

Senate Bill No. 493: By Senator Deuel—An act to amend Sections 1202a and 2900 of the Penal Code, relating to persons convicted of crimes, and providing for their delivery to State prisons and the time of commencement of their terms of imprisonment.

Referred to Committee on Judiciary.

Senate Bill No. 494: By Senator Deuel—An act to add Section 5006 to the Penal Code, relating to an Inmate Welfare Fund, and transferring thereto the balances of certain other funds enumerated therein.

Referred to Committee on Judiciary.

Senate Bill No. 495: By Senator Deuel—An act to repeal Section 2690, 2703, and 2704 of, and to add a new Section 2690 to, the Penal Code, relating to the temporary removal of persons from prisons and other institutions under the jurisdiction of the Department of Corrections.

Referred to Committee on Judiciary.

Senate Bill No. 496: By Senator Deuel—An act to add to the Penal Code Section 5005, relating to canteens at State prisons and other institutions under the jurisdiction of the Department of Corrections.

Referred to Committee on Judiciary.

Senate Bill No. 497: By Senator Deuel—An act to amend Section 2781 of the Penal Code, relating to the employment of prisoners in camps.

Referred to Committee on Judiciary.

Senate Bill No. 498: By Senator Deuel—An act to amend Section 2761 of the Penal Code, relating to the employment of prisoners upon work in the construction, improvement and maintenance of State highways.

Referred to Committee on Judiciary.

Senate Bill No. 499: By Senator Deuel—An act to provide for the employment of prisoners in State prisons in the production and harvesting of crops and the fighting of forest and range fires, to permit their removal for such work, to provide the conditions and regulations for the governance of such work, to authorize the establishment of camps for their housing in such work, to provide for the financing of such work from prisoners' earnings and public funds by creating a Prisoners' Harvest Fund and appropriating said fund, by repealing Section 2715 of the Penal Code and by adding Article 6 to Chapter 5 of Title 1 of Part 3 of the Penal Code, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

Senate Bill No. 500: By Senators Salsman, Shelley, and Dillinger—An act to create and provide for a Pre-paid Health Service System for the people of the State of California, and making an appropriation therefor.

Referred to Committee on **Governmental Efficiency.**

Senate Bill No. 501: By Senator Deuel—An act to amend Section 374.5 of the Vehicle Code, relating to license plates for exempt vehicles.

Referred to Committee on Transportation.

Senate Bill No. 502: By Senator Deuel—An act to add Section 376c to the Political Code and Section 15003 to the Government Code, relating to the Deputy Director of the Department of Justice.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 503: By Senator Quinn—An act to amend Section 560 of the Vehicle Code, relating to pedestrians' rights of way at crosswalks and to the punishment for violations thereof.

Referred to Committee on Transportation.

Senate Bill No. 504: By Senator Quinn—An act to amend Section 193 of the Penal Code, relating to punishment of manslaughter.

Referred to Committee on Judiciary.

Senate Bill No. 505: By Senator McBride—An act to add Section 59 to the Unemployment Insurance Act, relating to seasonal employment.

Referred to Committee on Social Welfare.

Senate Bill No. 506: By Senator McBride—An act to amend the Building and Loan Association Act by amending Section 3.06 thereof, relating to shares as legal investments and by amending Section 5.02 thereof, relating to investment certificates as legal investments.

Referred to Committee on Financial Institutions.

Senate Bill No. 507: By Senator McBride—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 9.02a, relating to investment in real property for sale or income.

Referred to Committee on Financial Institutions.

Senate Bill No. 508: By Senator Biggar—An act to enable and authorize mortgage insurers now admitted or that may be admitted to write mortgage insurance in the State of California to insure the payment of real estate securities subject to the provisions of Public Law 346 of the Seventy-eighth Congress, Chapter 268, Second Session, of the United States, or any amendments thereto, or of any law enacted by the California Legislature authorizing or permitting the issuance of such securities for or on behalf of veterans of World War II, or any other resident of the State of California.

Referred to Committee on Financial Institutions.

Senate Bill No. 509: By Senator Crittenden—An act making an appropriation for the purchase of land for Stockton State Hospital.

Referred to Committee on Institutions.

Senate Bill No. 510: By Senator Hulse—An act to repeal "An act creating the Napa State Farm Revolving Fund and making an appropriation therefor; providing for the expenditure and replenishment thereof, and providing for the disposition of any accrued surplus over and above such appropriation, declaring the urgency thereof and providing that this act shall take effect immediately," approved May 31, 1929, and to repeal Sections 13194 and 13195 of the Government Code, abolishing the Napa State Farm Revolving Fund.

Referred to Committee on Institutions.

Senate Bill No. 511: By Senator Fletcher—An act making an appropriation for the investigation, surveys, and preparation of detailed plans for a Postwar Reconstruction and Reemployment Program for the Division of Beaches and Parks, Department of Natural Resources.

Referred to Committee on Natural Resources.

Senate Bill No. 512: By Senators McBride, Dorsey, Brown, Mayo, Shelley, and Gordon—An act to amend Sections 1620, 1621, 1626, 1628, and 1629 of the Welfare and Institutions Code, and to add Sections 1601, 1602, and 1631 thereto; to amend the chapter heading of Chapter 2 of Division 2 and Sections 1403, 1404, 1407, 1408, and 1410 of, and to add Section 1400.1 and Chapter 3, comprising Sections 1450 to 1453, inclusive, to Division 2 of, the Health and Safety Code; and to add Chapter 5.5, comprising Sections 24550 to 24558, inclusive, to Division 12 of the Educational Code, all relating to establishments, homes, and institutions in which children are received and cared for, and providing for the supervision, licensing, regulation, and inspection thereof; prescribing the powers and duties of the State Department of Social Welfare, the State Department of Public Health, and the State Department of Education in relation thereto; and making an appropriation.

Referred to Committee on Social Welfare.

Senate Bill No. 513: By Senator Shelley—An act making an appropriation to the Salary Emergency Fund, providing salary and wage increases for State employees who are compensated at monthly rates of pay, and providing that this act take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 514: By Senator Tenney—An act to amend Section 2808 of the Streets and Highway Code, relating to the exemption of proceedings for the construction or acquisition of sanitary sewers disposal works from the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

Senate Bill No. 515: By Senator Tenney—An act amending the heading of, and adding Sections 22428, 22429, and 22430 to, Article 5 of Chapter 4 of Division 11 of the Education Code, relating to library districts.

Referred to Committee on Education.

Senate Bill No. 516: By Senator Tenney—An act to amend Sections 5024, 5374, 5391, 5395, 5710 and 5838 of, and to add Sections 5244.1 and 5828.1 to the Streets and Highways Code, relating to special assessment proceedings, including incidental expenses, costs in connection with securing sanitary sewer rights of way, delivery of warrants, collection of assessments, compensation of superintendents of construction, and notices.

Referred to Committee on Transportation.

Senate Bill No. 517: By Senator Tenney—An act amending Sections 2825, 2851, 2853, 2883, 2950, 2983, 2984, and 2985 of the Streets and Highways Code, relating to special assessment proceedings, including notices, taxation assessment rolls, and allowable changes in proposed acquisitions or improvements.

Referred to Committee on Transportation.

Senate Bill No. 518: By Senator Tenney—An act amending Sections 8766 and 8768 of, and adding Section 8766.5 to, the Business and Professions Code, relating to records of surveys.

Referred to Committee on Business and Professions.

Senate Bill No. 519: By Senator Tenney—An act to amend Section 202 of the Welfare and Institutions Code, relating to the care, maintenance and attendance of the indigent sick and dependent poor.

Referred to Committee on Social Welfare.

Senate Bill No. 520: By Senator Tenney—An act to amend Section 1 of an act entitled "An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts," approved July 1, 1937, as amended, relating to capital outlays by cities, counties, cities and counties, or districts.

Referred to Committee on Local Government.

Senate Bill No. 521: By Senator Tenney—An act to amend Section 4041.18 of the Political Code, relating to jurisdiction and powers of boards of supervisors.

Referred to Committee on Local Government.

Senate Bill No. 522: By Senator Tenney—An act to add Article 9 to Division 6, Part 1, Chapter 1, of the Welfare and Institutions Code, authorizing the creation in certain counties of the office of public guardian to act as guardian of persons or property or both and relating to such public guardian.

Referred to Committee on Social Welfare.

Senate Bill No. 523: By Senator Tenney—An act to amend Section 14797 of the Revenue and Taxation Code, relating to maximum commissions that may be retained by county treasurers out of inheritance taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 524: By Senators Tenney, Weybret, Gordon, Desmond, Cunningham, Biggar, and Dillinger—An act to amend Sections 11610, 11612, 11614, 11619, 11622, and to repeal Sections 11620 and 11621 of the Health and Safety Code, relating to the unlawful transportation, keeping, depositing, concealment and possession of narcotics in vehicles.

Referred to Committee on Public Health and Safety.

Senate Bill No. 525: By Senators Tenney, Gordon, Slater, Crittenden, McBride, Salsman, and Shelley—An act to repeal Chapter 8, Part 4, Division 6 of the Welfare and Institutions Code, comprising Sections 7350 to 7354, inclusive, and to add Section 7500.5 to said code, relating to the powers and duties of the State Department of Institutions and the Division of Extramural Care, and providing for community mental hygiene clinics to be maintained and established by the department.

Referred to Committee on Institutions.

Senate Bill No. 526: By Senators Tenney, Gordon, Slater, Crittenden, McBride, Salsman, and Shelley—An act to add Article 8, comprising Section 420, to Chapter 2, Part 1, Division 1 of the Health and Safety Code.

Referred to Committee on Public Health and Safety.

Senate Bill No. 527: By Senators Tenney, Gordon, Slater, Crittenden, McBride, Salsman, and Shelley—An act to amend and renumber the article heading of Article 1 of, and to add a new article, comprising Sections 3200 to 3202, inclusive, to, Chapter 2 of Part 1 of Division 4 of, and to amend Section 154 of, the Welfare and Institutions Code, relating to State Institutions for the Blind, and transferring from the Department of Institutions to the Department of Education all powers, duties, jurisdiction, purposes, functions, funds, property, and records of the Department of Institutions in respect to the Industrial Home for the Adult Blind and the salesrooms and Industrial Workshops for the Blind.

Referred to Committee on Institutions.

Senate Bill No. 528: By Senators Tenney, Gordon, Slater, Crittenden, McBride, Salsman, and Shelley—An act to amend Sections 150 and 151 of, and to add Section 151.5 to, the Welfare and Institutions Code, relating to the designation of the Department of Institutions and the director thereof as the Department of Mental Hygiene and the Director of Mental Hygiene.

Referred to Committee on Institutions.

Senate Bill No. 529: By Senator Tenney—An act to amend Section 1032 of the Political Code, relating to inspection of public records.

Referred to Committee on Judiciary.

Senate Bill No. 530: By Senator Tenney—An act to amend Section 11 of, and to add Sections 11d and 22.2 to, the Municipal Court Act of 1925, relative to municipal courts and attaches thereof, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Local Government.

Senate Bill No. 531: By Senator Tenney—An act to add Section 22.2 to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Referred to Committee on Local Government.

Senate Bill No. 532: By Senator Tenney—An act to amend Section 21.5 of the Municipal Court Act of 1925, relating to mileage of judges of the municipal court in any city or city and county of the first and one-half class.

Referred to Committee on Local Government.

Senate Bill No. 533: By Senator Tenney—An act to amend Section 737s of the Political Code, relating to salaries of judges of the superior court in and for the county of Los Angeles.

Referred to Committee on Local Government.

Senate Bill No. 534: By Senator Tenney—An act to amend Section 845 of the Agricultural Code, relating to honey standards.

Referred to Committee on Agriculture.

Senate Bill No. 535: By Senator Tenney—An act to add Chapter 4, comprising Sections 1130 to 1166, inclusive, to Division 5 of the Military and Veterans Code, relating to the establishment and government of a Women Veterans' Home of California, and making an appropriation.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 536: By Senator Tenney—An act to add Section 1032.1 to the Military and Veterans Code, relating to the Band of the Veterans' Home of California and making an appropriation therefor.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 537: By Senator Tenney—An act making an appropriation for the acquisition of a site and the construction of building at the Women Veterans' Home of California.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 538: By Senator Tenney—An act making an appropriation for the support of the Women Veterans' Home of California.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 539: By Senator Tenney—An act to amend Section 429 of the Fish and Game Code, relating to issuance of licenses to disabled veterans.

Referred to Committee on Fish and Game.

Senate Bill No. 540: By Senator Tenney—An act to add Chapter 4, comprising Sections 5700 to 5771, inclusive, to Division 5 of the Public Resources Code, relating to bridle trails; to declare the necessity of providing bridle trails for use of civilian defense, transportation and recreation, and the use of forest fire patrols; to provide for cooperation by State planning, regional planning, county and city planning boards, public works and other departments; to define the powers and duties of the California Trails Commission; to provide the exercise of such power; to provide for the planning, construction, maintenance and financing of trails and making an appropriation.

Referred to Committee on Natural Resources.

Senate Bill No. 541: By Senator Tenney—An act to amend Section 117 of the Vehicle Code, relating to the California Highway Patrol.

Referred to Committee on Transportation.

Senate Bill No. 542: By Senator Seawell—An act to amend Section 1192 of the Insurance Code, relating to excess funds investments of incorporated insurers.

Referred to Committee on Financial Institutions.

Senate Bill No. 543: By Senator Seawell—An act to amend Section 11526 of the Insurance Code, relating to voluntary mutualization of incorporated life and live and disability insurers.

Referred to Committee on Financial Institutions.

Senate Bill No. 544: By Senator Seawell—An act to amend Section 10501 of the Business and Professions Code defining mineral, oil, and gas brokers so as to exclude certain persons and corporations from classification as "mineral, oil, and gas brokers."

Referred to Committee on Business and Professions.

Senate Bill No. 545: By Senator Salsman—An act to amend Section 11860 of the Insurance Code, relating to audits of the State Compensation Insurance Fund.

Referred to Committee on Financial Institutions.

Senate Bill No. 546: By Senator Salsman—An act reappropriating to the Director of Institutions for the purchase of land for Agnews State

Hospital the appropriation contained in an act entitled "An act making an appropriation for the purchase of land by the Director of Institutions," approved June 9, 1943.

Referred to Committee on Institutions.

Senate Bill No. 547: By Senator DeLap—An act amending Sections 3017, 3018, 3019, 3020 and 3021 of the Civil Code, relating to the giving of notice of assignment of accounts receivable.

Referred to Committee on Judiciary.

Senate Bill No. 548: By Senator DeLap—An act to add Section 550 to the Streets and Highways Code, relating to State highway routes.

Referred to Committee on Transportation.

Senate Bill No. 549: By Senator Dillinger—An act to amend Sections 14305, 14372, 14379, 14479, 14562, 14563, 14607, 14610, 14632, 14635, 14637, 14680 and 14681 of, and to add Sections 14402, 14449.1, 14479.1, 14479.2 and 14682 to, the Education Code, relating to the State Teachers' Retirement System, and validating retirements heretofore made.

Referred to Committee on Education.

Senate Bill No. 550: By Senator DeLap—An act to add Article IIa to Chapter 5 of Title 2 of Part 4 of the Political Code consisting of Sections 4100a to 4100e, both inclusive, relating to the duties and powers of the controller.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 551: By Senator Dilworth—An act to amend Section 18055 of the Education Code, relating to the Public School System.

Referred to Committee on Education.

Senate Bill No. 552: By Senator Dilworth—An act to amend Section 8764 of the Education Code, relating to the Public School System.

Referred to Committee on Education.

Senate Bill No. 553: By Senator Dilworth—An act to amend Section 10033 of the Education Code, relating to the Public School System.

Referred to Committee on Education.

Senate Bill No. 554: By Senators Shelley and DeLap—An act to add Section 652 to the Penal Code relating to offers of rewards for the apprehension or capture of persons.

Referred to Committee on Judiciary.

Senate Bill No. 555: By Senators Biggar, Carter, and Fletcher—An act to provide for the transfer from the State Lands Commission to the Division of Forestry of the Latour Forest and making an appropriation.

Referred to Committee on Natural Resources.

Senate Bill No. 556: By Senators Biggar, Carter, and Fletcher—An act to amend Section 505 of Division 1 of the Public Resources Code, relating to the administration of the Division of Forestry.

Referred to Committee on Natural Resources.

Senate Bill No. 557: By Senator Biggar—An act to amend Section 4015 of the Public Resources Code, relating to money received by this State pursuant to the Clarke-McNary Act or under cooperative agreements or contracts, creating the Clarke-McNary Fund, and making an appropriation, to take effect July 1, 1945.

Referred to Committee on Natural Resources.

Senate Bill No. 558: By Senators Shelley and DeLap—An act to amend Section 597 of the Welfare and Institutions Code, relating to membership on Probation Committee.

Referred to Committee on Social Welfare.

Senate Bill No. 559: By Senators Biggar, Carter, and Fletcher—An act to provide for the transfer from the State Lands Commission to the Division of Forestry of the Latour Forest.

Referred to Committee on Natural Resources.

Senate Bill No. 560: By Senators Biggar, Carter, and Fletcher—An act to add Article 6, comprising Sections 4421 to 4434, inclusive, to Chapter 2 of Division 4 of the Public Resources Code, relating to the acquisition, administration, protection and reforestation of forest lands, the management for demonstration purposes and sale of forest products therefrom.

Referred to Committee on Natural Resources.

Senate Bill No. 561: By Senator Shelley—An act to add Section 7.1 to the Industrial Loan Act, relating to the establishment and maintenance of reserves.

Referred to Committee on Financial Institutions.

Senate Bill No. 562: By Senator Shelley—An act to add Section 22.1 to the Industrial Loan Act, relating to loans to officers, directors and others.

Referred to Committee on Financial Institutions.

Senate Bill No. 563: By Senator Shelley—An act to amend Section 7 of the Industrial Loan Act, relating to surplus.

Referred to Committee on Financial Institutions.

Senate Bill No. 564: By Senator Shelley—An act to amend Section 4 of the Industrial Loan Act, relating to the establishment of offices and places of business.

Referred to Committee on Financial Institutions.

Senate Bill No. 565: By Senator Shelley—An act to amend Section 3 of the Industrial Loan Act, relating to minimum capital stock and paid in surplus or reserve.

Referred to Committee on Financial Institutions.

Senate Bill No. 566: By Senator Shelley—An act to add Section 21.2 to the Personal Property Brokers Act as revised by Chapters 952 and 1044 of the Statutes of 1939, relating to the issuance of injunctions.

Referred to Committee on Financial Institutions.

Senate Bill No. 567: By Senator Shelley—An act to amend Section 22.5 of the Personal Property Brokers Act as revised by Chapter 952 of the Statutes of 1939 and Section 23 of the Personal Property Brokers Act as revised by Chapter 1044 of the Statutes of 1939, relating to review of acts of the commissioner.

Referred to Committee on Financial Institutions.

Senate Bill No. 568: By Senator Shelley—An act to add Section 21.1 to the Personal Property Brokers Act as revised by Chapters 952 and 1044 of the Statutes of 1939, relating to desist and refrain orders.

Referred to Committee on Financial Institutions.

Senate Bill No. 569: By Senator Shelley—An act to amend Section 23 of the California Small Loan Act, Chapters 953 and 1045 of the Statutes of 1939, relating to review of acts of the commissioner.

Referred to Committee on Financial Institutions.

Senate Bill No. 570: By Senator Shelley—An act to add Section 20.2 to the California Small Loan Act, Chapters 953 and 1045 of the Statutes of 1939, relating to the issuance of injunctions.

Referred to Committee on Financial Institutions.

Senate Bill No. 571: By Senator Shelley—An act to add Section 20.1 to the California Small Loan Act, Chapters 953 and 1045 of the Statutes of 1939, relating to desist and refrain orders.

Referred to Committee on Financial Institutions.

Senate Bill No. 572: By Senator DeLap—An act to amend Section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property.

Referred to Committee on Judiciary.

Senate Bill No. 573: By Senator Carter—An act to amend Sections 5002.5 and 5002.6 of the Elections Code, making it a misdemeanor for any candidate seeking election or reelection to any office, board or agency authorized to issue licenses, or any head, officer, employee or appointee of such office, board, or agency, to solicit or receive from persons holding or applying for licenses issued by said office, board or agency, any money or other thing of value for any political campaign, and making it a misdemeanor for any licensee or holder of or applicant for a license to contribute or give money or any other thing of value for any such political campaign.

Referred to Committee on Elections.

Senate Bill No. 574: By Senator Carter—An act to add Section 8007 to the Education Code, relating to the maintenance of public schools, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Senate Bill No. 575: By Senator Salsman—An act to amend Sections 9164, 9200, 9204, 9205, 9206, and 9221 of, and to add Sections 9202, 9207, 9208, 9209, 9210, 9212, 9213, 9214, 9215 and 9217 to, the

Public Resources Code, and to repeal Section 10058 of the Elections Code, relating to the general district elections held in soil conservation districts.

Referred to Committee on Elections.

Senate Bill No. 576: By Senator DeLap—An act to amend Section 4013 of the Political Code by adding thereto a new officer to be known as the Controller.

Referred to Committee on Local Government.

Senate Bill No. 577: By Senators Burns and Collier—An act to amend Sections 26517, 26560, 26561, 26562, 26564, 26566, 26582 and 26583 of the Health and Safety Code, relating to foods.

Referred to Committee on Public Health and Safety.

Senate Bill No. 578: By Senators Burns and Collier—An act to add Section 116 to the Health and Safety Code, relating to the acceptance of gifts by the Director of Public Health.

Referred to Committee on Public Health and Safety.

Senate Bill No. 579: By Senators Burns and Collier—An act to add Section 7413 to the Health and Safety Code, relating to burial and removal permits.

Referred to Committee on Public Health and Safety.

Senate Bill No. 580: By Senator Burns—An act to add Chapter 5.5 comprising Sections 10537, 10538 and 10539, inclusive, to Division 9 of the Health and Safety Code, relating to the registration of divorces and annulments.

Referred to Committee on Public Health and Safety.

Senate Bill No. 581: By Senator Burns—An act to amend Sections 1 and 9 of an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Public Health," approved May 23, 1925, relating to canneries.

Referred to Committee on Public Health and Safety.

Senate Bill No. 582: By Senator Burns—An act to add Article 8, comprising Section 420, to Chapter 2, Part 1, Division 1 of the Health and Safety Code.

Referred to Committee on Public Health and Safety.

Senate Bill No. 583: By Senator Burns—An act to add a new section to the State Civil Service Act to be numbered 57.3, relating to the officers and employees of the State colleges.

Referred to Committee on Education.

Senate Bill No. 584: By Senator Burns—An act to amend Section 1203.6 of the Fish and Game Code, relating to pheasants.

Referred to the Committee on Fish and Game.

Senate Bill No. 585: By Senators Burns and Collier—An act to amend Section 1304 and to repeal Section 1305 of the Business and Professions Code, relating to special funds.

Referred to Committee on Business and Professions.

Senate Bill No. 586: By Senator Slater—An act to add Division 23, comprising Sections 32000 to 32313, inclusive, to the Health and Safety Code, relating to the establishment, organization, government and powers of hospital districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 587: By Senator Burns—An act to amend Section 23 of the "District Investigation Act of 1933," relating to special tax and assessment districts.

Referred to Committee on Local Government.

Senate Bill No. 588: By Senators Burns and Collier—An act to amend Section 9d of "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the use of sealed containers and providing for the sterilization of bottles, receptacles and containers used for foods, drugs and liquors; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; providing for the licensing of premises upon which walnuts are shelled or otherwise prepared and for the inspection of such premises and prohibiting the purchase, acquisition or receiving of walnuts shelled or prepared other than on licensed premises; providing for license fees; providing for producer exemption and empowering the California State Board of Public Health to make rules and regulations, and providing for the keeping of records; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to license fees and providing for the disposition thereof.

Referred to Committee on Public Health and Safety.

Senate Bill No. 589: By Senators Burns and Collier—An act to amend Sections 1242 and 2104 and to repeal Section 1243 of the Health and Safety Code, relating to special funds.

Referred to Committee on Public Health and Safety.

Senate Bill No. 590: By Senators Burns and Collier—An act to amend Sections 26331, 26336, 26337, 26340, 26342, 26362, and 26363 of the Health and Safety Code, relating to drugs and devices.

Referred to Committee on Public Health and Safety.

Senate Bill No. 591: By Senator Weybret—An act to amend Section 150 of the Agricultural Code, relating to pest control operators.

Referred to Committee on Agriculture.

Senate Bill No. 592: By Senator Weybret—An act to amend Section 284 of the Agricultural Code, relating to apiaries.

Referred to Committee on Agriculture.

Senate Bill No. 593: By Senators Cunningham, Dorsey, and Mixter —An act to amend Sections 101 and 480.5 of the Fish and Game Code, relating to District 101.

Referred to Committee on Fish and Game.

Senate Bill No. 594: By Senator Carter—An act to amend Sections 737ss and 737aaa of the Political Code, relating to judges' salaries.

Referred to Committee on Local Government.

Senate Bill No. 595: By Senator Carter—An act to amend Sections 4259 and 4284 of the Political Code, relating to compensation for public service.

Referred to Committee on Local Government.

Senate Bill No. 596: By Senator Carter—An act to amend Section 4460 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 597: By Senators Shelley and Seawell—An act to amend Section 136.5 of the Streets and Highways Code, relating to rental of tools or equipment for State highway work.

Referred to Committee on Transportation.

Senate Bill No. 598: By Senators McCormack and Hatfield—An act to amend Section 186.5 of the Streets and Highways Code, to extend the effective date thereof.

Referred to Committee on Transportation.

Senate Bill No. 599: By Senator McCormack—An act to add a new section to the Streets and Highways Code, to be numbered 100.6, relating to powers of the Department of Public Works with respect to agreements with adjoining States.

Referred to Committee on Transportation.

Senate Bill No. 600: By Senators McCormack and Hatfield—An act to extend the effective date of an act entitled "An act relating to the performance by the Department of Public Works of highway and other cooperative work for the Federal Government, making an appropriation for administrative expenses, declaring the urgency thereof, and providing that this act shall take effect immediately.", approved February 10, 1943, and making an appropriation for the further administration thereof.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 601: By Senator McCormack—An act authorizing and directing the transfer of certain property in Solano County from the jurisdiction of the California Toll Bridge Authority and the Department of Public Works to the Department of Education for use of the California Maritime Academy and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 602: By Senator Weybret—An act to add Chapter 4 to Part 3 of the Harbors and Navigation Code, relating to the issuance of revenue bonds, and declaring emergency.

Referred to Committee on Transportation.

Senate Bill No. 603: By Senator Powers—An act to add Section 363i to the Political Code and Section 14037 to the Government Code, relating to the refund of moneys received or collected by the Department of Public Works.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 604: By Senator Powers—An act to amend Section 5241 of, and to add Sections 5267.1 and 5312.1 to, the Business and Professions Code, relating to outdoor advertising.

Referred to Committee on Business and Professions.

Senate Bill No. 605: By Senator Tenney—An act to add Article 2.5 to Chapter 5 of Title 1 of Part 1 of the Code of Civil Procedure, relating to county courts and justices' courts.

Referred to Committee on Judiciary.

Senate Bill No. 606: By Senator Burns—An act to amend Section 4300h of the Political Code, relating to coroners' fees.

Referred to Committee on Local Government.

Senate Bill No. 607: By Senator Burns—An act making an appropriation to the State Department of Education for the acquisition of real property for the Fresno State College.

Referred to Committee on Education.

Senate Bill No. 608: By Senators Hatfield, Hulse, Dorsey, Biggar, Cunningham, Crittenden, Collier, Gordon, Donnelly, Mixter, Burns, Brown, Sutton, Quinn, Jespersen, Keating, Dilworth, Deuel, Seawell, Salsman, Dillinger, Powers, Carter, Ward, Kuchel, Weybret, McCormack, Slater, Desmond, McBride, Judah, and Parkman—An act making an appropriation to the counties of this State for the postwar construction of public highways and streets and prescribing the procedure for expenditure thereof.

Referred to Committee on Governmental Efficiency.

Senate Concurrent Resolution No. 23: By Senator Gordon—Relative to the continuance of the Joint Legislative Committee on Fish and Game Problems created by Assembly Concurrent Resolution No. 46 of the Fifty-fifth Regular Session.

Request for Unanimous Consent

Senator Gordon asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 23, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 23

Senate Concurrent Resolution No. 23—Relative to the continuance of the Joint Legislative Committee on Fish and Game Problems created

by Assembly Concurrent Resolution No. 46 of the Fifty-fifth Regular Session.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Burns, Crittenden, Cunningham, DeLap, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Quinn, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolutions were offered:

Senate Concurrent Resolution No. 24: By Senator Slater—Relative to the creation of a Joint Interim Committee on the State-wide Supervision and Control of the Mentally Deficient in the State, to study, investigate and report on said subject.

Referred to Committee on Rules.

Senate Constitutional Amendment No. 4: By Senator Tenney—Proposed amendment to the Constitution of the State, by adding a new article thereto to be numbered XVIa, relating to pensions.

Referred to Committee on Social Welfare.

Senate Joint Resolution No. 7: By Senators Collier and Carter—Relative to memorializing the Congress of the United States and the United States Department of War in relation to the proposed diversion of the waters of the Klamath River watershed.

Referred to Committee on Water Resources.

Senate Joint Resolution No. 8: By Senator DeLap—Relative to memorializing the Congress of the United States to provide financial assistance following the cessation of hostilities and during the period of reconversion to normal peacetime operation to those communities which have suffered deterioration of facilities owing to the impact of war industry and war-increased population.

Referred to Committee on Local Government.

REQUEST FOR UNANIMOUS CONSENT

Senator Swing asked for, and was granted, unanimous consent to take up Senate Resolution No. 38, at this time, for the purpose of amendment.

CONSIDERATION OF SENATE RESOLUTION NO. 38

Senate Resolution No. 38—Relating to the continuance of the Senate Fact-Finding Committee on Needles-Colorado River Problems, created by the Senate Resolution No. 138, of the Fifty-fifth Regular Session.

Resolution read.

Motion to Amend

Senator Swing moved the adoption of the following amendment:

Amendment No. 1

In line 17 of said resolution as it appears on page 20 of the Senate Journal of January 23, 1945, after "under", strike out "Senate Resolution No. 27 of this session,

printed on page 7 of the Senate Journal for January 16, 1945", and insert in lieu thereof "said resolution".

Amendment read and adopted.

Further Consideration of Senate Resolution No. 38

Senate Resolution No. 38, as Amended

Relating to the continuance of the Senate Fact-Finding Committee on Needles-Colorado River Problems, created by the Senate Resolution No. 138, of the Fifty-fifth Regular Session.

Resolved by the Senate of the State of California, as follows:

1. The Senate Fact-Finding Committee on Needles-Colorado River Problems, created by Senate Resolution No. 138, of the Fifty-fifth Regular Session, is continued as a Senate Committee at this session with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring shall be filled by the Committee on Rules of this session.

2. The committee is authorized to act during this session of the Legislature, including any recess but not after final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate that are applicable to such a committee, as soon as such Rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

4. The sum of one thousand dollars ($1,000), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the Senate Fact-Finding Committee on Needles-Colorado River Problems created by Senate Resolution No. 138 of the Fifty-fifth Regular Session and its members and for any charges, expenses or claims it may incur under said resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

The money made available by this resolution is less than the unused part of the amount heretofore made available to the committee which will revert to the General Fund.

Resolution read, as amended, and ordered printed in the Journal at the request of Senator Swing.

MOTION TO PRINT IN JOURNAL

Senator Biggar moved that the preliminary summary of report of California Forestry Study Committee, be printed in the Journal.

Motion carried.

PRELIMINARY SUMMARY OF REPORT OF THE CALIFORNIA FORESTRY STUDY COMMITTEE

Statutes 1943, Chapter 1086

Geo. M. Biggar, Chairman

THUMBNAIL SKETCH OF SUMMARY

A waning supply of old-growth timber, much of it still being logged without sufficient regard for replenishment; 5,000,000 acres of the best and most accessible timber already reduced to cutover or burned lands; the bulk of the cutover lands reproducing a forest inadequately or not at all; losses from insect attacks now exceeding the losses from forest fires; a taxing system that operates against private forestry the highest per capita lumber consumption in the United States; and some lesser problems, conspire to threaten California with a shortage of home-manufactured lumber, with the loss of an important industry paying out each year $35,000,000 for pay rolls and $2,000,000 in taxes, and with impairment to watersheds, recreation and scenic values.

The severity of these problems can be ameliorated through remedial legislation and other aids directed toward improved logging practices;

insect and disease control; intensified fire protection; reforestation of the more promising cutover land; reducing the wastes of lumbering and developing uses for unavoidable wastes; the strengthening of the technical and protection staffs of the State Division of Forestry; staggered terms on the State Board of Forestry to achieve continuity of policy; and demonstration areas for developing reforestation practices and old-growth and second-growth forest cutting and management methods.

Forest ownership and reforestation should be encouraged as private enterprises, but where promising cutover lands can not be reforested by private owners, and where second-growth lands are threatened with premature logging, it may be necessary to acquire them for a comprehensive system of State forests.

The forest counties suffer most from the loss of the forest and forest industries, but have done the least to correct the current situation. County forest surveys by county officials are seriously needed.

The committee has acquired enough information to convince it of the gravity of the forest situation and of the need for immediate action. Some phases require further study.

The committee recommends favorable action by the 1945 Legislature on the bills suggested at the end of the summary.

EXTENDED SUMMARY OF FINDINGS

For the time at its disposal, the committee feels it has made a thorough study of the forest situation in California. It made four field trips, totalling 18 days, and held 17 hearings prior to December 31, 1944. While it feels that still further study should be given to the subject, it believes that its own studies so far prove the forest situation to be of such seriousness that immediate action is necessary by the Legislature for certain legislation and, by the State Board of Forestry for strengthening the Division of Forestry, and that its recommendations, to be set forth hereinafter, are fully justified.

The findings of the committee are summarized below. Support of these findings appears in the body of the report. We find that:

Forest Depletion

1. Depletion of timber supplies by cutting, fire, and insects has steadily accelerated, particularly since 1900.

2. The most accessible and best stands of timber were cut first, and while timber of comparable quality still remains, cutting is progressively being transferred to the lighter and less accessible stands.

3. Concurrently with logging and other human uses, losses by fire and insects have mounted rapidly. Losses by fire outside the National forests are now being held in check by the State Division of Forestry. Insect losses in the pine region are still great and exceed those due to forest fires.

4. The State Division of Forestry has developed a large fire fighting organization, and we find that it is currently making desirable changes to make its fire suppression more effective. It needs funds to develop fire *prevention* work, to reduce *suppression* costs.

5. The State is not adequately taking care of insect losses. Insects are constantly at work killing trees in the pine region, and certain ones frequently reach epidemic proportions.

6. The "white pine blister rust," an imported tree-killing disease attacking sugar pine, is spreading southward in the pine region. Control measures were inaugurated early, and losses to date are small. The State has cooperated in control measures and should continue them.

7. In the redwood region there are, at present, no tree-killing insect or disease problems.

8. As a result of past depletion by cutting, fire, and insects, there is now an insufficient volume of timber to provide, at past average rates of depletion, for uninterrupted or continuous supplies of lumber and other forest products, thus making the lumber industry impermanent and threatening a shortage of lumber within a generation.

9. The situation described under No. 8 is definitely related to depletion without accompanying measures for replacement. The old-growth forest makes no net growth. It is static over large areas because growth is balanced by natural losses. New growth can be expected only from cutover lands. New growth is inadequate.

10. Of the 13,655,000 acres of commercial forest land in the State, 5,002,000 acres have been logged or burned; 8,653,000 acres of old growth remain. This acreage of old growth averages lighter stands per acre, higher per cents of the less valuable species, and much of it can be harvested only after very expensive access roads are built solely to reach the timber.

Lumber Consumption

11. California, for 30 years, has had the highest per capita lumber consumption in the Country. Prewar per capita consumption was 560 board feet. The average for the entire United States was 221 board feet in 1940 and 275 board feet in 1941. The consumption in Southern California exceeds the average for the State as a whole. If estimates of future population and industrial development in California are correct, the per capita requirements can be expected to exceed the present rate.

12. California is already a lumber importing State. It consumed in 1941 approximately 3,784,000,000 board feet, but produced only 2,292,000,000 board feet. It shipped out of the State approximately 880,000,000 board feet and consequently had to import, largely from Oregon and Washington, 2,372,000,000 board feet. The State is thus not now self sufficient and is likely to become less so. At the same time, the production in Washington has dropped far below its one-time peak, and mills have moved to Oregon, where production is already being developed beyond the capacity of the forests to maintain.

13. By far most of the forest land already logged is, or was (about 1,000,000 acres have been acquired by the United States Forest Service) in private ownership. Of the 13,655,000 acres of commercial forest land in the State, 6,799,000 acres was reported in 1941 to be in private ownership. Deducting 550,000 acres cutover in the redwood region, where there is very little public commercial forest land, it is evident that the private pine region timber is about 70 per cent cutover, leaving the National forests with their generally lighter and less accessible stands to carry the burden of lumbering when present private supplies are exhausted. The redwood region, practically all privately owned, is approximately 35 per cent cutover.

Cutover Lands

14. The cutover lands are not contributing what they should, and can, to replenish timber supplies already cut. Fortunately, more than 1,000,000 acres, because of early-day logging methods, have reproduced voluntarily and well, but, unfortunately, these lands are not, in general, in stable ownership and are already being cut. The timber varies from 50 to 90 years old and the stands are generally understocked. Such lands should be held in reserve for the time the old growth is exhausted. In the meantime they should be carefully protected, and managed for improved quality production. Lands logged in the high-speed steam-logging days, is generally very deficient in young growth, but still is potential forest growing land.

15. The lack of volunteer young growth on much of the cutover land is due largely to clear cutting methods occasioned by the use of high-speed donkey-engine and cable systems of logging which pulled down immature trees and potential seed trees. Some of the non-reforesting lands have been reduced to this condition of forest fires. These non-reproducing or poorly reproducing lands are practically idle, are growing up to brush species, and are not contributing growth for prospective timber trees.

16. Clear cutting, except in a few instances, mostly in second growth, has practically disappeared in the pine region, and has been reduced by about one-half, since 1934, in the redwood region. Because of more difficult logging conditions, tractors were not widely adopted in the redwood region until the development of the more modern Diesel powered tractor; the war, making required additional tractors unavailable, has slowed the change-over from clear cutting.

17. Improvement in logging methods since 1920 has served to reduce the rate of increase in the area of low or non-reproducing cutover land.

18. Legislation is necessary to set up certain minimum standards to be followed on logging operations. These standards should be arrived at through close consultation with the owners and operators to achieve practicality and as much self regulation as possible, but final approval of standards should rest with the State Board of Forestry. The committee believes that the State should go no farther in regulating private cutting practices than to demand that the land be left in a productive condition. It is anticipated that, when rules to achieve this end are adopted and put into practice, the owners themselves are bound to give more thought to the matter and will learn more of what is possible and feasible, and gradually evolve increasingly better practices without the necessity of compulsion.

Selective Logging

19. The most promising type of cutting method, as to leaving cutover lands productive, is the one known as "selective logging" whereby only mature and overmature trees are removed and the remainder are left unent for the dual purpose of (1) making further growth and high quality logs, and (2) providing a source of seed for natural reforestation.

20. Selective logging should be encouraged wherever possible. It is being practiced as a matter of good business by some operators; it may need fostering by the State in some cases, and compulsion in a few others unless a satisfactory substitute method can be offered.

21. Since there are all grades of selective logging from heavy (approaching a seed tree system) to light, standards should be progressively raised to approach the grade most certain to bring about the earliest and most complete stocking of the cutover land and yet provide for maximum growth of the residual immature trees.

22. Selective logging, to be effective, must be accompanied by fire protection, insect control, and, where sugar pine is present, by blister rust control.

23. To depend solely on selective logging in remaining old-growth stands will not assure continuity of lumber supplies. The old cutover lands must be brought into full productivity and existing young stands must be conserved.

Stimulation of Forestry Practices

24. The problem of guaranteeing future lumber supplies is complicated by ownership problems, yearly becoming more serious as large units are broken down by sales. There appears, therefore, to be needed some incentive for holding on to and keeping forest tracts intact. Some owners are not able to or interested in holding their cutover lands past the first cutting. Such lands are often sold to stock ranchers for whose use they are burned and seeded. Ordinarily they make poor and impermanent livestock ranges.

25. Because of the long deferred income from newly reforested lands, an additional incentive is needed to stimulate private reforestation.

26. Timber ownership and production should be encouraged as a private enterprise to keep the land on the local tax rolls, to benefit from the ingenuity and resourcefulness of private initiative, and to keep the public out of business as much as possible.

27. The lumber industry itself is an important contributor to State and county income. Its investment exceeds $140,000,000; it pays out annually for labor more than $35,000,000; it pays in taxes, other than income taxes, nearly $2,000,000; and, including planing mills, the value of its products approaches $100,000,000. The value added to raw material exceeds $35,000,000. It is an important industry, therefore, to preserve, quite aside from the public's need of its products. It is important also for the local forest counties that depend for a large part of their tax reserves upon lumbering.

28. Several owner-operators have set up their properties as "Tree Farms." These are favored by a strong financial condition, ample old-growth timber reserves, productive cutover lands, and good growing conditions. Such owners merit official recognition, and, if they give reasonable guarantee of devoting their lands to timber growing in perpetuity and practise a superstandard of forestry, they merit special public compensation in some way in payment for such guarantee, perhaps by taxes based on yield and better public fire protection and pest control. This latter subject requires further study.

Acquisitions for State Forests

29. The fact that much cutover land is sold for live stock ranches of dubious permanence and value, and much more is held in idle condition awaiting sale or trade for stumpage, points to the need for the public to

acquire such lands for eventual reforestation and creation of managed State forests.

30. It is expected that as much as 1,000,000 acres may have to be so acquired, reforested, and managed if the lands are to be made to produce timber again. They are valuable for little else, although they have accessory recreation, wildlife, scenic, and watershed values. This large area will not be in one or a few large blocks. Preferably, it should be in blacks of 10,000 to 50,000 acres each, depending upon the region. But smaller areas, sometimes of only a quarter section (160 acres) in the proximity of ranger stations, should be considered for use as demonstration plots of reforestation, management, and second-growth management methods.

31. Should the State make such acquisitions it should center this activity on lands of real promise rather than on lands that are too far gone. And, in view of the real need for future timber supplies, timber growing should be made the main objective and the lands acquired with that in mind, but accessory and incidental uses should not be ignored.

32. We believe that, if purchases are made wisely, the State should reap not only timber but a profit on its investment. The initial total cost of acquisition and reforestation should not exceed a total of $15 per acre; at the end of 50 years the crop alone should be worth not less than $100. Intermediate returns are quite possible from pulp wood, poles and pilings, providing additional returns.

33. Reforestation work is a desirable activity for jobless men in unemployment emergencies, prisoners, and Youth Administration boys. It is healthy and inspiring. It is wealth producing, and entails very modest maintenance charges.

34. In making purchases, priority should be given to lands, part of which carries a volunteer stand of young growth so that (1) initial reforestation charges are reduced; (2) management practices for young growth can be developed; (3) demonstrations can be offered to private owners, particularly small owners; (4) earlier returns can be obtained to offset in part initial charges and, most important, (5) conserve such young growth which may otherwise be sacrificed to fire or premature and clear cutting; furthermore, (6) employment can be given to key State fire protection employees in the non-fire season.

35. No lands should be acquired whose ownership already is in strong hands and is likely to be cared for adequately by their possessors. The early reforestation of such lands may, on further study, be found to warrant some State assistance such as free seed or planting stock and tax alleviation.

36. Along with inadequately reforesting cutover lands and second growth lands, the State should acquire also a few moderate-sized tracts of old growth for trial and demonstration of various cutting practices. It would be desirable if such old growth blocks are close to or contiguous with cutover land for greater economy in administration.

37. Tax deeded lands have been suggested for State forests. The area of such lands suitable for State forests seems at present to be rather small. A preliminary study is nearing completion to determine the probable area and condition of the lands.

County Interests

38. Under present laws, lands acquired by the State are removed from the local tax rolls. The committee has given this extra study but feels the subject should be gone into more deeply and in consultation with the counties. Answers to this problem considered by the committee include legislation permitting (1) the State to buy as a private buyer, paying an annual fee equivalent to the tax, and (2) paying nothing annually but giving the county a good share of the proceeds when harvests are made. The second method shows promise of being the most profitable to the county in the end. At present, the tax return is small and insecure. The lands may ultimately be abandoned for taxes, and, certainly, many of them will not be put to a permanent high use under the present tax system.

39. The forest counties have shown little concern over their future tax structure. They seem to believe that other resources will offset the loss occasioned by depletion of the timber. None have been found to have given serious thought, certainly no action, to making timber a continuing tax source. Very few counties have analyzed even in small part the effect of depletion. The annual tax loss from depletion is far greater than would be the loss of cutover land taxes should part of the cutover be taken over by the State.

40. The Ad Valorem Tax System is not fitted to continuous forest production. In every forested State it has contributed to bringing pressure for early and often premature liquidation. In not a few cases in California, investors in timberlands have paid into county treasuries more than the value of the timber. Taxation, it would seem, should be related to the productivity of the land. Old-growth poses quite a different problem than young growth for taxation. Severance taxes have been proposed for both classes, but they appear to have been unsatisfactory for old growth, and more adapted to young growth.

Present State Lands

41. The Latour Forest of 9,173 acres, in Shasta County, already owned by the State for the Department of Education, not now productive of returns, can be made productive, and continuously, if put under forest management. It would make a desirable nucleus for a State forest in that locality.

42. The State also owns some school lands of a grazing character which need consolidation and management.

State Division of Forestry

43. The State Division of Forestry has developed into a purely fire protection agency, with grass, grain, and structural fires absorbing much of its time, effort, and resources. Obviously, these resources must be protected as well as are forest and watershed brush lands, but the question has been raised as to whether it is the job of a forestry organization, and if it should be charged to forestry. This subject requires further and thorough study.

44. The Division of Forestry has on its staff a number of well trained and able technical foresters but they have little opportunity to gain practical experience in forest management problems as long as the State owns no State forests.

45. The State's fire protection effort is seriously impaired by having to hire new men each year for key positions such as truck drivers and crew foremen. Employed for only the fire season, there is no incentive for making the job a permanent vocation. Year-long employment for the key men would greatly increase the effectiveness of the personnel. In the nonfire season they could be employed on forestry work as State forests are acquired.

46. The growing of a forest is a long-time process. It requires stability of policy. Fire protection is in a similar category. Stability is not assured under the present system permitting a complete change of the State Board of Forestry each four years. Overlapping terms would more nearly approach the desirable continuity of policy.

Southern California Watersheds

47. Commercial timber growing is possible only in northern California. The southern part of the State, however, has protection problems of a special and acute nature. The chaparral cover burns fiercely, leaves the easily eroded soils bare and subject to heavy erosion should a heavy rain follow fire. Catastrophic floods and erosion are a periodic menace to life and property. Currently, fire protection is handled separately by three southern counties, Los Angeles, Ventura, and Santa Barbara, but cooperatively with the State by others. There is a lack of uniformity of cooperation. This requires solution without delay. A study has been recommended by the State Board of Forestry to determine the degree of the State's responsibility.

Federal Relations

48. Considerable concern has been expressed by some counties and citizens over the mounting acquisition of forest lands—virgin and cutover—by the United States Forest Service without immediate compensation to the counties. While the effect on local taxes is no different than if the State should acquire the lands, without such compensation, it seems dangerous to permit the acquisitions to go on unchecked. Already nearly one-half of the State is owned by the Federal Government. Pressure by Federal forest officers on private owners and on county supervisors for approval of transfers have been reported.

Livestock Range Protection

49. A controversy was found between foresters and live stock men. The stockmen demand rather broad freedom to burn their stock ranges at frequent intervals to remove brush to encourage grass and browse. The foresters, while not opposing such burning, feel it should be conducted plan-wise, under control, and at times when fires are not likely to get out of hand. Stockmen also feel they should not be held liable for fires that escape to adjoining lands. Foresters argue that reasonable effort should be made to confine the land-clearing fires to the owner's own lands. The foresters also aim to keep fires out of cutover lands not formally devoted to stockraising. A Trespass Law or a Fencing Law to keep range stock off reforesting lands has been suggested by some. This subject should be given further study particularly a cooperative one between foresters, fire-control agencies, and range live stock men to

determine the most economical and safe burning methods; the effect of burning on soils and slopes and exposures of various kinds to determine the effectiveness of burning and the effect on long-range soil productivity. Progressive ranchers want such a study.

Education

50. The State has not been effective as an educational force on forestry matters. Several recommendations have come to the committee suggesting the State develop some educational programs to promote better care of forest land and to prevent fires.

Forest Products Studies

51. Waste of valuable trees and parts of them seems to be concomittant to logging. It develops from felling breakage, logging damage, broken down immature trees, and the like. Its reduction should have the effect of prolonging the life of the virgin stands. The utilization of the unavoidable portion of the debris should add new industries and should sweeten the realization from the logging operation. Studies in both fields are required in close cooperation with interested owners. The committee has been advised that the University of California has in prospect a Forest Products Laboratory for postwar construction for such studies. Testimony of witnesses at committee hearings indicate that forest operators are keenly interested and hopeful that the completion of the laboratory will not be delayed, as soon as war needs permit.

RECOMMENDATIONS

Notwithstanding the need for further study of the State's forest situation, the committee believes justified in making the following recommendations for legislation. The bills recommended are not affected by further study, and because of the seriousness of the situation, favorable action by the 1945 Legislature is recommended.

Proposals for Legislation

1. A bill setting up machinery to establish and enforce cutting and protection practices in privately owned old-growth and second-growth forest stands; such practices being designed to promote a prolongation of the remaining virgin timber, and such management as will leave the cutover land in a productive condition. Since the Maryland Law, which provides for a large measure of self regulation, fits California needs so well, it is recommended that our legislation be patterned on that law. It calls for dividing the commercial forest area of the State into forest districts, each with a forest district committee of local people who are required to initiate the rules of cutting and protection practices. Such rules are to be transmitted to the State Board of Forestry, and, if adopted, have the force of law.

2. A bill providing for the acquisition of forest lands for demonstration areas and State forests. It should carry an appropriation sufficiently large to enable the State Forester to make surveys and appraisals of desirable properties during the current biennium, and funds should be earmarked for eventual purchases. The bill should clearly state the intent and purpose of such demonstration areas and State forests; define desirable lands; provide for compensating the counties for loss of tax

revenues; provide for reforestation, for cutting, administration and management, and for the disposition of the income from sales.

3. A bill providing for the transfer of the LaTour Forest in Shasta County from the Department of Education to the State Division of Forestry, to be incorporated in the State Forest System, and managed as such.

4. A bill providing for State cooperation in the control of tree-killing forest insects.

5. A bill providing for staggered terms of membership on the State Board of Forestry; clarifying duties and powers of the board and defining its membership.

6. A resolution for continuing the committee and the study.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS

Senate Bill No. 93—An act to amend Section 6052 of the Penal Code, relating to employees in the Department of Corrections, declaring the urgency thereof, and providing this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 177—An act relating to union elementary school districts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Tenney, Ward, and Weybret—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Request for Unanimous Consent

Senator Slater asked for, and was granted, unanimous consent to take up Assembly Bill No. 93, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 93

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Slater:

Resolved, That Assembly Bill No. 93 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—30.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 93—An act to add Section 4630 to the Education Code, relating to the powers of unified school districts declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Slater.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Hulse, Jespersen, Judith, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Mayo asked for, and was granted, unanimous consent to take up Senate Bill No. 204, at this time, for consideration.

CONSIDERATION OF SENATE BILL NO. 204

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 204:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO 14, January 23, 1945

To the Honorable Members of the Senate
Sacramento, California

GENTLEMEN:

Senate Bill No. 204—An act making an appropriation for the Department of Finance for cost of advertising Veterans' Bond Act of 1943, to take effect immediately,

in my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore recommend consideration of Senate Bill No. 204 as necessary for the immediate preservation of the public peace, health, or safety and as an emergency measure.

Respectfully submitted

EARL WARREN, Governor

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Mayo:

Resolved, That Senate Bill No. 204 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Senate Bill No. 204—An act making an appropriation for the Department of Finance for cost of advertising Veterans' Bond Act of 1943, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Desmond, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, January 24, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 330

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

COLLIER, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 330 An act to add Chapter 8, consisting of Sections 19810, 19811 and 19812, to Part 3 of Division 13 of the Health and Safety Code, relating to inflammable or explosive materials and governing their use.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In line 4 of the title of the printed bill, after "use", insert ", declaring the urgency hereof, to take effect immediately".

Amendment No. 2

On page 1, line 18, of the printed bill, after said line, insert

"SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately. The facts constituting such necessity are as follows:

Any continuance of the manufacture or sale of the articles made of the material proscribed by this act will in ever increasing degree enhance the risk of fire and the hazard of injury to persons and property and loss of life and limb, which the provisions of this act are designed to curtail."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted, as amended:

Senate Concurrent Resolution No. 18

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Concurrent Resolution No. 18—Relative to creating the Joint Committee on Rivers and Flood Control.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 18?

Amendment No. 1

On page 1, line 24, of the printed resolution, strike out "three", and insert "five".

Amendment No. 2

On page 1, line 25, of the printed resolution, strike out "three", and insert "four".

The roll was called and the Senate concurred in Assembly amendments to Senate Concurrent Resolution No. 18 by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Desmond, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Swing, Tenney, and Weybret—26.

NOES—None.

Above resolution ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 10
Assembly Concurrent Resolution No. 11
Assembly Concurrent Resolution No. 12
Assembly Concurrent Resolution No. 13

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Concurrent Resolution No. 10—Relative to the Reports of the Sessions of the Department Encampment of the Grand Army of the Republic.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 11—Relative to the Reports of the Annual Conventions of the Disabled American Veterans of the World War of the Department of California.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 12—Relative to Reports of the Annual Conventions or Encampments of the Veterans of Foreign Wars of the Department of California.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 13—Relative to Reports of the Department Encampment and the Annual Convention of the United Spanish-American War Veterans.

Referred to Committee on Rules.

RESOLUTIONS

The following resolutions were offered:

By Senator Swing:

Senate Resolution No. 40

Relating to meetings of the Senate Committee on Governmental Efficiency

Resolved by the Senate of the State of California, That the Standing Committee on Governmental Efficiency of the Senate is hereby authorized to meet during any recess of the Regular Session of the Fifty-sixth Legislature at the State Capitol, or elsewhere in the State, to perform the duties and to exercise all the powers vested in it by the Standing Rules of the Senate; and, be it further

Resolved, That, except as otherwise provided in this resolution, the committee shall have all of the powers granted to Investigating Committees by the Joint Rules of the Senate and Assembly as soon as such Rules are adopted and as such Rules are from time to time amended; and, be it further

Resolved, That the committee or chairman thereof may create subcommittees from the membership of the committee, assigning to the subcommittee any study, inquiry, investigation, or hearing which the committee itself has authority to make or hold, and

the subcommittee for the purpose of this assignment shall have and exercise all the powers conferred upon the committee, limited only by the resolution of the committee or order of the chairman defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee or the chairman thereof; and, be it further

Resolved, That the sum of two thousand dollars ($2,000) is hereby made available to the Standing Committee on Governmental Efficiency of the Senate from the Contingent Fund of the Senate for the purpose of paying the expenses of the committee in connection with its duties, including the cost of any records and transcripts, and an allowance of twelve dollars ($12) per day (in lieu of expenses for living accommodations and meals) and five and one-half cents ($0.05½) per mile each way for each member of said committee incurred in connection with the exercise of the powers granted and performance of the duties imposed by this resolution and the Rules of the Senate and the Joint Rules of the Senate and Assembly and for the paying of the compensation and expenses of the necessary assistants of said committee, the sum so made available to be disbursed upon the certification of the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

By Senator Rich:

Senate Resolution No. 41

Relating to meetings of the Senate Committee on Finance

Resolved by the Senate of the State of California, That the Standing Committee on Finance of the Senate is hereby authorized to meet during any recess of the Regular Session of the Fifty-sixth Legislature at the State Capitol, or elsewhere in the State, to perform the duties and to exercise all the powers vested in it by the Standing Rules of the Senate; and, be it further

Resolved, That, except as otherwise provided in this resolution, the committee shall have all of the powers granted to investigating committees by the Joint Rules of the Senate and Assembly as soon as such Rules are adopted and as such Rules are from time to time amended; and, be it further

Resolved, That the committee or chairman thereof may create subcommittees from the membership of the committee, assigning to the subcommittee any study, inquiry, investigation, or hearing which the committee itself has authority to make or hold, and the subcommittee for the purpose of this assignment shall have and exercise all the powers conferred upon the committee, limited only by the resolution of the committee or order of the chairman defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee or the chairman thereof; and, be it further

Resolved, That the sum of two thousand dollars ($2,000) is hereby made available to the Standing Committee on Finance of the Senate from the Contingent Fund of the Senate for the purpose of paying the expenses of the committee in connection with its duties, including the cost of any records and transcripts, and an allowance of twelve dollars ($12) per day (in lieu of expenses for living accommodations and meals) and five and one-half cents ($0.05½) per mile each way for each member of said committee incurred in connection with the exercise of the powers granted and performance of the duties imposed by this resolution and the Rules of the Senate and the Joint Rules of the Senate and Assembly and for the paying of the compensation and expenses of the necessary assistants of said committee, the sum so made available to be disbursed upon the certification of the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

ADJOURNMENT

At 4.54 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.30 p.m., January 25, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FOURTEENTH LEGISLATIVE DAY
EIGHTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Thursday, January 25, 1945

The Senate met at 2.30 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilfinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John Sinclair, Judge Advocate of the American Legion, Department of California, San Francisco.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Maggie Roger, Maggie Scholes, Winnie Kenny, Eda Vedovi, Ralph Hansen, Virginia Franz, Jane Baggs, Yetta Schwartz, and June Krea, students from San Francisco Junior College, San Francisco.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Dan Williams, Mrs. Williams, and daughter, of Merced.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter Hogan, City Manager of Stockton.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Thos. Lee of Sacramento and Mrs. E. C. Poulsen of Santa Cruz.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. R. Linn, State manager, California State Builders Exchange, Ltd., San Francisco.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Edward J. Carey, Oakland; Mrs. M. Philip Davis, Los Angeles; Mrs. Ida Ward, teacher, and the following students of the seventh grade of Dos Rios School: Bernadette Karbowski, Emily Mikeska, Olga Mikeska, Edna Tracy, Sylvia Turner, Mary Jordan, La Von Barber, Martella Carr, Regina Carr, Lyla Gillman, June Long, Florina Melanathy, Thelma Pearson, Myra Poindexter, Vida Mae Sand, Pauline Wilkenson, Ethel Williams, Leslie Melanathy, Burton Oliver, Charles Allee, Joseph Bahling, John Corona, Billie Garner, Robert Nott, James Ramey, Jack Stephans, Vernon Walker, Kenneth Lusk, Theodora Karbowski, and Richard Kinsey.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Bradley of Vallejo.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack A. Bennett, Chief of Police; Hugh S. Rawlings, Member of the City Council of the City of Riverside, Riverside.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant Commander Owen "Tiger" Duffy, son of Mr. and Mrs. Owen Duffy of Napa.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Ed Miller of La Mesa.

COMMUNICATIONS

The following communication was received, read, and, on motion of Senator Powers, ordered printed in the Journal, and a copy referred to the Committee on Transportation:

To Harold J. Powers, Senator, First District
State Capitol, Sacramento, California

Resolution of the Representatives of the Board of Supervisors of the 11 Northern Counties of the State of California

WHEREAS, At a meeting held on the nineteenth day of January, 1945, called for the purpose of determining the views of the boards of supervisors of the eleven (11) Northern counties of the State of California on matters of highway planning and financing; and

WHEREAS, Certain definite conclusions concerning the highway problems of the State of California and of the various counties of the State were reached; now, therefore be it

Resolved:

First: That the representatives of the counties here assembled favor an increase in the gas tax by the State of California;

Second: That of the additional amount raised by the increase in the said gas tax, one third of the amount shall be allocated to the counties of California for county highway purposes;

Third: That the remaining portion of the increase of said gas tax shall be allocated and spent in the manner consistent with the present allocation and spending of State Highway Gas Tax Funds;

Fourth: That the State of California, as soon as is possible, shall complete the construction of the present State Primary and Secondary Highway Systems;

Fifth: That the increase in the said State gas tax shall be a minimum of 1½ cents per gallon;

Sixth: That in the allocation of the moneys to the various counties of the State raised by reason of the increase in the said gas tax, each county shall receive from the funds so raised the sum of fifty thousand dollars ($50,000) annually, and the balance in said fund shall be allocated to the various counties on the basis of automobile registration.

DR. E. F. AUBLE, Alturas

The following communication was received, and read, and ordered printed in the Journal:

California State Legislature

A cordial invitation is extended to Members of the California State Legislature to attend "Quarters of War," the exhibit and show now in the California State Guard Armory, 10th and Fallon Streets, Oakland, California—doors open at 6.30 p.m. each evening, February 4th excepted, for an opening Monday, January 29, 1945. Exhibits are open until 11 p.m., and four separate coding shows and sham battles are presented each evening.

"Quartermasters at War" is being presented by the Office of the Quartermaster General, Washington, D. C., and California Quartermasters Depot.

Members wishing to attend in a group or with parties will be provided with reserved seats, and a special guide to exhibits, by contacting Public Relations Officer, Quartermasters Depot.

BRIGADIER GENERAL BOONE

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Journal Resolution No. 10

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Joint Resolution No. 10—Relative to income of recipients of aid to the aged.

Referred to Committee on Social Welfare.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 24, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 286
Senate Bill No. 287
Senate Bill No. 330
Senate Bill No. 204
Senate Concurrent Resolution No. 23

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, January 25, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Joint Resolution No. 5

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 8; absent 3.

MAYO, Chairman

Above reported resolution ordered to third reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 24, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 223
Senate Bill No. 248

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, January 25, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 318

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

MAYO, Chairman

Above reported bill ordered to second reading.

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, January 24, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Resolution No. 36

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 7; absent 2.

QUINN, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, January 24, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 4

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

QUINN, Chairman

Above reported bill ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, January 24, 1945

MR. PRESIDENT: You are hereby notified that the Senate Committee on Revenue and Taxation, pursuant to Rule 36 of the Joint Rules of the Senate and Assembly, has selected Senator Breed as its representative on the Budget Committee.

MIXTER, Chairman

REQUEST FOR UNANIMOUS CONSENT

Senator Quinn asked for, and was granted, unanimous consent to take up Senate Resolution No. 36, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 36

Senate Resolution No. 36

Relative to universal military training

WHEREAS, There has been introduced in Congress a bill providing for universal military training for the youth of the United States, and

WHEREAS, Such training will result in building up the physical and mental health of young Americans in an atmosphere faithful to the democratic institutions of the Country and equip large numbers of our citizens in the fundamentals of military service so that they may rapidly respond to any future needs for the defense of our Nation, now, therefore, be it

Resolved, by the Senate of the State of California, That the Senate and House of Representatives of the United States in Congress assembled are hereby petitioned and urged to enact a bill providing for universal military training for the youth of the Country; and be it further

Resolved, That copies of this resolution be transmitted by the Secretary to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Member of Congress from this State.

Resolution read, and on motion of Senator Quinn, adopted.

RESOLUTIONS

The following resolutions were offered:

By Senator Dillinger:

Senate Resolution No. 42

Respecting the Discovery of Gold at Coloma

WHEREAS, January 24, 1945, is the official Ninety-seventh Anniversary of the Discovery of Gold at Coloma, by James Wilson Marshall; and

WHEREAS, As a result of that discovery, many of the Nation's finest came to California and, upon their arrival, made the further discovery that California held not only gold, but a wealth of other resources as well; and

WHEREAS, During the period of nearly 100 years that has elapsed since then, this great State has reached a high place within the aggregation of our several States; and

WHEREAS, We have become more and more engrossed in our daily round of duty as the days go by, it becomes more and more fitting that we should pause in the turmoil of our daily lives, to reflect upon the achievements and the high ideals of those pioneers who carved from the vastness of forest and plain this great State that we love, and to draw from their precept and example renewed inspiration to sustain and guide us as we face the problems before us now. Not all the pioneering has been done. We face today some of the most gigantic and perplexing problems that have ever faced any people, so let us now, in the light of those high ideals, consecrate ourselves this day to the tasks that lie before us, that we may prove worthy of our heritage and wisely administer our trust.

It is not alone for the accidental discovery of gold that we mark this day. Rather, it is for the momentous events that flowed therefrom. The voice of the golden siren called to the shores of the broad Pacific the very flower of the Nation's manhood. None but those of the highest courage could dare the great adventure and none but the fittest could survive its hardships; therefore, be it

Resolved, That when the Senate does this day adjourn, that we do so in commemoration of the discovery of gold at Coloma, and out of respect to the memory of James Wilson Marshall and those rugged pioneers who have bequeathed us this priceless heritage.

Resolution read, and on motion of Senator Dillinger, adopted.

By Senator Fletcher:

Senate Resolution No. 43

Relating to the investigation by the Legislative Budget Committee of the auditing and collecting of unemployment relief restitution, and all expenditures made from the State Controller's SRA Restitution Fund.

Resolved by the Senate of the State of California, as follows:

1. The Legislative Budget Committee, created by Senate Concurrent Resolution No. 21 of the Fifty-fifth Regular Session, shall make a complete investigation of unemployment relief restitution, and of all expenditures made from the State Controller's SRA Restitution Fund, such report to show the total amount owed on these accounts, amounts collected, and that remaining uncollected, cost of collection, and the general nature of the individual charges made.

2. The committee shall report to the Senate not later than April 1, 1945, and shall include recommendations in their report.

Resolution read, and on motion of Senator Fletcher, adopted.

MOTION TO PRINT IN JOURNAL

Senator Gordon moved that the Report of the Joint Legislature Interim Committee on Fish and Game, as it appears in the Assembly Journal of January 24, 1945, be printed in the Senate Journal.

Motion carried.

REPORT OF THE JOINT LEGISLATIVE INTERIM COMMITTEE ON FISH AND GAME

Foreword

Your Committee on Fish and Game created under Assembly Concurrent Resolution No. 46, relative to the investigation of fish and game problems, submits the following report to the Legislature:

Game Birds and Big Game Animals

Your committee, after having traveled over a great deal of California, and after having met with and consulted with the Fish and Game Commission on several occasions, and having met with sportsmen's groups throughout the State, would report as follows on wildlife conditions.

Deer are perhaps more plentiful now than at any time since any attention has been given to conservation. The leading factor in this increase has no doubt been the protection given to does and fawns not only by laws and law enforcement but increased efforts toward predatory animal control work. Coyotes, bobcats, and panthers (mountain lions) take a heavy toll of deer throughout the State and at all times. The Fish and Game Commission and the livestock men are, at the present time, working very harmoniously on predatory animal control, and such work is proving very beneficial to all concerned. In a great many sections of the State, deer have become so plentiful that they are a burden and a nuisance to the farmers. They are very destructive to young trees and vines and will continue to strip them of their foliage until they finally kill them. They are also very destructive to all grain crops, alfalfa, and vegetables.

In pheasants, we perhaps had the peak of good hunting in the 1943 season. The laws governing pheasant hunting had been greatly liberalized, perhaps too much so. However, the birds had increased so that in a great many sections they were becoming very destructive to a great many farm crops, and some thinning down did not seem out of order. The 1944 hunt rather indicated that too many birds had been taken in the 1943 season; also that the full protection to hens was a mistake. The 1944 hatch was very unsatisfactory, a great many nests being found that did not furnish chicks, presumably for the lack of sufficient roosters. These birds do not seem to segregate themselves in a satisfactory manner; in some localities will be found a great predominance of hens and in another area there will be an over-supply of roosters; they just don't seem to get around enough to understand the convenience and necessity of a proper sex ratio. These birds are not a native of California, and have been established only after careful and persistent attempts. They are just getting established in a great many counties and are overly abundant in other counties. An uniform law for the taking of these birds is not the proper procedure. Rather, the Fish and Game Commission should exercise the powers it has and regulate the take in accordance with the birds available and the desirability of increasing or diminishing them. The same is perhaps true of deer; in the areas where they are overly abundant, the Fish and Game Commission should in some way endeavor to regulate the deer herds, not to the point of extermination, but to the extent that these animals would realize that they are looked upon as being wild and that for self-protection they belong in the back country where they can hide away from mankind and survive; that they are not barnyard pets like the chickens and other domestic animals. One of the most consistent complaints we have heard from sportsmen is against the recent action of the Legislature providing that tags must be obtained before hunting pheasants, and we recommend the elimination of the pheasant tag.

The history of the valley quail in Northern California for more than 40 years has been one of gradual disappearance until at the present time they have been reduced to a point where they are no longer an item in the sports world. There have been a great many attempts to rehabilitate them; none have been very successful and they are still on the decline. Hardly two persons will agree on the reason for this gradual disappearance. There is no doubt more than one element enters into the picture. There is no bird that has as many predatory enemies as this most beautiful of all game birds, and these predators are, perhaps, more responsible than any other agency for the gradual disappearance of this species of wildlife. Any attempt of rehabilitation, if successful, must have in mind, primarily, feed, shelter, and water and the nearer these three come to being under the same roof, the more successful will be the venture. This choice morsel of food can not venture far from its shelter without falling prey to one of its many enemies which include the following well known predators—coons, foxes, coyotes, house cats, bobcats, ring-tailed cats, ground squirrels, snakes, hawks and owls, *Geococcyx californianus*, not mentioning the man or boy with a gun. This bird should be removed from the open season list in most of the State. Again, the Fish and Game Commission should exercise its authority and allow killing only in spots that can take it. The quail is one species of wild life that even in the days of great abundance did but little damage to farm crops.

Your committee has found that ducks are doing almost unbelievable damage to crops in various parts of the State. This is especially true in the Sacramento, San Joaquin, and Imperial Valleys. This condition, which is deplorable in normal times, is doubly

so at this critical time when food conservation is of such vital importance. In the Imperial Valley, in 1944, more than $750,000 in crops was lost due to the damage, mainly in fields of rice, lettuce, and alfalfa which were completely destroyed. The depredation was greatest in January, February, and part of March. Since there is comparatively little that can be done about this situation by the State Fish and Game Commission, since migratory birds are under the control of the Federal Government, your committee is making the following recommendations to the commission:

1. That they endeavor to make arrangements with the United States Fish and Wildlife Service to permit feeding, under proper control, on duck club grounds in order to attract ducks from the rice fields during and prior to harvest season;

2. That they urge the United States Fish and Wildlife Service to operate its refuges to the maximum degree as resting places for migratory waterfowl.

3. That they operate their refuges to the maximum degree as resting places for migratory waterfowl.

4. That they endeavor to establish a plan through the War Production Board under which the U.S.D.A. County Boards be authorized to again approve purchase of ammunition for farmers to use in herding or dispersing waterfowl in the protection of their crops.

5. That consideration be given to unrestricted feeding, as to areas, prior to, and subsequent to shooting season.

6. That in an area over which shooting will be engaged during the season, unrestricted feeding should be stopped prior to the shooting season, except on those areas where feeding is permitted under permit and which held as loafing ponds for non-shooting; the Director of the United States Fish and Wildlife Service to fix the date of cessation of feeding prior to the shooting season on those areas where shooting will be permitted.

7. That the Federal Government be urged by the Fish and Game Commission to permit feeding of waterfowl within 200 yards of gun clubs during the open season on waterfowl.

Antelope have always existed in California. In the early 1840's and 50's, there were great herds of antelope in the San Joaquin and Sacramento Valleys. They were gradually killed and driven back to a limited area in two or three northern counties. Only in recent years has any attempt been made to conserve the species, and such attempt has been very successful. At the present time, we have 12,088 head in Lassen, Siskiyou, and Modoc Counties with a few scattered small herds in other localities. In the last three years, there has been noted a substantial increase in all localities, and in some localities they have doubled. This increase has taken place in spite of the fact that the Fish and Game Commission has allowed the killing of 500 bucks for the past three seasons. There have been several complaints from farmers regarding damage done to alfalfa hay stacks and to growing alfalfa crops by antelope. They visit such stacks and fields in herds, the entire herd traveling together. The count made in 1944 reports more than 1,100 in one herd. It is not hard to visualize the damage that would be done to a stack of hay or an alfalfa field when visited by a hungry herd of antelope or even a much smaller herd.

The establishment of an elk herd in California has not met with much success. The herd on Prairie Creek, Humboldt County, has been the cause of a great deal of complaint from the farmers in that locality. The herd in Yolo County, that at one time contained about 300 head, became such a nuisance that the Fish and Game Commission found it necessary to allow the killing of a limited number of them. The herd has been gradually reduced to about half of the herd; this half has moved back into rough mountainous and brushy area and is doing well and fast increasing. The Kern County herd became so destructive that it was found necessary to confine it to a well fenced area. The herd in Inyo County, where the Commission allowed the taking of a limited number of bucks in 1943, has become such a burden on residents of that county that they are asking the Fish and Game Commission to remove them to some other more suitable area.

Your committee would recommend that the Fish and Game Commission use every endeavor to protect the farmers from damages caused by wildlife of all species.

Fish Hatcheries

Members of the Joint Interim Committee of the Legislature of the State of California, appointed to study matters pertaining to fish and game, have inspected a large number of the fish hatcheries and rearing ponds in the State. Below, for the information of the Legislators, is a list with the locations of all of the fish hatcheries and rearing ponds within the State of California.

Alpine County—

Alpine Hatchery near Markleeville (seasonal). Closed for duration.

Fresno County—

Kings River Hatchery 56 miles east of Fresno.

Huntington Lake Hatchery near Lakeshore (seasonal). Closed for duration.

Humboldt County—
Prairie Creek Hatchery near Orick.

Inyo County—
Mt. Whitney Hatchery near Independence.
Black Rock Rearing Ponds.

Kern County—
Kern Hatchery near Kernville.

Lassen County—
Lake Almador Hatchery near Westwood.

Madera County—
Madera Hatchery near Bass Lake (seasonal). Closed for duration.

Mariposa County—
Yosemite Hatchery in Yosemite National Park.

Mono County—
Hot Creek Hatchery 38 miles from Bishop on Highway 395.

Placer County—
Tahoe Hatchery near Tahoe City.
Tallac Hatchery near Camp Richardson (seasonal).

Plumas County—
Feather River Hatchery near Clio.

Sacramento County—
Central Valleys Bass Hatchery near Elk Grove.

Santa Cruz County—
Brookdale Hatchery near Brookdale.

Shasta County—
Burney Hatchery near Burney.

Sierra County—
Yuba River Hatchery near Camptonville.

Siskiyou County—
Fall Creek Hatchery near Copco.
Mt. Shasta Hatchery near Mt. Shasta City.

Tulare County—
Kaweah Hatchery near Three Rivers.
Sequoia Hatchery near Visalia.
Coy Flat Tanks near Camp Nelson (seasonal).

Tuolumne County—
Basin Creek Hatchery near Tuolumne.

Ventura County—
Fillmore Hatchery near Fillmore.

The committee found that the hatcheries might be classified as:

1. Those that use cold water for the hatching and rearing of fish, and
2. Those that use warm water for this purpose.

Hatcheries Using Cold Water: In these, the temperature of the water used ranges from 34 degrees to 50 degrees Fahrenheit. This group includes the major number of the hatcheries of the State. The committee found that in this cold water, a period of 90 days is required in hatching trout eggs. The small trout are held and fed in small narrow troughs, one end elevated at an angle to allow water to flow from top to bottom, with a screen mesh or barrier to prevent the escape of the young fish. The overflow is carried off in an aqueduct leading into some adjacent stream. Food is scattered through the troughs, and the committee found that there was considerable loss due to the flow of the water, carrying it off into the overflow. In this cold water, and under this method of feeding, the small fish grow very slowly, reaching a size known as "fingerling," or approximately one inch in length, at the age of a year. During this period in which the trout are held in these hatcheries, they never come in contact with the sunlight, and receive their food only as man gives it to them, and so are raised in unnatural surroundings. Committee members were informed that the mortality among these small trout, after planting, ranged as high as 92 per cent. This high mortality is caused by predators, such as large fish, water snakes, etc., and also by the inability of these fingerlings to find food and protection for themselves.

The investment in these cold water hatcheries by the State of California has run into many millions of dollars, both in the initial investment and in the upkeep. An outstanding example is the Mt. Shasta Hatchery. The committee was informed that it took 18 men to completely staff the hatchery, and that the initial cost was $182,000.

Hatcheries and Rearing Ponds Using Warm Water: In these, the temperature of the water is uniformly between 55 degrees and 64 degrees Fahrenheit throughout the year. This group is made up of the Fillmore Hatchery, Hot Creek Hatchery and Black Rock Rearing Ponds. The committee found that in this warm water, trout eggs hatch in a period of 21 days. Very soon after hatching, the young trout are placed in

rearing ponds. The rearing ponds at Fillmore and Hot Creek Hatcheries are constructed of a series of small streams separated from each other by cement walls or barriers, and fed from a main underground stream. The water in each rearing pond averages about one foot in depth. Any one of these ponds may be cut off from the others, should disease in any form break out within it. Black Rock Rearing Ponds are different from Fillmore and Hot Creek in this respect: There are two or three large ponds, several feet in depth and each covering an area of several acres. The small trout are brought from the Mt. Whitney Hatchery or from the Hot Creek Hatchery and placed in these rearing ponds. The trout in these warm water rearing ponds are fed the same kind of food and in much the same manner as in the cold water hatcheries. However, since the water in these rearing ponds is moving much more slowly than in the troughs in the cold water hatcheries, and the ponds are much larger than the troughs, very little of the food is carried out of the ponds, but drops to the bottom and is picked up by the trout over a period of time. The food is also supplemented from natural sources such as insects, plant life, etc., found in the ponds. Since the ponds are in the open, the fish are subjected at all times to conditions under which they will live in the streams and lakes where they will be planted. The committee found that the trout in these rearing ponds grow at the rate of approximately one inch per month. It is customary to plant these trout in the streams and lakes when they are from 5 to 10 inches in length, which means when they are from 5 to 10 months old. The mortality rate of these fish caused by predators is comparatively low, being from 2 per cent in some localities to 20 per cent in others. The cost to the State of these warm water hatcheries and rearing ponds is very reasonable. For example, Fillmore had an initial cost of $75,000 and operates with a staff of 10 men. Black Rock cost approximately $3,000 and requires a personnel of five men.

After considering the faster rate of growth, the lower mortality, and the lower cost involved in raising trout in warm water hatcheries and rearing ponds as compared to those in cold water hatcheries, the committee recommends the development of more warm water hatcheries and rearing ponds if suitable sites can be secured. Where these sites are located in areas where cold water hatcheries now operate, the committee recommends the closing of said cold water hatcheries.

In this connection, the committee investigated the Baum Ranch located near Burney in Shasta County. Description of the Baum Ranch Hatchery site is as follows:

> That certain parcel of land situate in Sec. 32, T. 36 N., R. 4 E., M. D. B. & M., bounded by a line which begins at a point distant North 26 degrees, 48½ minutes East 806.4 feet from a monument marking the South quarter corner of said Section 32 (said point of beginning being on the 2997 contour, Pacific Gas and Electric Company datum from bench mark which is an iron bolt at the end of the transformer track at Hat No. 1 power house, elevation 3013.27 said datum), and runs thence North 25 degrees 12 minutes West 112.73 feet; thence North 87 degrees 33½ minutes West 138.13 feet; thence North 53 degrees 50¾ minutes West 200.02 feet; thence North 21 degrees 08¼ minutes West 508.75 feet; thence South 77 degrees 28½ minutes West 138.29 feet; thence South 83 degrees 53¼ minutes West 230.31 feet; thence North 68 degrees 26¼ minutes West 359.14 feet; thence North 11 degrees 14 minutes West 484.87 feet; thence North 59 degrees 50½ minutes East 82.00 feet to a point in said 2997 contour; thence easterly, southerly and westerly, along said 2997 contour, to the point of beginning, containing 34 acres more or less.

Since the conditions here are so promising, the committee recommended to the Fish and Game Commission that it take the necessary steps to lease this property. Within the last 60 days, a 40-year lease is under negotiation with the Pacific Gas and Electric Company, owners of the property.

It is estimated by the officials of the Fish and Game Commission that if this hatchery is properly constructed, it will produce approximately one-half million pounds of trout per year, and will be one of the largest trout hatcheries in the world.

The Interim Committee on Fish and Game wishes to commend the Fish and Game Commissioners, and especially Mr. Nate F. Milnor, who was responsible for much of the experimental work being carried on, for the fine work done in developing the warm water hatcheries.

Below is a comparison of the costs per pound of raising trout in cold and warm water hatcheries. These figures were compiled under the supervision of Mr. A. C. Taft, Chief of the Bureau of Fish Conservation in the Division of Fish and Game.

Fish Hatchery Production and Costs—1943

	Direct Cost of Operation	*Value of Fish, Eggs, or Services to Other Hatcheries*[1]	*Value of Fish, Eggs, or Services From Other Hatcheries*	*Net Cost of Producing and Planting Trout*	*Pounds of Trout and Salmon Produced*	*Cost Per Pound*
Basin Creek	$7,817 04		$1,396 00	$9,213 04	2,146	$4 29
Brookdale	9,605 26		500 00	10,105 26	5,161	1 96
Black Rock	[2]		23,932 40	23,932 40	53,471	45
Burney	7,044 64		1,920 00	8,964 64	4,316	2 07
Central Valleys	7,241 64					
Coy Flat	1,237 63		222 00	1,459 63	1,246	1 17
Fall Creek	7,570 94	$250 00	125 00	7,445 94	4,954	1 50
Feather River	5,142 22		799 00	5,941 22	393	15 12
Fillmore	30,779 71	1,980 00	1,817 50	30,617 21	75,856	40
Hot Creek	35,700 48	4,315 00	3,768 00	35,153 48	75,895	46
Kaweah	5,652 59	1,080 00	921 50	5,494 09	793	7 50
Kern	4,968 10		468 75	5,436 85	3,084	1 76
Kings River	8,831 65		340 00	9,171 65	2,048	4 48
Lake Almanor	8,957 25		1,691 25	10,648 50	1,856	5 74
Madera	5,451 56		470 00	5,921 56	922	6 42
Mt. Shasta	59,600 08	8,330 00	838 00	52,108 08	18,581	2 80
Mt. Tallac	4,961 42		4,184 00	9,145 42	4,568	2 00
Mt. Whitney	37,847 47	22,641 15	990 00	16,196 32	6,386	2 54
Prairie Creek	8,661 89		1,020 50	9,682 39	2,620	3 69
Sequoia	5,673 91		1,777 25	7,451 16	6,554	1 14
Tahoe	10,890 67	2,178 00	1,911 25	10,623 92	2,216	4 79
Yosemite	5,781 09		1,110 00	6,891 09	1,175	5 86
Yuba River	3,893 67		487 50	4,381 17	761	5 76
Totals	$283,310 91			$285,985 02	275,401	

[1] Eggs are valued at $1.25 per M. for Rainbow.
Eggs are valued at $0.50 per M. for Eastern Brook.
Eggs are valued at $0.50 per M. for Loch Leven
Eggs are valued at $0.50 per M. for Steelhead.

Fingerling fish transferred form one hatchery to another for sizing valued at $2 per pounds.

[2] As Black Rock is operated under Mt. Whitney, there are no direct costs. Prorated cost $23,932.40

Following is an explanation of these cost figures taken from a report of Mr. A. C. Taft, Chief of the Bureau of Fish Conservation.

This year in preparing the table we have added Columns 2 and 3 which attempts, on the one hand, to give credit to each hatchery for major items of services and materials rendered to other stations and, in turn, to charge the latter with the costs of those items. For instance, Mt. Shasta, Hot Creek, and Mt. Whitney produce most of the rainbow eggs we use and ship to other stations. It greatly increases their costs to feed and care for the brood stock that produces these eggs. Another type of adjustment is necessary in the case of Black Rock where all of the labor equipment and feed is supplied by Mt. Whitney and we have had to make as careful a breakdown and allocation of the costs as possible. Again, we have one man at the Fillmore Hatchery who spends two-thirds of his time procuring fish food for Hot Creek, Mt. Whitney, and Black Rock, and it is only proper that this should be charged against those stations rather than Fillmore, as it shows on the Accounting Department books.

In making comparisons of the final figures with those of last year, these changes should be kept in mind. In addition, in making comparisons between hatcheries, it should be kept in mind that they are of three general types. First of all, there are the newer stations such as Hot Creek, Black Rock, and Fillmore that were designed for the production of catchable sized trout; second, an intermediate group such as Tallac, Sequoia, Brookdale, Coy Flat, and Kern that are operated to produce fish about four inches in length; and third, the remaining group of older stations that are equipped only to rear fingerlings.

It is no more proper to compare the costs of stations in Group 1 with those in Group 3 than it would be to compare the costs on a pound basis of a man raising baby chicks with those of one raising poultry for the market. It is, of course, useful to us to know the comparative costs of rearing fingerlings as compared with catchable fish, but the relative values can only be assessed in terms of the final results obtained from planting the two sizes of fish.

Within each separate group, it can be seen that it costs us 40 to 52 cents per pound to rear and plant catchable sized trout at Fillmore, Black Rock, and Hot Creek. I do not believe that the differences between those stations are of much significance and

result from temporary conditions that fluctuate from year to year. The costs in the second group of stations, Tallac, Brookdale, Sequoia, Coy Flat, and Kern, rise to $1.14 to $2 per pound. The increase arises partly from the fact that water conditions at these stations are not so favorable as at those in Group 1, and secondarily from the fact that they are for the most part seasonal in operation, and, therefore, are not capable of the mass production found at Hot Creek, etc.

In Group 3, the costs are, with one exception, all above $2 per pound. The exception is Fall Creek on the Klamath River where a large part of the production is salmon. It is within this Group 3 that I believe we should scrutinize the figures most closely. In each case where the costs are high it generally means that the hatchery is located on a poor water supply with cold temperatures prevailing throughout a greater part of the year. It is, therefore, within this latter group that improvements in location are most urgently needed and as rapidly as more satisfactory sites can be obtained these high cost hatcheries should be replaced.

Food for Trout: In many of our lakes of California, the food for trout is very limited, and it is recommended that the Fish and Game Commission make a study of this and, wherever possible, fresh water shrimp and vegetable material should be planted in lakes to increase the food supply.

Patrol

More Fish and Game Wardens: From our investigation, we have found that, at the present time, the Division of Fish and Game, Bureau of Patrol and Law Enforcement, is understaffed. We further found that the staff was doing as well as could be expected with the manpower at its disposal.

We recommend that the number of wardens in the field be increased as soon as the manpower requirements permit, and we recommend further that the increase be in such a number that the Bureau of Patrol will be able properly to enforce the Fish and Game Laws and to carry on a successful and comprehensive Conservation Program.

We further recommend that the Division of Fish and Game be permitted to purchase airplanes for the purpose of assisting and aiding the wardens in law enforcement, and for the purpose of obtaining information and conducting surveys of fish and game within the State with the objective of maintaining a Conservation Program. We believe that the use of airplanes in law enforcement will greatly increase the efficiency of the fish and game wardens and will reduce the cost of operation from an over-all point of view.

We also recommend that, in connection with the use of airplanes and automobiles, that two-way radios be installed in order to enable the patrol to meet efficiently the modern problems of law enforcement.

Housing for Fish and Game Wardens: We recommend that suitable housing facilities be provided for fish and game wardens where permanent headquarters will be established. A rental may be charged for such facilities furnished.

Reducing Retirement Age of Fish and Game Wardens: We recommend that the compulsory retirement age for fish and game wardens be reduced from 70 to 65 and be optional at 60 after 20 years of service.

Commercial Fishing

Your committee investigated the commercial fishery of the State of California as part of its investigation on the fish and game problems of the State. The committee held meetings in most of the important fishing ports of California including San Diego, San Pedro, Monterey, and Bodega Bay. The committee also attended many meetings of the Fish and Game Commission during the years of 1943 and 1944, at which the problems of the commercial fishing industry were discussed before the commission. At these meetings all elements of the industry had the opportunity to discuss their problems.

Description of the California Fishery: The committee desires to emphasize the value of the California fishery from a commercial as well as a sporting point of view. The size and extent of the fishery off the coast of California and its inland waters has never been properly presented to the public. There are 120 species of fish in California which are of commercial importance. Among the most important of which are the sardine, tuna, mackerel, and salmon.

The size of the California commercial fishery, both in volume of production and in value of dollars and cents, is the largest in the United States, including Alaska. It also is the most diversified fishery in the United States, including Alaska, in that more commercial species are taken and sold on a commercial basis. The following table showing the extent of the commercial fishery in California from a production and value point of view as compared with the rest of the Nation and Alaska, will conclusively establish the truth of these statements.

Total Catch of Fish in United States (Latest Figures Available Are for 1940)

	Total Catch in pounds	Per Cent of Total	Value	Per Cent of Total
United States, including California	3,495,836,041	86	$88,344,844.00	89
Alaska	536,687,959	14	10,612,156.00	11
Total	4,059,524,000			
1940 California catch	1,290,445,900	32	$20,159,876.00	20.4

A further comparison of the size of the California fishery may be obtained from the following figures which show the total production in California for the year 1943:

Total catch in pounds	1,229,754,615	Value	$31,950,769 00
Cases of fish canned	6,698,134		
Tons of fish meal produced	86,151	Value	$70,496,100 00
Gallons fish oil produced	14,016,179		

Thus it can readily be seen that the commercial fishing industry in California, from a point of production alone, is one of the most important industries in the State. In addition to the value of the production in dollars and cents, the industry provides work and a livelihood for a large number of men and women in this State. In the year 1943-1944, there were over 11,000 fishermen working in California. This figure is abnormally high due to the high war prices. A more normal picture would be presented by the number of fishermen in the years 1941-1942 which was 9,344. In the year 1941, there were 14,632 employees working in fish packing plants. The above figures do not include the number of people engaged in handling fresh and frozen fish, which figures were unavailable at the time of writing this report. It is estimated that the total number of employees working in fish packing plants and the number of people engaged in handling fresh and frozen fish would approximately be 17,000.

The capital investment of the plants required to process and can the commercial fish of California is estimated, for the year 1943, to be $16,043,790. This does not include the plants handling fresh fish only. It is estimated that the value of the fresh fish plants would be at least two-thirds of the fish processing plants making a total value of approximately $25,000,000. In addition to the investment in processing plants, there is a large investment in commercial fishing boats. The records show that in 1941, the last normal year, there were 3,202 licensed commercial fishing boats. There were also 553 licensed party boats which were used to take sportsmen out fishing, 344 of which were also licensed as commercial fishing boats. The value of these boats is estimated at approximately $30,000,000.

Most of the commercial fishing, with the exception of tuna, is done off the Coast of California as far out as 50 or 60 miles. In the case of tuna, the fishery extends from the Coast of California as far South as the Galapagos Islands off the Coast of Equador and South America.

The most important commercial products supplied by the California fishery are canned fish, fresh fish, fish meal, and fish oil. The importance of the canned fish pack of California to the war effort is illustrated by the fact that the United States Government has taken 100 per cent of the 1945 pack of sardines and mackerel. The fish meal produced in California is highly important to the poultry and dairy business in California because it supplies the most valuable protein supplements for live stock and poultry feed.

The foregoing resume is necessarily brief and incomplete, and is merely intended to give the reader a brief picture of the size and importance of the California fishery. It should also be pointed out that, in addition to the commercial fishing, there is a tremendous business in sporting fishing in California, and, although it is difficult to obtain any accurate information as to the size and value of the commercial phase of sport fishing in California, it is the opinion of this committee that it is as large if not larger than the commercial fishing in California. When the value of the California fishery is considered from both its commercial and sporting aspects, it can readily be seen that it is one of the largest and most valuable resources in the State of California.

In the conservation of a resource as large as the California fishery, it is natural that the administrative agency charged with the duty of conserving and preserving that resource should be confronted with many vexing problems. On the whole, it can be said that the administration of the California Fish and Game Commission has been sound and progressive. There are, however, several important problems facing the commission and the commercial fishing industry. In order to solve these problems, it is necessary for the commission to maintain, through the Division of Fish and Game, a program of scientific study of the commercial and sporting species of fish. For the purposes of this portion of the report, a discussion of a few of the problems of the more important marine species will demonstrate the nature of the problem confronting the commission. The sardine represents the biggest percentage of the commercial catch in California by volume. A very careful scientific investigation of this species has been carried on by the technicians of the Division of Fish and

Game. This study should be completed, and the proper technical assistance should be supplied so that the investigation could be completed.

In the case of tuna, the scientific investigation of that species has just scratched the surface. Because of the wide distribution of the species, and because of the international aspect of the problem, it will be necessary to carry on investigations which will require the cooperation of this State with other States and Territories of the United States and with foreign countries. The tuna fishery represents the biggest percentage of the California fishery in value. It is, therefore, necessary that a scientific investigation be made of this species of fish in order to determine what conservation measures will be necessary to insure the enjoyment of a continued production for the future. Further scientific investigation is required to properly determine the nature of the regulations which should be applied to mackerel. In the past, this species has been subject to violent fluctuations in the volume of the catch.

The immediate problem confronting the salmon industry is probably the most critical problem facing the commercial and sporting fishing industry in California. The salmon is a fish which spawns in fresh water and grows to maturity in salt water. Because of this fact the projects for the conservation and development of the water resources of California which require building dams on the rivers of the State, threaten to destroy the salmon in California for either commercial or sporting purposes. The problem is at its critical stage at the present time. The building of Shasta and Friant Dams in the head waters of the Sacramento and San Joaquin Rivers, respectively, has materially reduced the salmon spawning areas on two most important salmon breeding streams in the State of California. The United States Bureau of Reclamation of the Department of Interior, the Federal agency charged with the construction and operation of these dams, has taken steps to remedy the loss of spawning beds by the building of hatcheries and by the regulation of the remaining spawning beds below the dams. The extent of the success or failure of this salvage program can not be determined for at least two years. In the meantime, the Corps of Engineers of the United States Army has proposed to build a number of dams in the Sacramento-San Joaquin watersheds lower down on these streams and their tributaries. If the program of the Corps of Engineers is carried out as presently planned without a satisfactory salvage plan, most of the remaining salmon spawning beds on the Sacramento and San Joaquin Rivers will be cut off and the salmon run in these rivers and their tributaries will be destroyed. The proposed Table Mountain Dam on the Sacramento River above Red Bluff clearly demonstrates the seriousness of this problem. Practically all the remaining spawning areas on the Sacramento River lie between the proposed site of the Table Mountain Dam and Shasta Dam. At the present time, this area represents the largest single salmon spawning area in California. The Coleman Hatchery, constructed by the Bureau of Reclamation on Battle Creek at a cost of $1,200,000, for the purpose of salvaging the salmon run which was cut off by Shasta Dam, is also above the Table Mountain site. Not only will the remaining spawning areas in the Sacramento River be destroyed, but also the salvage program already in operation will be rendered useless by the construction of this dam. The destruction of this species will mean a loss of an important part of the California fishery. The value of the commercial catch of salmon in California is well in excess of $1,000,000 annually, and it is estimated that the value of the salmon catch by sporting fishermen exceeds the value of the commercial catch. The State of California should do everything in its power to prevent the destruction of this valuable natural resource, and it is recommended by this committee that provisions be made for the protection and conservation of salmon and other valuable fish-life in the streams of California before any final plans are made for the construction and operation of any dam across any stream in this State, and that the Fish and Game Commission be recognized as the State agency which must approve any plan for protection and conservation. It is further recommended that in the determination of the economic feasibility of any dam that the loss or damage to the fish resources of the State caused by said dam be taken into consideration by the agency constructing the dam.

One of the most important problems now confronting the technical staff of the commission is to scientifically determine the size and extent of the resource so that the exploitation of that resource may be regulated to conserve and perpetuate the resource for the future. At the present time, manpower restrictions make it difficult if not impossible to maintain a qualified staff of sufficient size to cope with this problem. We recommend that, as soon as manpower restrictions permit, properly qualified technicians be added to the technical staff in sufficient number to complete the necessary scientific investigation to determine the extent and scope of the fishing resources of California.

One of the biggest problems of the California fishery is the relationship between the commercial and sporting interests which exploit the fishery. In our opinion there is room for both. The fundamental State and legislative problem is to maintain a proper balance between both interests in order that the resource may be exploited for the maximum benefit and utility of the people of California. The extent of exploitation must be limited by the State in order to conserve and maintain the fishery for future generations of California citizens. The question of balance between commercial and sports fishing is one which belies a categorical answer. This question is a continuing

question and its answer must depend upon the conditions of the resource at the particular time. It is the opinion of the committee that the relationship between commercial and sporting interests at the present time is better than it has been in many years and that both factions have a better understanding and conception of the problems of the other. It was one of the purposes of this committee to give a forum to all interests so that their respective problems could be discussed openly and frankly. In many places where this was done the result was very satisfactory.

The policy of the State with respect to its fishery should be one of sound conservation and all State regulations should be designed to accomplish this purpose. We believe that a control of the total catch on sound logical scientific basis should be the State's first interest in conservation. Within the scope of this principle the commercial fishing industry should be allowed to develop economically under the competitive system of free enterprise.

General Recommendations

A critical condition exists in the Division of Fish and Game because of the shortage of manpower. At the last regular session of the Legislature, the Governor signed a bill providing for "duration" appointments and the establishment of "duration" lists by the State Personnel Board.

We recommend that for the duration to compile "duration" lists, the State Personnel Board continue to rate applicants upon their experience, using the same method employed by the Federal Civil Service during the emergency. These people gain no permanent rating and the holding of examinations under normal procedure is not only a waste of time and energy but by the time lists are established, particularly for low-paid positions, such as Assistant Fish and Game Warden, those who qualify in the examination may have obtained other positions. Inasmuch as people selected for duration appointments must serve a probationary period, the appointing power has an adequate check upon their services.

Survey of Positions and Salaries Paid Employees of the Division of Fish and Game: The business of fish and game in California is one of the largest in the State, and, in order to regulate and control that business properly, the State should have competent technicians and employees. In our investigation, we have found that the salary schedules paid by the State for technicians is not comparable with the salaries paid by other Federal and State agencies which deal with the same problem.

We recommend that the Division of Fish and Game be permitted to establish salary schedules for technicians which will enable it to compete with other State and Federal agencies which deal with the same problem.

Controlled Burning of State Forest Lands: We find that in certain areas of the State that the uncontrolled growth of brush on the feeding grounds of upland game birds and browse-feeding game animals has destroyed these feeding grounds of that type of birds and animals so that they have been forced to seek feed on agricultural lands, causing damage and depredation to those lands.

We recommend that the Division of Fish and Game cooperate with the Division of Forestry in a program of controlled burning in order to improve feed conditions for upland game birds and browse-feeding game animals.

Prohibit Spear Fishing: We recommend that spear fishing be prohibited in any and all parts of the State of California.

Opening of Pheasant and Quail Season Simultaneously: It is recommended that the pheasant and quail season should be opened simultaneously in those areas where there are sufficient birds to warrant an open season.

Better Control of Predatory Animals: The committee endorses the predatory animal control work that the Division of Fish and Game is now doing, and recommends that it expand and increase its activities in this work.

Fish Screens: The committee recommends that the Division of Fish and Game make every effort to develop a successful fish screen and if they are unable to develop a screen which operates effectively, it abandon the expense of maintaining the unsuccessful fish screens.

Mudhens: The committee recommends that the Fish and Game Commission urge the Federal Government to open the season on mudhens, and to eliminate the restrictions in California on the take of these birds.

License Distribution: A survey of the license distribution shows that the present methods being practiced are not satisfactory. At times, usually at the opening of various hunting and fishing seasons, a shortage of licenses occurs. At the present time, the law authorizes the distribution of licenses either by the agency paying cash in advance for the value of licenses required or the agency may be bonded and licenses distributed on consignment and settling for the licenses after the sale had been made. It appears that the shortage of licenses in the field is in most instances caused by the "cash agent" not purchasing a large enough stock of licenses to meet the requirements of the sportsmen. As a rule, most cash agents do not possess enough capital to make the necessary investment of licenses.

Therefore, it is recommended that the Fish and Game Commission take the necessary action to have all license agents placed on the consignment method of distribution.

Summary of Recommendations

1. The Fish and Game Commission should exercise its powers to regulate the take of pheasants in accordance with the available supply of birds.

1a. Amend Fish and Game Code to eliminate pheasant tags.

2. The Fish and Game Commission should exercise its powers to regulate the deer herds.

3. The Fish and Game Commission should exercise its power to prohibit the taking of quail in certain sections of the State where population is depleted.

4. The Fish and Game Commission should endeavor to make arrangements with the United States Fish and Wildlife Service to permit feeding, under proper control, on duck club grounds in order to attract ducks from the rice fields during and prior to harvest season.

5. The Fish and Game Commission urge the United States Fish and Wildlife Service to operate its refuges to the maximum degree as resting places for migratory waterfowl.

6. The Fish and Game Commission operate its refuges to the maximum degree as resting places for migratory waterfowl.

7. The Fish and Game Commission endeavor to establish a plan through the War Production Board under which the United States Department of Agriculture county boards be authorized to again approve purchase of ammunition for farmers to use in herding or dispersing waterfowl in the protection of their crops.

8. That consideration be given to unrestricted feeding as to areas, prior to, and subsequent to, shooting season.

9. That in an area over which shooting will be engaged during the season, unrestricted feeding should be stopped prior to the shooting season, except on those areas where feeding is permitted under permit and which are held as loafing ponds for nonshooting. The Director of the United States Fish and Wildlife Service to fix the date of cessation of feeding prior to the shooting season on those areas where shooting will be permitted.

10. That the Federal Government be urged by the Fish and Game Commission to permit feeding of waterfowl within 200 yards of gun clubs during the open season on waterfowl.

11. The Fish and Game Commission use every endeavor to protect the farmers from damages caused by wildlife of all species.

12. Development of additional warm water hatcheries and rearing ponds, if suitable sites can be secured; and if such sites are located in areas where cold water hatcheries now operate, such cold water hatcheries should be closed.

13. Division of Fish and Game make a study of food for trout and, where possible, plant freshwater shrimp and vegetable materials in lakes to increase the food supply.

14. The number of Fish and Game wardens in the field be increased as soon as the manpower requirements permit.

15. Airplanes be secured for patrol work and conducting surveys of fish and game.

16. Airplanes and automobiles be equipped with two-way radios.

17. Suitable housing facilities be provided for fish and game wardens where permanent headquarters are established.

18. Compulsory retirement age of fish and game wardens be reduced from 70 years to 65 years.

19. Study of the sardines should be completed and proper technical assistance supplied so investigation can be completed.

20. Scientific investigation should be made of the tuna and of the mackerel.

21. Provisions be made for the protection and conservation of salmon and other valuable fish life in California streams before any final plans are made for construction and operation of any dam across any stream in this State and that the Fish and Game Commission be recognized as the State agency which must approve any plan for protection and conservation.

22. In the determination of the economic feasibility of any dam, the loss or damage to the fish resources of the State caused by said dam should be taken into consideration by the agency constructing the dam.

23. When manpower restrictions permit, fisheries technicians be employed by the Division of Fish and Game to complete the necessary scientific investigation to determine extent and scope of the fishing resources of California.

24. State Personnel Board continue to rate applicants upon their experience, using the same method employed by the Federal Civil Service for "duration" appointments.

25. The Division of Fish and Game be permitted to establish salary schedules for technicians which will enable it to compete with other State and Federal agencies which deal with the same problems.

26. The Division of Fish and Game cooperate with the Division of Forestry in a program of controlled burning.

27. Spear fishing be prohibited in any and all parts of the State of California.

28. Pheasant and quail season open simultaneously.

29. Division of Fish and Game increase and expand its predatory animal control.

30. Division of Fish and Game develop a successful fish screen, and, if unable to develop such screen, it abandon the expense maintaining the unsuccessful fish screens

31. Fish and Game Commission urge the Federal Government to open the season on mudhens and eliminate restrictions in California on the taking of these birds.

32. Fish and Game Commission take necessary action to have all license agents placed on the consignment method of distribution.

Conclusions

Your committee was asked to investigate accusations made by the previous Interim Committee in its report to the Legislature (known as the "Call Report") regarding political activities of members of the State Fish and Game Commission.

We felt that this type of investigation did not come under the jurisdiction of our committee since we were appointed to investigate fish and game problems, not political activities of individuals. We, therefore, requested that the investigation be made by the Office of the Attorney General. The findings of that office seem to be to the effect that the accusations were mostly founded upon hearsay. A complete report of the investigation is in the hands of the Attorney General for the information of the Legislators.

The Joint Interim Committee has been asked by many sportsmen's organiaztions concerning game farms, game management areas, and the Fish and Game Commission's policy toward public shooting grounds. The Interim Committee did not have time to make any study or recommendations on these subjects.

We are recommending that this committee be continued for the next legislative interim, 1945-1947, for the purpose of making these studies, and taking up any additional subjects that might be requested by the sportsmen and other interested groups, and filing a complete report to the Legislature.

CLYDE WATSON, Chairman
ALLEN G. THURMAN, Assemblyman
THOMAS M. ERWIN, Assemblyman
FRANK L. GORDON, Senator
OLIVER J. CARTER, Senator

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 25, 1945

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Assembly Concurrent Resolution No. 10 Assembly Concurrent Resolution No. 12
Assembly Concurrent Resolution No. 11 Assembly Concurrent Resolution No. 13

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, January 25, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 234

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 25, 1945

MR. PRESIDENT: The Committee on Rules, to which was referred the message from the Governor dated January 22, 1945, appointing

TOLAND C. MCGETTIGAN, as a member of the California Unemployment Insurance Appeals Board and member of the California Employment Stabilization Commission, vice Homer W. Buckley

ROBERT A. HEINZE, as warden, California State Prison at Folsom,

VICTOR R. HANSEN, as Adjutant General, State of California, vice Ray W. Hays

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointments of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of Toland C. McGettigan as a member of the California Unemployment Insurance Appeals Board, and California Employment Stabilization Commission.

The President put the question, "Will the Senate confirm and consent to the appointment of Toland C. McGettigan?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—32.

NOES—None.

Appointment Confirmed

Wherepon the President announced that the Senate had confirmed and consented to the appointment of Toland C. McGettigan.

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment of the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of Robert A. Heinze as Warden, California State Prison, at Folsom.

The President put the question, "Will the Senate confirm and consent to the appointment of Robert A. Heinze?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—30.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Robert A. Heinze.

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment of the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of Victor R. Hansen as Adjutant General, State of California.

The President put the question, "Will the Senate confirm and consent to the appointment of Victor R. Hansen?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—32.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Victor R. Hansen.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 25, 1945

MR. PRESIDENT: The Committee on Rules has appointed

Senators Collier
Quinn
Carter
Kuchel

as members of the Senate Committee authorized under Senate Concurrent Resolution No. 18.

SEAWELL, Chairman

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Concurrent Resolution No. 10—Relative to the Reports of the Sessions of the Department Encampment of the Grand Army of the Republic.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 11—Relative to the Reports of the Annual Conventions of the Disabled American Veterans of the World War of the Department of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 12—Relative to Reports of the Annual Conventions or Encampments of the Veterans of Foreign Wars of the Department of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 13—Relative to Reports of the Department Encampment and the Annual Convention of the United Spanish-American War Veterans.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo,

McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 9: By Senator DeLap—Relative to memorializing the Congress of the United States to provide for the prompt removal of temporary war housing which violates local building regulations and relative to the timing and method of such removal and consultation with local legislative bodies to determine the need for retaining any such housing.

Request for Unanimous Consent

Senator DeLap asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 9, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 9

Senate Joint Resolution No. 9—Relative to memorializing the Congress of the United States to provide for the prompt removal of temporary war housing which violates local building regulations and relative to the timing and method of such removal and consultation with local legislative bodies to determine the need for retaining any such housing.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Resolution ordered transmitted to the Assembly.

Senator Frank W. Mixter Presiding

At 4.05 p.m., Senator Frank W. Mixter of the Thirty-second District, presiding.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 609: By Senator Fletcher—An act making an appropriation to the Department of Public Works for dredging Mission Bay Park.

Referred to Committee on Transportation.

Senate Bill No. 610: By Senator Dillinger—An act to provide for the purchase of historic articles in El Dorado County, and making an appropriation therefor.

Referred to Committee on Education.

Senate Bill No. 611: By Senator Rich—An act to provide State assistance of local agencies for the control of mosquitoes, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 612: By Senator Slater—An act to provide for the purchase of the Sonoma Barracks as a part of the State Park System, and making an appropriation therefor.

Referred to Committee on Natural Resources.

Senate Bill No. 613: By Senator Sutton—An act to add Section 559 to the Streets and Highways Code, relating to State highway routes.

Referred to Committee on Transportation.

Senate Bill No. 614: By Senator Sutton—An act to amend Section 4272 of the Political Code, relating to compensation for public services in counties of the forty-third class.

Referred to Committee on Local Government.

Senate Bill No. 615: By Senator Sutton—An act to amend Section 7 of the Unemployment Insurance Act, relating to excluded employments under said act.

Referred to Committee on Social Welfare.

Senate Bill No. 616: By Senator Sutton—An act to add Section 1152.1 to the Agricultural Code, relating to farm to market roads and making an appropriation therefor.

Referred to Committee on Agriculture.

Senate Bill No. 617: By Senators Biggar and Hatfield—An act to amend Section 601 of the Agricultural Code and add Section 607 thereto, relating to imitation ice cream and imitation ice milk.

Referred to Committee on Agriculture.

Senate Bill No. 618: By Senator Rich—An act to add Section 87.5 to the Agricultural Code, relating to the construction of buildings as war memorials jointly by district agricultural associations and counties.

Referred to Committee on Agriculture.

Senate Bill No. 619: By Senator Rich—An act to amend Section 1 of an act entitled "An act relating to the liability in damages of municipalities, counties, cities and counties, and school districts, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works or property; prescribing the duties of the officers thereof in such cases, and authorizing such public or quasi public corporations to take out and pay for insurance to protect them against such liability," approved June 19, 1931, relating to the liability of public agencies for injuries to person or property.

Referred to Committee on Local Government.

Senate Bill No. 620: By Senator Rich—An act to add Article 5a to Chapter 2, Part 1, Division 2 of the Welfare and Institutions Code, relating to the establishment of joint detention homes by counties.

Referred to Committee on Social Welfare.

Senate Bill No. 621: By Senators Deuel, Gordon, Dillinger, Keating, and Jespersen—An act to add Article 5 to Chapter 1 of Title 1 of Part 3 to, and to amend Section 5003 of the Penal Code providing for the establishment of a medium security prison, relating to the commitment and transfer of persons thereto and therefrom.

Referred to Committee on Judiciary.

Senate Bill No. 622: By Senators Deuel, Gordon, Dillinger, Keating, and Jespersen—An act to amend Section 1192a of the Penal Code, relating to the procedure prior to the pronouncement of judgment in criminal cases.

Referred to Committee on Judiciary.

Senate Bill No. 623: By Senator Rich—An act to add Section 1917 to the Civil Code, relating to interest.

Referred to Committee on Judiciary.

Senate Bill No. 624: By Senator DeLap—An act to add Section 6060.7 to the Business and Professions Code, relating to admission to the practice of law.

Referred to Committee on Judiciary.

Senate Bill No. 625: By Senators Hulse, Swing, and Hatfield—An act creating the "Local Postwar Construction Fund," providing for the deposit therein of part of the proceeds of certain taxes paid to the State, and defining the powers and duties of State officers in connection therewith.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 626: By Senator Hulse—An act to add Section 20176 to the Education Code, relating to the establishment of an agricultural training school and college, and making an appropriation.

Referred to Committee on Education.

Senate Bill No. 627: By Senator Hulse—An act to amend Section 20651 of the Education Code, relating to California Polytechnic School.

Referred to Committee on Education.

Senate Bill No. 628: By Senator Hatfield—An act to add Section 47a to the State Employees' Retirement Act, relating to credits for persons in the military service.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 629: By Senators Tenney, Burns, and Dilworth—An act to amend Section 19432 of the Education Code, relating to civic centers.

Referred to Committee on Education.

Senate Bill No. 630: By Senator Tenney—An act to provide for the establishment of a State Trails System; authorizing the State Park Commission and the Department of Natural Resources to make investigations, reports, recommendations and plans for the location and development of the State Trails System; and making an appropriation therefor.

Referred to Committee on Natural Resources.

Senate Bill No. 631: By Senator Tenney—An act to add Article 10.5 comprising Section 2430 to Chapter 1 of Division 5 of the Elections Code, relating to National Committeemen.

Referred to Committee on Elections.

Senate Bill No. 632: By Senators Tenney and Fletcher—An act to add Section 14565 to the Education Code, relating to equalizing the cost of teacher retirement to the taxpayers in the State by means of subventions to political subdivisions maintaining local retirement systems.

Referred to Committee on Education.

Senate Bill No. 633: By Senator Tenney—An act to add Section 82.5 to the State Civil Service Act, and to add Section 18954 to the Government Code, relating to promotional examinations for members of the California Highway Patrol.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 634: By Senator Tenney—An act to amend Section 2 of an act entitled "An act relating to the National Flag and the Flag of the State of California, and other flags," approved June 7, 1943, relating to display of National and State Flags.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 635: By Senator McBride—An act to add Section 3.5 to the County Civil Service Enabling Act, relating to firemen.

Referred to Committee on Local Government.

Senate Bill No. 636: By Senator Rich—An act to add Section 2215.5 to, and to amend Section 2216 of the Health and Safety Code, relating to mosquito abatement districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 637: By Senators Biggar, Carter, and Fletcher—An act to provide for forest practices which will promote the maximum sustained productivity of the forest lands of California.

Referred to Committee on Natural Resources.

Senate Bill No. 638: By Senators Gordon and Biggar—An act to amend Sections 709, 711 and 712 of the Fish and Game Code, relating to fish.

Referred to Committee on Fish and Game.

Senate Bill No. 639: By Senators Gordon and Biggar—An act to amend Sections 721, 722, 724, and 724.5 and to repeal Section 724.3 of the Fish and Game Code, relating to catfish.

Referred to Committee on Fish and Game.

Senate Bill No. 640: By Senators Gordon and Biggar—An act to amend Section 65.5 of the Fish and Game Code, relating to districts.

Referred to Committee on Fish and Game.

Senate Bill No. 641: By Senators Gordon and Biggar—An act to amend Section 66.5 of the Fish and Game Code, relating to Lake County.

Referred to Committee on Fish and Game.

Senate Bill No. 642: By Senator Fletcher—An act making an appropriation to pay the claim of The California Society of the Sons of the American Revolution.

Referred to Committee on Finance.

Senate Bill No. 643: By Senator Fletcher—An act to amend Section 487 of the Penal Code, relating to grand theft.

Referred to Committee on Judiciary.

Senate Bill No. 644: By Senator Fletcher—An act to amend Sections 5258, 5260, 7006, and 7009 of the Welfare and Institutions Code, relating to persons committed to State homes for the feeble-minded, providing for the reception of such persons in such homes, and for the support of such persons in such homes and while on parole therefrom, and making an appropriation.

Referred to Committee on Institutions.

Senate Bill No. 645: By Senator Dilworth—An act to amend Section 163 of the Fish and Game Code, relating to game refuges.

Referred to Committee on Fish and Game.

Senate Bill No. 646: By Senator Dillinger—An act to amend Sections 2 and 18 of the Alcoholic Beverage Control Act and to add Sections 6.1 and 61.3 thereto, relating to alcoholic beverages.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 647: By Senator Fletcher—An act to amend Section 146 of the Vehicle Code, relating to vehicles previously registered outside of this State.

Referred to Committee on Transportation.

Senate Bill No. 648: By Senator Collier—An act to amend Section 656.5 of the Fish and Game Code, relating to salmon.

Referred to Committee on Fish and Game.

Senate Bill No. 649: By Senator Desmond—An act to amend Section 21.30 of, and to add Section 21.35 to, the Municipal Utility District Act, relating to municipal utility districts.

Referred to Committee on Local Government.

Senate Bill No. 650: By Senator Desmond—An act making an appropriation to pay the claim of Floyd E. Warner against the State of California.

Referred to Committee on Finance.

Senate Bill No. 651: By Senator Burns—An act to add Section 1622 to the Health and Safety Code, relating to biologics.

Referred to Committee on Public Health and Safety.

Senate Bill No. 652: By Senator Burns—An act to amend Section 7643 of the Business and Professions Code, relating to embalmers.

Referred to Committee on Business and Professions.

Senate Bill No. 653: By Senator Burns—An act to provide for the collection, processing and distribution of human blood and human blood products.

Referred to Committee on Public Health and Safety.

Senate Bill No. 654: By Senator Judah—An act to amend Section 103.6 of the Fish and Game Code, relating to District 103.6.

Referred to Committee on Fish and Game.

Senate Bill No. 655: By Senator Judah—An act to amend Section 103.5 of the Fish and Game Code, relating to District 103.5.

Referred to Committee on Fish and Game.

Senate Bill No. 656: By Senator Judah—An act to amend Section 883 of the Fish and Game Code, relating to nets.

Referred to Committee on Fish and Game.

Senate Bill No. 657: By Senator Crittenden—An act to repeal Sections 131 and 131.1 and to amend Sections 131.2, 131.5 and 131.6 of the Code of Civil Procedure; to repeal Sections 597 to 606, inclusive, and Sections 635 and 637, and to amend Sections 631, 632, 633, 636 and 641 of the Welfare and Institutions Code; and to amend Sections 1203.5 and 1203.8 and to repeal Section 1203.6 of the Penal Code, all relating to probation officers.

Referred to Committee on Judiciary.

Senate Bill No. 658: By Senators Crittenden and Hatfield—An act to amend Sections 1300.10, 1300.11, 1300.12, 1300.13, 1300.14, 1300.15, 1300.16, 1300.17, 1300.19 of the Agricultural Code, relating to the marketing of agricultural products, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Agriculture.

Senate Bill No. 659: By Senators Crittenden and Hatfield—An act to amend the title, and Sections 1, 2, 3, 5, 8, 9, 10, 11, 15, 16, 17, 18, 19, 18.1, 19, 19.1, 21, 22, 23, 25.1 and 29 of, and to repeal Section 14 of, the Agricultural Prorate Act, relating to the marketing of agricultural products by producers, to declare the urgency thereof, to take effect immediately.

Referred to Committee on Agriculture.

Senate Bill No. 660: By Senators Mayo and Seawell—An act to forbid the acquisition by the United States of America or any of its agencies of any lands or real property in the State of California except for forts, magazines, arsenals, dockyards and other needful buildings,

without the consent of the legislative body of the county or political subdivision in which such land or real property is situated.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 661: By Senator McCormack—An act providing for the transfer to the Department of Education exclusive jurisdiction and control over certain lands.

Referred to Committee on Education.

Senate Bill No. 662: By Senator Fletcher—An act to repeal Sections 20394.3, 20394.4, 20394.5, 20394.6 and 20394.7 of the Education Code and to add Section 20394.3 to said code, relating to the Board of Appeals established to review the dismissal of employees of State colleges not in State civil service.

Referred to Committee on Education.

Senate Bill No. 663: By Senator Quinn—An act to create a flood control district to be called Humboldt County flood control district and dividing said district into zones; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

Referred to Committee on Water Resources.

Senate Bill No. 664: By Senator Ward—An act to amend Section 10 of the Bank Act, relating to the qualifications of directors of banks and trust companies.

Referred to Committee on Financial Institutions.

Senate Bill No. 665: By Senator Ward—An act to amend Section 18172 of the Revenue and Taxation Code, relating to the taxability of income of trusts.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 666: By Senator Ward—An act to add a new article to Chapter 13 of Part 10 of the Revenue and Taxation Code to be numbered Article 5, relating to the authority of the Franchise Tax Commissioner to enter into closing agreements in respect to personal income taxes for any taxable period.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 667: By Senators Ward, Crittenden, Fletcher, Cunningham, and Deuel—An act making an appropriation to the County of Santa Barbara for the payment of the cost of cooperation by the State

with the United States in the construction of the project for flood control on the Santa Ynez River Watershed.

Referred to Committee on Water Resources.

Senate Bill No. 668: By Senator Hatfield—An act to amend Section 19561 of, and to add Section 19490 to, the Business and Professions Code, relating to horse racing.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 669: By Senator Hatfield—An act to amend Sections 220 and 230 of the Eelctions Code, relating to registration of voters.

Referred to Committee on Elections.

Senate Bill No. 670: By Senator Swing—An act to amend Section 19624 of the Business and Professions Code, relating to distribution of fees collected under the act relating to the regulation and licensing of horse racing.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 671: By Senator Quinn—An act to add Section 252.5 to the Revenue and Taxation Code, relating to veterans' exemptions.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 672: By Senators Quinn and Hatfield—An act to add Section 4986.4 to the Revenue and Taxation Code, relating to the cancellation of taxes on property acquired by the Veterans' Welfare Board.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 673: By Senators Quinn and Hatfield—An act to add Sections 987 and 2190.1 to the Revenue and Taxation Code, relating to the assessment of and payment of taxes on possessory interests in real estate of the Veterans' Welfare Board.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 674: By Senator Mixter—An act to amend Section 8961 of the Health and Safety Code, relating to cemetery districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 675: By Senator Biggar—An act to add Section 634.5 to the Agricultural Code, relating to the processing of cream.

Referred to Committee on Agriculture.

Senate Bill No. 676: By Senators Biggar, Salsman, Jespersen, Dorsey, Tenney, Hulse, Hatfield, Dilworth, and Desmond—An act to provide for the construction of urban and suburban dwelling accommodations for an acquisition for occupancy of farms and aid in establishing businesses for Veterans of World War II at costs within their ability to pay, and provide means of employment for such veterans, including authority for the Veterans' Welfare Board in the Department of Military and Veterans' Affairs to put into operation such facilities as may become necessary to guarantee mortgage loans financed by any chartered institution, having right of succession, in respect to construction of

homes, acquisition occupancy of farms and creation of means of employment for veterans of World War II, declaring the urgency thereof to take effect immediately.

Referred to Committee on Military and Veterans' Affairs.

Senate Bill No. 677: By Senators Crittenden, Deuel, Fletcher, Cunningham, Gordon, Dilworth, Mixter, Tenney, McCormack, Donnelly, Hatfield, Weybret, McBride, Judah, Sutton, Jespersen, Burns, Rich, Desmond, Dorsey, and Salsman—An act declaring the public policy of the State relating to flood waters, flood control, flood damage, the washing away of river and stream banks by floods; creating the State Flood Control Advisory Board and making an appropriation for the support of same, and prescribing its powers and duties; prescribing the powers and duties of the Department of Public Works and authorizing the cooperation of the State Flood Control Advisory Board and the Department of Public Works with the United States, its instrumentalities and agencies, and with counties, cities, State agencies and public districts, relating to flood waters and their control, flood damage, and the washing away of river and stream banks by floods; adopting and authorizing construction of certain flood control projects and providing cooperation with the United States thereon.

Referred to Committee on Water Resources.

Senate Bill No. 678: By Senators Donnelly, Crittenden, Fletcher, Cunningham, and Deuel—An act making an appropriation to the Reclamation Board for the payment of the cost of cooperation by the State with the United States in the construction of the project for flood control on the lower San Joaquin River and tributaries, including Tuolumne and Stanislaus Rivers.

Referred to Committee on Water Resources.

Senate Bill No. 679: By Senators McCormack, Crittenden, Fletcher, Cunningham, Gordon, Sutton, Rich, Deuel, and Desmond—An act making an appropriation to the Reclamation Board for the payment of the cost of cooperation by the State with the United States in the construction of the project for flood control on the Sacramento River and its tributaries.

Referred to Committee on Water Resources.

Senate Bill No. 680: By Senators Burns, Crittenden, Fletcher, Cunningham, and Deuel—An act making an appropriation to the Reclamation Board for the payment of the cost of cooperation by the State with the United States in the construction of the project for flood control on the Fresno County Stream Group.

Referred to Committee on Water Resources.

Senate Bill No. 681: By Senators Swing, Dilworth, Crittenden, Fletcher, Cunningham, and Deuel—An act making an appropriation to the San Bernardino County Flood Control District for the payment of the cost of cooperation of the State with the United States in the construction of the project for flood control on the Santa Ana River Basin, Lytle and Cajon Creeks.

Referred to Committee on Water Resources.

Senate Bill No. 682: By Senators Tenney, Crittenden, Fletcher, Cunningham, and Deuel—An act making an appropriation to the Los Angeles County Flood Control District for the payment of the cost of cooperation by the State with the United States in the construction of the project for flood control on the Los Angeles and San Gabriel Rivers and Ballona Creek.

Referred to Committee on Water Resources.

Senate Bill No. 683: By Senators Weybret, Crittenden, Fletcher, Cunningham, Salsman, Judah, and Deuel—An act making an appropriation to the Counties of Santa Clara, Santa Cruz, Monterey and San Benito for the payment of the cost of cooperation by the State with the United States in the construction of the project for flood control on the Pajaro River and tributaries.

Referred to Committee on Water Resources.

Senate Bill No. 684: By Senators Crittenden, Fletcher, Cunningham, and Deuel—An act making an appropriation to the Reclamation Board for the payment of the cost of cooperation by the State with the United States in the construction of the project for flood control on the Calaveras River and Littlejohn Creek and tributaries.

Referred to Committee on Water Resources.

Senate Bill No. 685: By Senators Hatfield, Crittenden, Fletcher, Cunningham, and Deuel—An act making an appropriation to the Reclamation Board for the payment of the cost of cooperation by the State with the United States in the construction of the project for flood control on the various streams in the Merced County stream group in the San Joaquin Valley.

Referred to Committee on Water Resources.

Senate Bill No. 686: By Senators Tenney, Crittenden, Fletcher, Cunningham, and Deuel—An act making an appropriation to the Los Angeles County Flood Control District for the payment of the cost of cooperation by the State with the United States in the construction of the project for flood control on the Los Angeles River Watershed.

Referred to Committee on Water Resources.

Senate Bill No. 687: By Senators McBride, Crittenden, Fletcher, Cunningham, and Deuel—An act making an appropriation to the Ventura County flood control district for the payment of the cost of cooperation by the State with the United States in the construction of the project for flood control on the Ventura River and tributaries.

Referred to Committee on Water Resources.

Senate Bill No. 688: By Senators Quinn and Hatfield—An act to amend Sections 820 and 987 of the Military and Veterans Code, relating to the rate of interest on veteran farm and home loans, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 689: By Senators Quinn and Hatfield—An act to amend Sections 823 and 987.2 of the Military and Veterans Code, relating to the rate of interest on veterans' farm and home loans.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 690: By Senators Quinn and Hatfield—An act to add Section 986.10 to the Military and Veterans Code, relating to contracts with veterans under 21 years of age.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 691: By Senators Quinn and Hatfield—An act to amend Section 3515.5 of the Revenue and Taxation Code, relating to transfer to the Veterans' Welfare Board of tax-deeded property.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 692: By Senators Quinn and Hatfield—An act to amend Sections 985 and 987 of the Military and Veterans Code, relating to initial payments.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 693: By Senators Quinn and Hatfield—An act to amend Section 2 of an act entitled "An act to add Article 3, comprising Sections 985 to 988.3, inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, relating to farm and home aid for veterans and defining the powers and duties of the Veterans' Welfare Board in respect thereto, and making an appropriation therefor," approved June 7, 1943, relating to veterans' farm and home purchase funds.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 694: By Senator Carter—An act to amend Sections 407, 408, and 409 of the Fish and Game Code, relating to licenses.

Referred to Committee on Fish and Game.

Senate Bill No. 695: By Senator Carter—An act to amend Sections 611.6, 612, 613, 615, and 615.5 of the Fish and Game Code, relating to trout.

Referred to Committee on Fish and Game.

Senate Bill No. 696: By Senator Carter—An act to amend Section 3065 of the Civil Code, providing for liens on logs, lumber and other timber products by persons who by their own labor, or by using their livestock, machinery or appliances, or both, assist in felling, preparing, or transporting logs or in manufacturing lumber or other timber products from such logs, providing for means by which the owner of such logs and products manufactured therefrom may protect himself by a contractor's bond against any liens in excess of the contract price agreed upon between the said owner and any contractor and making such liens prior to all other liens, claims or encumbrances, except the landowner's claim for a reasonable stumpage in cases where the landowner himself is not the direct employer or contractor, as the case may be.

Referred to Committee on Judiciary.

Senate Bill No. 697: By Senator Carter—An act to add Section 5711 to the Labor Code, relating to proof of pneumonoconiosis.

Referred to Committee on Labor.

Senate Bill No. 698: By Senator Carter— An act to add a new section to the Labor Code, to be numbered 5315.1, relating to the Industrial Accident Commission.

Referred to Committee on Labor.

Senate Bill No. 699: By Senator Carter—An act to add Sections 204.1 and 204.2 to the Welfare and Institutions Code, relating to county hospitals, authorizing the admission of pay patients thereto upon terms and conditions specified therein, and providing for the liability of the county for personal injuries and property damages resulting from the operation thereof, and the powers, duties, rights, and liabilities of counties, county officers and employees, and others in connection therewith.

Referred to Committee on Social Welfare.

Senate Bill No. 700: By Senator Keating—An act to add Section 988j to the Code of Civil Procedure, relating to practice and procedure on appeals from municipal courts in civil cases, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

Senate Bill No. 701: By Senator Keating—An act to amend Sections 984 and 988g, and to repeal Sections 983a, 988, 988a, 988b, 988c, 988c-1 and 988d, of the Code of Civil Procedure, relating to procedure and practice on appeal in municipal courts.

Referred to Committee on Judiciary.

Senate Bill No. 702: By Senator Keating—An act to amend Sections 47, 936, 953d, 956a, 1034, 1178, and 1199, and to repeal Sections 648, 649, 650, 651, 653, 939, 940, 950, 951, 952, 953, 953a, 953b, 953c, 954 and 954a, of the Code of Civil Procedure; to amend Sections 1176, 1235, 1239, 1243, 1246, 1248, and 1252, and to repeal Sections 1241, 1249 and 1264, of the Penal Code; and to amend Sections 1232 and 1233 of the Probate Code, relating to appeals.

Referred to Committee on Judiciary.

Senate Bill No. 703: By Senator Cunningham—An act to amend Section 4257 of the Political Code, relating to compensation for public service in counties of the twenty-eighth class.

Referred to Committee on Local Government.

Senate Bill No. 704: By Senator Shelley—An act appropriating money to pay the claim of the City and County of San Francisco against the State of California.

Referred to Committee on Finance.

Senate Bill No. 705: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to add Chapter 5, comprising Sections 11500 to 11528, inclusive, to Part 1 of Division 3 of Title 2 of the Government Code, relating to administrative procedure.

Referred to Committee on Judiciary.

Senate Bill No. 706: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Sections 21, 39, 40, and 46 of, to repeal Section 41 of, and to add a new Section 41 to, and to repeal Sections 42, 43, 44, 45, and 47 of, the Alcoholic Beverage Control Act, relating to administrative procedure of the State Board of Equalization.

Referred to Committee on Judiciary.

Senate Bill No. 707: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Sections 59.5, 587, 995, 995.1, 1074, and 1075 and to repeal Sections 585, 586 and 995.2 of the Fish and Game Code, relating to administrative procedure of the Fish and Game Commission.

Referred to Committee on Judiciary.

Senate Bill No. 708: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Section 12752 of the Education Code, and to add Section 2.5 to, to amend Section 4 of, and to repeal Section 5 of an act entitled "An act to provide for the licensing, visitation and supervision of schools teaching foreign languages, and to define and prescribe the powers and duties of the State Board of Education in respect thereto," approved May 31, 1943, relating to administrative procedure of the State Board of Education.

Referred to Committee on Judiciary.

Senate Bill No. 709: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Section 1354 of, and to add Section 1392 to, the Harbors and Navigation Code, relating to administrative procedure of the State Board of Pilot Commissioners for the Harbor of San Diego.

Referred to Committee on Judiciary.

Senate Bill No. 710: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Sections 1254 and 1290 of the Harbors and Navigation Code, relating to administrative procedure of the Board of Pilot Commissioners for Humboldt Bay and bar.

Referred to Committee on Judiciary.

Senate Bill No. 711: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Salsman, Crittenden, Rich, and Shelley—An act to amend Sections 1155, 1192 and 1193 of the Harbors and Navigation Code, relating to administrative procedure of the State Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.

Referred to Committee on Judiciary.

Senate Bill No. 712: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Sections 5703 and 5753 of the

Welfare and Institutions Code, relating to administrative procedure in the Department of Institutions.

Referred to Committee on Judiciary.

Senate Bill No. 713: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Section 104.5, 1625, and 2305 of the Welfare and Institutions Code, relating to administrative procedure in the Department of Social Welfare.

Referred to Committee on Judiciary.

Senate Bill No. 714: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Section 10100 and to repeal Sections 10103, 10104, 10105, 10107, 10108, 10109, 10110, 10111, 10112, 10113, 10114, 10115, and 10116 of the Business and Professions Code, relating to administrative procedure of the Real Estate Commissioner.

Referred to Committee on Judiciary.

Senate Bill No. 715: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Sections 1584 and 1596 and to repeal Sections 1597, 1598, and 1599 of the Labor Code, relating to administrative procedure of the Labor Commissioner.

Referred to Committee on Judiciary.

Senate Bill No. 716: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Sections 2256, 2257, 2258, 2259, and 2260 and to repeal Sections 2261, 2262, and 2263 of the Public Resources Code, relating to administrative procedure of the State Mineralogist.

Referred to Committee on Judiciary.

Senate Bill No. 717: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Section 13320 and 13613 and to repeal Sections 13321, 13322, 13323, 13324, 13614, 13615, and 13616 of the Health and Safety Code, relating to administrative procedure of the State Fire Marshal.

Referred to Committee on Judiciary.

Senate Bill No. 718: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Section 6925 and to repeal Sections 6927, 6928, 6929, 6931, 6932, 6933, 6934, 6935, 6936, and 6937 of the Business and Professions Code, relating to administrative procedure of the Secretary of State.

Referred to Committee on Judiciary.

Senate Bill No. 719: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Section 7570 and to repeal Sections 7571, 7572, 7573, 7574, 7575, 7576, and 7577 of the Business and Professions Code, relating to administrative procedure of the Director of Administrative Procedure.

Referred to Committee on Judiciary.

Senate Bill No. 720: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Section 8952 and to repeal Section 8953 of the Business and Professions Code, relating to administrative procedure of the Yacht and Ship Brokers Commission.

Referred to Committee on Judiciary.

Senate Bill No. 721: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Sections 8620, 8621, and 8634 and to repeal Sections 8622, 8623, 8626, 8627, 8628, 8629, 8630, 8631, and 8633 of the Business and Professions Code, relating to administrative procedure of the Structural Pest Control Board.

Referred to Committee on Judiciary.

Senate Bill No. 722: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Sections 7686, 7686.5, and 7690 and to repeal Sections 7688, 7688.5, 7689, and 7689.5 of the Business and Professions Code, relating to administrative procedure of the State Board of Funeral Directors and Embalmers.

Referred to Committee on Judiciary.

Senate Bill No. 723: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Section 7425, and to repeal Sections 7426, 7427, 7428, and 7429 of the Business and Professions Code, relating to administrative procedure of the State Board of Cosmetology.

Referred to Committee on Judiciary.

Senate Bill No. 724: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Sections 7073, 7091 and 7100 and to repeal Sections 7092, 7093, 7094, 7096, 7097, 7098, 7099, 7101, 7103 7104 and 7105 of the Business and Professions Code, relating to administrative procedure of the Registrar of Contractors.

Referred to Committee on Judiciary.

Senate Bill No. 725: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Sections 6776 and 8781 and to repeal Sections 6777, 6778, 8782 and 8783 of the Business and Professions Code, relating to administrative procedure of the State Board of Registration for Civil Engineers.

Referred to Committee on Judiciary.

Senate Bill No. 726: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Section 6570 and to repeal Sections 6571, 6572, 6573 and 6574 of the Business and Professions Code, relating to administrative procedure of the State Board of Barber Examiners.

Referred to Committee on Judiciary.

Senate Bill No. 727: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Sections 5560, 5561 and 5570 and to repeal Sections 5562, 5563, 5564, 5566, 5567, 5568 and 5569 of the Business and Professions Code, relating to administrative procedure of the California State Board of Architectural Examiners.

Referred to Committee on Judiciary.

Senate Bill No. 728: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Section 4875 and to repeal Sections 4876, 4877, 4878, 4879 and 4880 of the Business and Professions Code, relating to administrative procedure of the Board of Examiners in Veterinary Medicine.

Referred to Committee on Judiciary.

Senate Bill No. 729: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Section 1265, of the Business and Professions Code, to amend Sections 1227 and to repeal Section 1228 of the Health and Safety Code, and to amend Section 9 of an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, relating to administrative procedure of the State Board of Public Health.

Referred to Committee on Judiciary.

Senate Bill No. 730: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Section 4530 of the Business and Professions Code, to amend Sections 1409 and 1615 and to repeal Sections 1616, 1617 and 1620 of the Health and Safety Code, and to amend Section 11503 of the Insurance Code, relating to administrative procedure of the State Department of Public Health.

Referred to Committee on Judiciary.

Senate Bill No. 731: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Section 4210 of the Business and Professions Code, relating to administrative procedure of the California State Board of Pharmacy.

Referred to Committee on Judiciary.

Senate Bill No. 732: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden,

Rich, and Shelley—An act to amend Section 3090 and to repeal Section 3091 of the Business and Professions Code, relating to administrative procedure of the State Board of Optometry.

Referred to Committee on Judiciary.

Senate Bill No. 733: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Section 2750 and to repeal Sections 2751, 2752, 2753, 2754, 2755, 2756, 2757 and 2758 of the Business and Professions Code, relating to administrative procedure of the Board of Nurse Examiners of the State of California.

Referred to Committee on Judiciary.

Senate Bill No. 734: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Sections 2360, 2364 and 2555 and to repeal Sections 2365, 2366, 2367, 2368, 2369, 2370 and 2371 of the Business and Professions Code, relating to administrative procedure under the chapter of medicine of said code.

Referred to Committee on Judiciary.

Senate Bill No. 735: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Sections 1670, 1674, 1745 and 1747 and to repeal Sections 1671, 1672, 1673, 1675, 1676 and 1677 of the Business and Professions Code, relating to administrative procedure of the Board of Dental Examiners of California.

Referred to Committee on Judiciary.

Senate Bill No. 736: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to add Section 1094.5 to the Code of Civil Procedure, relating to the judicial review of administrative decisions.

Referred to Committee on Judiciary.

Senate Bill No. 737: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Sections 23, 23.5, 100, 102, 150, 158, 203, 204, 400, 401, 402, 403, 404, 1601, 2100, 2701, 3010, 3146, 3148, 3151, 4000, 4063, 4070, 4800, 5000, 5510, 6500, 6702, 6710, 6721, 7000, 7301, 7501, 7503, 7601, 7608, 8501, 8702, 8910, 16501, 19004, 19030, 19031 of, and to add Sections 110.5 and 110.6 to, the Business and Professions Code, relating to the divisions, boards and bureaus of the Department of Professional and Vocational Standards, changing the name of the department to the Department of Administrative Procedure, and relating to the employment of hearing officers and the continued study of administrative procedure.

Referred to Committee on Judiciary.

Senate Bill No. 738: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Section 5019 of the Business and

Professions Code, relating to administrative procedure of the State Board of Accountancy.

Referred to Committee on Judiciary.

Senate Bill No. 739: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Sections 11.04 and 11.05 of the Building and Loan Association Act, relating to the administrative procedure of the Building and Loan Commissioner.

Referred to Committee on Judiciary.

Senate Bill No. 740: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Sections 120, 150, 215.12, 352, 380.58, 723, 737.11, 747, 1041, 1043, 1072, 1175, 1178, 1241, 1254, 1268, 1269, 1300.4, 1300.4a, and 1300.5, and to repeal Sections 1074, 1176 and 1177, of the Agricultural Code, and to add Section 5.5 to, and to amend Section 8 of, an act entitled "An act to provide for the regulation and supervision of, and to prevent fraud in, sales of fertilizer as the same is therein defined; to provide for license to engage in the business of selling or dealing in such fertilizer; to provide for the enforcement of said act and penalties for the violation thereof," approved April 20, 1927, relating to administrative procedure affecting various businesses in the agricultural field.

Referred to Committee on Judiciary.

Senate Bill No. 741: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Dorsey, Salsman, Crittenden, Rich, and Shelley—An act to amend Sections 700, 704, 851, 852, 1649, 1707, 1720.06, 1731, 1732, 1734, 1776, 1807.5, 1813, 1818, 1821, 12924, and 12975.5 of the Insurance Code, relating to administrative procedure affecting the transaction of insurance business.

Referred to Committee on Judiciary.

Senate Bill No. 742: By Senators DeLap, Kuchel, Jespersen, Mayo, Collier, Quinn, Keating, Breed, Desmond, Salsman, Crittenden, Rich, and Shelley—An act to amend Section 15 of, and to add Sections 7.5, 9.5 and 23.5 to, the Corporate Securities Act; to amend Section 8 of, and to add Section 3.5 to, an act entitled "An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof," approved July 1, 1937; to amend Sections 8, 13, and 22.5 of the Personal Property Brokers Act, as revised by Chapter 952 of the Statutes of 1939; to amend Sections 8, 13, and 23 of the Personal Property Brokers Act, as revised by Chapter 1044 of the Statutes of 1939; to amend Sections 15.3 and 15.4 of an act entitled "An act defining credit unions, providing for their incorporation powers, management and supervision," approved March 31, 1927; to amend Sections 7, 12

and 23 of the California Small Loan Act; relating to administrative procedure of the Commissioner of Corporations.

Referred to Committee on Judiciary.

Senate Bill No. 743: By Senator Carter—An act to repeal Section 427 (d), and to amend Section 427 (e) of the Fish and Game Code, relating to licenses.

Referred to Committee on Fish and Game.

Senate Bill No. 744: By Senators Shelley, Keating, Slater, Quinn, Gordon, Collier, Biggar, and Judah—An act to add Section 557 to the Streets and Highways Code, creating the Golden Gate Freeway and providing for its construction.

Referred to Committee on Transportation.

Senate Bill No. 745: By Senators Shelley, Keating, Slater, Quinn, Gordon, Collier, Biggar, and Judah—An act to add Section 253 to the Streets and Highways Code, relating to the State Highway System.

Referred to Committee on Transportation.

Senate Bill No. 746: By Senators Shelley, Keating, Slater, Quinn, Gordon, Collier, Biggar, and Judah—An act to amend Section 301 of the Streets and Highways Code, relating to State highway routes.

Referred to Committee on Transportation.

Senate Bill No. 747: By Senators Shelley, Keating, Slater, Quinn, Gordon, Collier, Biggar, and Judah—An act to amend Sections 3d and 28b of the State Employees' Retirement Act, relating to the State Employees' Retirement System in respect to employees of bridge and highway districts.

Referred to Governmental Efficiency.

Senate Bill No. 748: By Senators Shelley, Keating, Slater, Quinn, Gordon, Collier, Biggar, and Judah—An act to add Section 255 to the Streets and Highways Code, relating to Sausalito Lateral, including its incorporation into the State Highway System.

Referred to Committee on Transportation.

Senate Bill No. 749: By Senators Shelley, Keating, Slater, Quinn, Gordon, Collier, Biggar, and Judah—An act to amend Section 27020 of the Streets and Highways Code, relating to bridge and highway districts.

Referred to Committee on Transportation.

Senate Bill No. 750: By Senators Shelley, Keating, Slater, Quinn, Gordon, Collier, Biggar, and Judah—An act to provide for the transfer of title and easement to the highway known as Sausalito Lateral by the State Highway Commission from Golden Gate Bridge and Highway District, and to provide for the incorporation of such highway in the State Highway System of the State of California.

Referred to Committee on Transportation.

Senate Bill No. 751: By Senator Breed—An act to add Article 4 to Part 9, Chapter 2, comprising Sections 4920 to 4925, inclusive, of the Revenue and Taxation Code, relating to real property taxation.

Referred to Committee on Revenue and Taxation.

Senate Constitutional Amendment No. 8: By Senator Tenney—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of Article XXVI thereof, and adding Sections 5 and 6 to said Article XXVI, relating to taxes upon use of public highways.

Referred to Committee on Revenue and Taxation.

Senate Concurrent Resolution No. 25: By Senator Carter—Relative to purchase of an airplane for Division of Fish and Game, Department of Natural Resources.

Referred to Committee on Governmental Efficiency.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 234—An act making an appropriation to meet a deficiency in the appropriation for legislative printing.

Bill read second time, and ordered to third reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 318—An act to add Section 9.1 to the Unemployment Insurance Act relating to unemployment insurance and the definition of employer thereunder, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 4—An act authorizing the investment of money upon loans and notes guaranteed by the United States pursuant to the Servicemen's Readjustment Act of 1944, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

Strike out the title of the printed bill, and insert:

"An act to provide for the making, investing in and purchasing loans made to veterans, which are wholly or partially guaranteed by the United States or any agency thereof under the provisions of the 'Servicemen's Readjustment Act of 1944' by banks, insurance companies, building and loan companies, personal finance companies, mortgage loan companies, mortgage insurance companies, trust companies, fiduciaries or fiduciary institutions and to add Sections 67.2 and 80.2 to the Bank Act, Section 9.19 to the Building and Loan Association Act, and Sections 1176.5 and 1176.6 to the Insurance Code. Declaring the urgency thereof, to take effect immediately."

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 10, both inclusive, and insert:

"SECTION 1. Section 67.2 is added to the Bank Act, to read:

Sec. 67.2. None of the provisions of the Bank Act limiting or restricting loans by savings banks or by the savings departments of banks or prescribing the security therefor or the maximum term thereof shall apply to any loans which are fully guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any Act of Congress supplementary or

amendatory thereof; and in any case in which the payment of a portion of any loan secured by real property is guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof, the portion of such loan, payment of which is so guaranteed, shall not be deemed to be a part of said loan for the purposes of Section 67 of the Bank Act or any other provision of law limiting the amount which may be loaned by any savings bank or savings department of any bank upon the security of real property, and none of the provisions of Section 67 of the Bank Act limiting the term, nor any other provision of law limiting the term, for which loans may be made by savings banks or by savings departments of banks, shall be applicable to any such loan.

SEC. 2. Section numbered 80.2 is added to the Bank Act, to read:

"Sec. 80.2. None of the provisions of the Bank Act limiting or restricting loans by commercial banks or by the commercial departments of banks or prescribing the security therefor or the maximum term thereof shall apply to any loans which are fully guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any Act of Congress supplementary or amendatory thereof; and in any case in which the payment of a portion of any loan is guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any Act of Congress supplementary or amendatory thereof, the portion of such loan, payment of which is so guaranteed, shall not be deemed to be a part of said loan for the purposes of Section 80 of the Bank Act or any other provision of law limiting the amount of individual loans, secured and unsecured, which may be made by any commercial bank or commercial department of any bank, and none of the provisions of the Bank Act limiting the term, nor any other provision of law limiting the term, for which loans may be made by commercial banks or by commercial departments of banks shall be applicable to any such loan."

SEC. 3. Section 9.19 is added to the Building and Loan Association Act, to read:

Sec. 9.19. Servicemen's Loans. Notwithstanding anything to the contrary contained in this act, (a) if a portion of a loan secured by real property is guaranteed by the Administrator of Veterans' Affairs under Title 3 of the "Servicemen's Readjustment Act of 1944" or any Act of Congress supplementary or amendatory thereof, such loan may be in an amount not in excess of the sum of (1) the amount otherwise permissible under this act plus (2) the portion of such loan so guaranteed, and (b) an association may make any loan (whether secured or unsecured, and if secured whether or not secured by first mortgage or first trust deed and irrespective of percentage of loan to value) provided the full amount of such loan is guaranteed by the Administrator of Veterans' Affairs under Title 3 of the "Servicemen's Readjustment Act of 1944" or any Act of Congress supplementary or amendatory thereof. If the whole or any portion of a loan is guaranteed by the Administrator of Veterans' Affairs under Title 3 of the "Servicemen's Readjustment Act of 1944" or any Act of Congress supplementary or amendatory thereof, such loan may be made on any terms, plans, practices or procedures now or hereafter authorized or required by the Administrator of Veterans' Affairs thereunder, provided such terms, plans, practices or procedures are approved by the commissioner as affording reasonable protection to associations and investors.

SEC. 4. Section 1176.5 is added to the Insurance Code to read:

Sec. 1176.5. Such insurers may make, invest in or purchase loans which are guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any Act of Congress supplementary or amendatory thereof."

SEC. 5. Section 1176.6 is added to the Insurance Code to read:

Sec. 1176.6. None of the provisions of the Insurance Code limiting or restricting loans by insurers or prescribing the security therefor shall apply to any loans which are fully guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any Act of Congress supplementary or amendatory thereof; and in any case in which payment of a portion of any loan is guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any Act of Congress supplementary or amendatory thereof, the guaranteed portion of such loan shall not be deemed a part of said loan for the purposes of any provision of the Insurance Code limiting the amount which may be loaned by an insurer upon the security of real property or improvements thereon shall be applicable to such loans.

SEC. 6. Any personal finance company, mortgage company, mortgage insurance company, or trust company, or fiduciary or fiduciary institution may make, invest in or purchase, with its funds or the money in its custody or possession, including but not being restricted to, all trust funds or funds the investment of which is regulated by law, loans and notes guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof."

Amendment No. 3

On page 1, line 11, of the printed bill, strike out "2", and insert "7".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 284—An act to make an appropriation for the cost of auditing and collecting unemployment relief restitution to take effect immediately.

Bill read third time, and presented by Senator Breed.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 284:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO (14), January 17, 1945

To the Honorable Members of the Senate
Sacramento, California

GENTLEMEN:

Assembly Bill No. 284—An act to make an appropriation for the cost of auditing and collecting unemployment relief restitution to take effect immediately,

in my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore recommend consideration of Assembly Bill No. 284 as necessary for the immediate preservation of the public peace, health or safety and as an emergency measure.

Respectfully submitted,

EARL WARREN, Governor

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS

Senate Bill No. 286—An act to amend Sections 19 and 20 of, and to add Section 24 to the Unemployment Insurance Act, relating to unemployment insurance, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Burns, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride McCormack, Mixter, Parkman, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Collier, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 287—An act to amend Section 57.7 of the Unemployment Insurance Act, relating to the benefit rights of veterans, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Burns, Collier, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Cunningham, DeLap, Desmond, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Shelley asked for, and was granted, unanimous consent to take up Senate Bill No. 318, at this time, for consideration.

CONSIDERATION OF SENATE BILL NO. 318

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Shelley:

Resolved, That Senate Bill No. 318 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Senate Bill No. 318—An act to add Section 9.1 to the Unemployment Insurance Act, relating to unemployment insurance and the definition of employer thereunder, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

The roll was called, and the bill was passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted, as amended:

Senate Concurrent Resolution No. 17

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Concurrent Resolution No. 17—Relative to the adjournment of the Legislature for the constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 17?

Amendment No. 1

On page 1, line 8, of the printed resolution, strike out "26", and insert "27".

The roll was called, and the Senate concurred in Assembly amendment to Senate Concurrent Resolution No. 17 by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.
NOES—None.

Above resolution ordered enrolled.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 330—An act to add Chapter 8, consisting of Sections 19810, 19811 and 19812, to Part 3 of Division 13 of the Health and Safety Code, relating to inflammable or explosive materials and governing their use, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Hulse, Judah, Kuchel, Mayo, McCormack, Mixter,

Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—28.
NOES—None.

Further consideration of Senate Bill No. 330, was continued to next legislative day by request of Senator Donnelly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Senate Concurrent Resolution No. 3—Relative to Joint Rules of the Legislature.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 224
Senate Bill No. 204
Senate Bill No. 93
Senate Bill No. 177

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 562
Assembly Bill No. 285

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 562—An act to amend Section 257 of the Vehicle Code, relating to junior drivers licenses, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

Assembly Bill No. 285—An act to amend Section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to poisons, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Public Health and Safety.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 25, 1945

MR. PRESIDENT: The Committee on Rules has appointed

Senators: Brown
Mayo
Tenney
Crittenden
Hatfield

as members of the committee created under Senate Resolution No. 35.

SEAWELL, Chairman

ADJOURNMENT

At 5.27 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.00 p.m., January 26, 1945, out of respect to the memory of James Wilson Marshall.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FIFTEENTH LEGISLATIVE DAY

NINETEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Friday, January 26, 1945

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

PRAYER

By invitation of the President, prayer was offered by the Rev. Dr. Torrance Phelps.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain and Mrs. Joseph A. Rawls, United States Army, Three Rivers, Tulare County.

THIRD READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 330—An act to add Chapter 8, consisting of Sections 19810, 19811 and 19812, to Part 3 of Division 13 of the Health and Safety Code, relating to inflammable or explosive materials and governing their use, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Donnelly moved the adoption of the following amendments:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out ", 19811 and 19812", and insert "and 19811".

Amendment No. 2

On page 1 of said bill, strike out lines 13 to 17, inclusive.

Amendment No. 3

On page 1, line 18, of said bill, strike out "19812", and insert "19811".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 13
Senate Concurrent Resolution No. 14

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 19
Assembly Concurrent Resolution No. 20

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Concurrent Resolution No. 19—Creating the Joint Committee on Purchase of Federal Property.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 20—Relating to the creation of a Committee to Study and Report Upon Health Insurance.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, January 23, 1945

MR. PRESIDENT: You are hereby notified that the Finance Committee, pursuant to Rule 36 of the Joint Rules of the Senate and Assembly has selected Senator Rich as its representative of the Budget Committee.

W. P. RICH, Chairman

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 26, 1945

MR. PRESIDENT: The Committee on Rules has appointed Senator Salsman to fill the vacancy of Senator Swan on the Interim Committee on Education, created by Senate Resolution No. 52 of the Fifty-Fifth Session of the Legislature.

SEAWELL, Chairman

MOTION TO PRINT IN JOURNAL

Senator Ward moved that the Report of Senate Interim Committee on the State Board of Equalization and Laws Administered Thereby, be printed in the Journal.

Motion carried.

REPORT OF SENATE INTERIM COMMITTEE ON THE STATE BOARD OF EQUALIZATION AND LAWS ADMINISTERED THEREBY, APPOINTED PURSUANT TO THE TERMS OF SENATE RESOLUTION NO. 153 OF THE FIFTY-FIFTH REGULAR SESSION OF THE CALIFORNIA LEGISLATURE

Committee Members:
Clarence C. Ward, Chairman

W. P. Rich
Frank W. Mixter
Harold J. Powers
Oliver J. Carter

January 25, 1945

To the Members of the Senate

Your Interim Committee on the State Board of Equalization, appointed pursuant to the terms of Senate Resolution No. 153 of the Fifty-fifth Regular Session of the California Legislature, submits herewith the following report:

Organization of said committee was completed at its first meeting in San Francisco on the twelfth day of August, 1943. Senator Ward was elected chairman of said committee and authorized to secure the necessary clerical help to carry on the functions of said committee.

Your committee thereafter proceeded to conduct investigations in accordance with said resolution heretofore mentioned and, during the course of its investigations, held the following meetings: September 23, 1943, State Capitol, Sacramento; October 19, 1943, State Capitol, Sacramento; December 3, 1943, State Capitol, Sacramento; February 25, 1944, State Capitol, Sacramento; March 31, 1944, State Capitol, Sacramento; July 19, 1944, State Capitol, Sacramento; December 14, 1944, State Capitol, Sacramento.

On March 31, 1944, and July 19, 1944, your committee met with the Interim Joint Legislative Committee on Tax Structure in order to define the functions of said committees and to prevent a duplication of work and, as a result thereof, your committee agreed to confine its activities to the departments administered by the State Board of Equalization and to prepare legislation covering changes in procedure, leaving to the Joint Committee on Tax Structure questions of taxation and such investigations as said committee might deem desirable in connection with the Transportation Tax Division.

Your committee, during the course of its investigations, conducted public hearings pertaining to the duties of the members of said board and the departmental heads thereof, securing detailed information in reference to the duties and functions of said board and the various departments as presently administered by said board.

The members of the State Board of Equalization, the executive secretary, and the departmental heads have been most cooperative in furnishing requested information or facts pertaining to the various departments.

The State Board of Equalization is divided into four districts, said districts being numbered First, Second, Third, and Fourth: George R. Reilly, of San Francisco, representing the First District; James H. Quinn, of Oakland, representing the Second District; Richard E. Collins, of Redding, representing the Third District; William G. Bonelli, of Los Angeles, representing the Fourth District—all of said members being elected from their respective districts—and Harry B. Riley, of Sacramento, the State Controller, as ex-officio member of said board, constituting the fifth member, being elected, however, by the people at large. Mr. Dixwell L. Pierce represents the board as executive secretary.

The following departments are administered by said board: Division of Research and Statistics; Accounting Department; Assessment Standards Division; Sales and Use Tax Division; Alcoholic Beverage Control Division; Motor Vehicle Fuel Tax Division; Transportation Tax Division; Valuation Division; and, in order to facilitate the work of said board and to properly carry out its functions, the State has been divided into 13 administrative districts covering tax administration and beverage control.

Your committee conducted an extensive investigation on liquor control as administered by our own State and secured data concerning the problem from the following States: Illinois, Minnesota, New Jersey, Indiana, Massachusetts, South Carolina, New York, Vermont, Louisiana, Maryland, Delaware, Connecticut, Missouri, Wisconsin, and Arizona.

Briefly, it is interesting to note that there are 31 so-called "open" States: Seven of which have a one-man commission; 11 have boards or commissions; and 13 are operated by one man under other State departments.

While it may be said that many of the accomplishments of the State Board of Equalization in the matter of alcoholic beverage control are creditable, there is, nevertheless, a lack of uniformity in administration and law enforcement throughout the State. The State Board of Equalization is primarily a taxing agency responsible for the major part of the State revenues and with a staff of more than 1,500 persons under it, exclusive of the Alcoholic Beverage Control personnel. Without any thought of reflecting on individuals, it seems obvious that an agency so constituted can not function as a control authority with respect to the regulation of the liquor traffic as effectively as could a single commissioner or a commission whose sole responsibility is that type of regulatory work.

The liquor problem alone requires about one-half of the time of the members of said board, and, as the State continues to increase in population, the liquor problem will increase proportionately, exacting more and more time from the members of said board, thereby necessitating a greater neglect to the tax functions administered by said board.

Your committee's early investigations disclosed that certain of the distilled spirits wholesalers were put to considerable expense in keeping records for the payment of excise tax, and, on this matter being brought to the attention of the State Board of Equalization, said board requested Mr. Frank N. Mason, Chief of the Alcoholic Beverage Tax Bureau, to conduct field investigations to determine whether or not the procedure could be simplified, and thereafter and as a result of said investigations, recommendations were made by Mr. Mason to the State Board of Equalization and said board, on the first day of April, 1944, amended Rules 2 and 4 of the Board's Rules and Regulations, permitting any distilled spirits wholesaler to make an application to the board for permission to prepay the distilled spirits excise tax on his inventory of distilled spirits on hand as of the first day of any calendar month, and for permission thereafter to pay the excise tax levied on sales of distilled spirits on the basis of subsequent purchases and acquisitions of distilled spirits by him.

Your committee has been advised that, by reason of said amendments to the Rules and Regulations of said Board, a number of the small wholesalers of distilled spirits have taken advantage of same and are making a considerable financial saving in so far as the keeping of detailed records is concerned.

Your committee's investigations disclose that certain functions of the Motor Vehicle Fuel Tax Division are duplicated by functions of the State Controller and that said duplication of duties could be eliminated by transferring the functions now performed by the Controller in connection with said departments to the State Board of Equalization.

Conclusions

Your committee has reached the conclusion that the licensing and control of liquor and the various tax functions now vested in the State Board of Equalization should not both be vested in said board or in any other board or department of government. That the two functions should be in separate departments.

That the duties of the State Controller, as same relate to the Motor Vehicle Fuel Tax Division and the Transportation Tax Division, should be transferred to the State Board of Equalization.

Recommendations

For the purpose of divorcing the licensing and control of liquor from the tax functions now administered by the State Board of Equalization, your Committee submits to the Legislature two proposals:

1. A constitutional amendment divorcing the licensing and control of liquor from the State Board of Equalization, and

2. A bill, or bills, creating a Department of Revenue to administer the tax functions of the State Board of Equalization, leaving the licensing and control of liquor with said board.

In the matter of the Motor Vehicle Fuel Tax Division and Transportation Tax Division, the functions of the State Controller should be transferred to the State Board of Equalization or to a Department of Revenue, if one be created by the Legislature.

Your committee is having prepared for consideration of the Legislature a constitutional amendment and the necessary bills to accomplish the objectives herein outlined.

Respectfully submitted,

CLARENCE C. WARD
W. P. RICH
FRANK W. MIXTER
HAROLD J. POWERS
OLIVER J. CARTER

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 25, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 318
Senate Joint Resolution No. 5

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, January 26, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Joint Resolution No. 7

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

RESOLUTIONS

The following resolutions were offered:

By Senator Powers:

Senate Resolution No. 44

Resolved, That all attaches and employees of the Senate, except the Secretary of the Senate, be stricken from the pay roll of the Senate upon the completion of work Saturday, January 27, 1945.

Resolution read, and, on motion of Senator Powers, adopted.

By Senator Powers:

Senate Resolution No. 45

WHEREAS, The Legislature of the State of California assembled in the Fifty-sixth Session will be at recess from January 27, 1945, to March 5, 1945; and

WHEREAS, It will be necessary for the Secretary of the Senate during such period of recess to conduct the business of the Senate and perform the duties provided by law, the Standing Rules of the Senate and resolutions adopted by the Senate and to employ certain necessary assistance incident thereto; therefore be it

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrants in favor of the Secretary of the Senate and in favor of officers and employees who render services to the Senate as certified weekly by the Secretary, from the fund set aside for the pay of officers and employees of the Senate at the per diem provided by resolution of the Senate or as certified by the Secretary, and the Treasurer is hereby directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Tenney, and Weybret—30.

NOES—None.

By Senator Powers:

Senate Resolution No. 46

Resolved, That the Secretary of the Senate be and he is hereby ordered and directed to procure, during the constitutional recess, for the use of the Members of the Legislature, a complete and comprehensive Legislative Manual or Handbook similar to such publications of previous sessions, same to contain list of members and officers of both houses of the Legislature, lists of committees and rules of both houses and Joint Rules, together with indexes to the same; also to procure for the use of Members of the Legislature a Semi-Final Calendar containing a history of all bills introduced to date,

together with a complete index and cross-index to the same, to be printed and distributed during the constitutional recess, and the Controller is hereby ordered and directed to draw his warrant on the Contingent Fund of the Senate in favor of the Secretary of the Senate in the sum of fifteen hundred dollars ($1,500) to pay for such Handbook and Semi-Final Calendar, and the Treasurer is hereby ordered and directed to pay the same. The cost of printing shall be charged to the Legislative Printing Fund. The Secretary of the Senate is further directed to furnish the Controller with vouchers for all expenditures made by him in pursuance of this resolution.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—33.

NOES—None.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 348

Senator Dorsey moved that Senate Bill No. 348 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 348

Senate Bill No. 348—An act making an appropriation for the support of California academies.

Bill read second time.

Motion to Amend

Senator Dorsey moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 3, of the printed bill, after the word "of", insert "five hundred and forty thousand".

Amendment No. 2

On page 1, line 4, of the printed bill, after the dollar mark inside the parenthesis, insert "540,000".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

MOTION TO PRINT IN JOURNAL

Senator Hatfield moved that the following Apportionment of Moneys to Counties be printed in the Journal:

Motion carried.

Apportionment of $30,000,000 to Counties on Basis of (1) Ratio of Rural Population of Each County to Total Rural Population of the State and (2) Ratio of Rural Mileage in Each County to Total Rural Mileage in the State. Equal Weight Given to Each Factor

County	*Ratio of Rural Population to Total State Rural Pop.*	*Ratio of Rural Mileage To Total State Rural Mileage*	*Average of Population and Mileage Ratio*	*Apportionment*
Alameda	.019588	.009023	.014305	$429,150 00
Alpine	.000155	.000900	.000528	15,840 00
Amador	.004293	.005533	.004913	147,390 00
Butte	.013938	.021644	.017791	533,730 00
Calaveras	.003933	.009727	.006830	204,900 00
Colusa	.004683	.012468	.008575	257,250 00
Contra Costa	.023282	.011612	.017447	523,410 00
Del Norte	.002270	.001734	.002002	60,060 00
El Dorado	.004863	.010632	.007748	232,440 00
Fresno	.048800	.061233	.055016	1,650,480 00
Glenn	.005834	.014662	.010248	307,440 00
Humboldt	.013758	.016828	.015293	458,790 00
Imperial	.015592	.030466	.023029	690,870 00
Inyo	.003648	.016273	.009961	298,830 00
Kern	.046931	.041925	.044428	1,332,840 00
Kings	.012886	.016411	.014648	439,440 00
Lake	.003860	.006819	.005340	160,200 00
Lassen	.006927	.018406	.012667	380,010 00
Los Angeles	.197158	.063527	.130342	3,910,260 00
Madera	.008065	.018524	.013295	398,850 00
Marin	.014428	.004556	.009492	284,760 00
Mariposa	.002682	.006613	.004648	139,440 00
Mendocino	.009998	.015516	.012757	382,710 00
Merced	.017632	.025660	.021646	649,380 00
Modoc	.004169	.011421	.007795	233,850 00
Mono	.001100	.006135	.003617	108,510 00
Monterey	.020226	.021012	.020619	618,570 00
Napa	.009934	.006160	.008047	241,410 00
Nevada	.006498	.008700	.007599	227,970 00
Orange	.025960	.014473	.020216	606,480 00
Placer	.008345	.011607	.009976	299,280 00
Plumas	.005525	.008877	.007201	216,030 00
Riverside	.024955	.042802	.033879	1,016,370 00
Sacramento	.029338	.021724	.025531	765,930 00
San Benito	.003593	.006259	.004926	147,780 00
San Bernardino	.031151	.050190	.040670	1,220,100 00
San Diego	.024140	.033862	.029001	870,030 00
San Francisco	.040692	.006424	.023558	706,740 00
San Joaquin	.030791	.027312	.029052	871,560 00
San Luis Obispo	.010200	.019435	.014817	444,510 00
San Mateo	.015160	.006472	.010816	324,480 00
Santa Barbara	.011337	.009744	.010541	316,230 00
Santa Clara	.032312	.018825	.025568	767,040 00
Santa Cruz	.009197	.007847	.008522	255,660 00
Shasta	.009899	.017533	.013716	411,480 00
Sierra	.001447	.004357	.002902	87,060 00
Siskiyou	.013682	.017024	.015353	460,590 00
Solano	.013896	.010234	.012065	361,950 00
Sonoma	.021963	.019022	.020493	614,790 00
Stanislaus	.024427	.025911	.025169	755,070 00
Sutter	.006560	.012791	.009675	290,250 00
Tehama	.005020	.015723	.010372	311,160 00
Trinity	.001899	.006415	.004157	124,710 00
Tulare	.034279	.051863	.043071	1,292,130 00
Tuolumne	.005209	.005601	.005405	162,150 00
Ventura	.017063	.009271	.013167	395,010 00
Yolo	.009859	.014936	.012397	371,910 00
Yuba	.004970	.009346	.007158	214,740 00
	1.000000	1.000000	1.000000	$30,000,000 00

NOTE—Rural population and rural mileage for San Francisco City and County based on average of the ratios of rural population to total population and rural mileage to total mileage in each of the three counties (exclusive of San Francisco City and County) having the largest urban population.

MOTION TO PRINT IN JOURNAL

Senator Hatfield moved that Senate Resolution No. 29, as it appears on page 170 of the Senate Journal of the Fourth Extraordinary Session, dated June 13, 1944, be printed in the Journal of this date.

Motion carried.

Senate Resolution No. 29

Relating to consideration of the postwar reconstruction and reemployment problems of the rural areas of the State

WHEREAS, Upon the termination of the war the return to the farms of a great number of persons now in the armed forces will cause serious displacement of agricultural workers, and will present a problem that is directly comparable to the anticipated problems of the more populous areas; and

WHEREAS, The Legislature at this session has provided for the initiation of a vast Postwar Building Program which, in the nature of things, will be largely carried out in the more populous areas; and

WHEREAS, By Chapter 565 of the Statutes of 1941 provision was made for a county highway program appropriation of one million five hundred thousand dollars ($1,500,000) to be allocated to the counties on the basis of motor vehicle registration, with a minimum of five thousand dollars ($5,000) to each county; and

WHEREAS, Under both the Postwar Building Program and the Postwar Highway Construction Program the rural areas will receive very little benefit, and unless provision is made to meet the requirements of the rural areas for postwar employment and rehabilitation there will result an unbalanced condition in which the problems of the rural areas will not be provided for; and

WHEREAS, A highway construction program covering the entire State would serve to spread the work throughout the State, without regard to population; and

WHEREAS, Numerous public works projects of great value to the State can probably be devised to be performed in rural areas; now, therefore, be it

Resolved by the Senate of the State of California, That the Interim Committee on the Postwar Construction Program, and any other committee that may have cognizance of such matters, should give careful consideration to the needs of the rural areas of the State and the necessity of providing for projects in the Postwar Construction Program which will relieve the potential condition of unemployment with which they will be confronted at the termination of the war; and be it further

Resolved, That said committee, or committees, should consider the desirability of a greatly expanded State and county highway construction program and such other projects as can be carried out through the employment of surplus farm labor.

RESOLUTIONS

The following resolutions were offered:

By the Committee on Rules:

Senate Resolution No. 47

Resolved, That the Controller be and he is hereby ordered and directed to draw his warrant in the sum of nine hundred thirty dollars and fifteen cents ($930.15) in favor of the Secretary of the Senate for the purpose of paying the following bills and the Treasurer is directed to pay the same. The Secretary is directed to furnish the Controller with vouchers of all expenditures made hereunder:

State Department of Finance for work and expenses remodelling Room 205-06 ---------- $930 15

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—31.

NOES—None.

By the Committee on Rules:

Senate Resolution No. 48

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in a sum of four thousand dollars ($4,000) in favor of Joseph A. Beek, Secretary of the Senate, and the Treasurer is hereby directed to pay the same, for postage, telephone service, telegraph service, supplies, illuminating resolutions, bills from State Department of Finance, traveling expenses and any other incidental expenses in connection with conducting the business of the Senate and performing any duties imposed by law, the Rules or resolutions of the Senate, also to pay any bills for incidental expenses of the Senate heretofore incurred but for which payment has not been provided by any other resolution.

The Secretary of the Senate is instructed to file with the Controller receipts covering all expenditures made hereunder.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—28.

NOES—None.

By the Committee on Rules:

Senate Resolution No. 49

WHEREAS, Various Members of the Senate will desire to have shipped to their various places of residence their bill files and other printed matter for use during the constitutional recess; therefore, be it

Resolved, That the Sergeant-at-Arms of the Senate be authorized to procure such boxes, packing and other material as is necessary for the purpose of shipping same properly packed to said members, and the State Controller is hereby authorized to draw his warrant on the Contingent Expense Fund of the Senate in favor of the Sergeant-at-Arms, in an amount not to exceed two hundred and fifty dollars ($250), and the State Treasurer is hereby authorized to pay the same. The Sergeant-at-Arms is further directed to furnish the Controller with vouchers for all expenditures made by him in pursuance of the work set forth above, during the said constitutional recess.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Keating, McCormack, Mixter, Parkman, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—25.

NOES—None.

By Senator Salsman:

Senate Resolution No. 50

Relating to the creation of a Senate Committee to Consider Health Service Laws

Resolved by the Senate of the State of California, That there is hereby created a committee to be known as the Senate Committee on Health Service Laws which is hereby authorized and directed to ascertain, study and analyze all facts relating to Health Service Laws and the efficacy of all or any proposed laws relating to or bearing upon the subject of this resolution, and to report thereon to the Senate including in its report its recommendations for appropriate legislation.

The committee shall consist of three Members of the Senate appointed by the Committee on Rules. Vacancies in membership of the committee shall be similarly filled.

The committee is authorized to act during this session of the Legislature, including any recess, with authority to file a report at any time during this session.

The committee and its members shall have and may exercise all of the rights, duties and powers conferred upon committees and their members by the provisions of the Joint Rules of the Senate and Assembly and the Standing Rules of the Senate as said Rules are adopted and as amended from time to time. Until the adoption of the Joint Rules at this session the Joint Rules of the last preceding regular session are incorporated herein and made applicable to this committee and its members.

The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership and to appoint a secretary.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in considering any matter within the scope of this resolution.

(c) To report its findings and recommendations to the Legislature and to the people from time to time.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

The sum of two thousand five hundred dollars ($2,500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 26: By Senator Breed—Relative to approving certain amendments to the charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the general election held therein on the seventh day of November, 1944.

REQUEST FOR UNANIMOUS CONSENT

Senator Breed asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 26, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 26

Senate Concurrent Resolution No. 26—Relative to approving certain amendments to the charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the general election held therein on the seventh day of November, 1944.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Slater, Sutton, Tenney, Ward, and Weybret—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 26, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 4

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 26, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 3—Relative to Joint Rules of the Legislature;

Senate Concurrent Resolution No. 18—Relative to creating the Joint Committee on Rivers and Flood Control;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of January, 1945, at 2 p.m.

SEAWELL, Chairman

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Joint Resolution No. 7—Relative to memorializing the Congress of the United States and the United States Department of War in relation to the proposed diversion of the waters of the Klamath River watershed.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

On page 1, line 8, of the printed measure, strike out "and".

Amendment No. 2

On page 1 of the printed measure, strike out lines 9 to 16, inclusive.

Amendment No. 3

On page 1, line 17, of the printed measure, strike out "of the people of Northern California".

Amendment No. 4

On page 1, line 23, of the printed measure, strike out "or discussing".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE JOINT RESOLUTION NO. 8

Senator DeLap moved that Senate Joint Resolution No. 8 be withdrawn from Committee on Local Government for purpose of consideration.

Motion carried.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 8

Senate Joint Resolution No. 8—Relative to memorializing the Congress of the United States to provide financial assistance following the cessation of hostilities and during the period of reconversion to normal peacetime operation to those communities which have suffered deterioration of facilities owing to the impact of war industry and war-increased population.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Slater, Sutton, Tenney, Ward, and Weybret—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 752: By Senator Salsman—An act concerning contracts of this State, its agencies, municipalities and other political subdivisions, with the Federal Government for the purchase of equipment,

supplies, materials or other property, and providing for the suspension of certain laws in connection therewith.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 753: By Senator Salsman—An act to add Article 11 to Chapter 2 of Division 10 of the Education Code, and making an appropriation, relating to student housing at State colleges.

Referred to Committee on Education.

Senate Bill No. 754: By Senator Salsman—An act to provide for the receiving as evidence in any court, office or other place in this State, official findings, records, reports or certified copies thereof, of death, presumed as missing or other status, issued by the Secretaries of War and Navy and other Federal officers and employees, declaring the urgency thereof and that this act shall take effect immediately.

Referred to Committee on Judiciary.

Senate Bill No. 755: By Senator Salsman—An act to add Chapter 5 to Division 21 of the Health and Safety Code, relating to enrichment of white flour and bread, to fix penalties for the violation of this act and providing for an appropriation for the administration thereof.

Referred to Committee on Public Health and Safety.

Senate Bill No. 756: By Senators Breed, McCormack, Tenney, and Swing—An act to add Chapter 2.5, comprising Sections 619 to 648, inclusive, to Division I of the Streets and Highways Code, providing for a System of Limited Access Urban-Rural Highways in this State and allocating and directing the expenditure of funds for the acquisition, construction, maintenance and improvement of such System of Limited Access Highways.

Referred to Committee on Transportation.

Senate Bill No. 757: By Senators Breed, McCormack, and Swing—An act to add Sections 7351.5 and 8651.5 to the Revenue and Taxation Code, relating to taxation and the expenditure of certain proceeds thereof for a limited access System of Urban-Rural Highways.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 758: By Senator Quinn—An act to amend Section 63 of the Fish and Game Code, relating to District 1½.

Referred to Committee on Fish and Game.

Senate Bill No. 759: By Senator Quinn—An act to amend Section 875.5 of the Fish and Game Code, relating to nets.

Referred to Committee on Fish and Game.

Senate Bill No. 760: By Senator Shelley—An act to add Section 14143 to the Education Code, relating to the noncertificated employees of a unified school district coterminous with the boundaries of a city and county.

Referred to Committee on Education.

Senate Bill No. 761: By Senator DeLap—An act to amend Section 20800 of the Business and Professions Code, relating to petroleum.

Referred to Committee on Business and Professions.

Senate Bill No. 762: By Senator DeLap—An act to amend Section 397 of the Military and Veterans Code, relating to the payment of tolls for passage through or over tollgates, toll bridges and ferries.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 763: By Senator DeLap—An act to amend Sections 7305, 7306 and 7354 of the Revenue and Taxation Code, relating to the definition of "distribution" and "distributor" and for credits to distributors on account of tax previously paid on motor vehicle fuel, and declaring the urgency thereof.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 764: By Senator DeLap—An act to amend Sections 16 and 43 of the County Employees' Retirement Act of 1937, relating to employees of special districts.

Referred to Committee on Local Government.

Senate Bill No. 765: By Senator Shelley—An act to amend Section 1700 of the Harbors and Navigation Code, relating to the membership of the Board of State Harbor Commissioners for San Francisco Harbor.

Referred to Committee on Transportation.

Senate Bill No. 766: By Senator Shelley—An act to amend Section 1705 of the Harbors and Navigation Code, relating to officers and employees of the Board of State Harbor Commissioners for San Francisco Harbor.

Referred to Committee on Transportation.

Senate Bill No. 767: By Senator Shelley—An act to amend Section 1730, and to repeal Section 1731, of the Harbors and Navigation Code, relating to the duties of the President of the Board of State Harbor Commissioners for San Francisco Harbor.

Referred to Committee on Transportation.

Senate Bill No. 768: By Senator Shelley—An act to amend Sections 1732 and 1733 of the Harbors and Navigation Code, relating to administration under the jurisdiction and control of the State Board of Harbor Commissioners for San Francisco Harbor.

Referred to Committee on Transportation.

Senate Bill No. 769: By Senator Shelley—An act to add Section 1748 to the Harbors and Navigation Code, relating to group insurance under the jurisdiction of the State Board of Harbor Commissioners for San Francisco Harbor.

Referred to Committee on Transportation.

Senate Bill No. 770: By Senator Shelley—An act to amend Section 1902, and to repeal Section 1903, of the Harbors and Navigation Code, both relating to the insuring of property under the jurisdiction and control of the State Board of Harbor Commissioners for San Francisco Harbor.

Referred to Committee on Transportation.

Senate Bill No. 771: By Senator Shelley—An act to add Section 1912 to the Harbors and Navigation Code, relating to regulation of traffic upon property and thoroughfares under the control and jurisdiction of the Board of State Harbor Commissioners for San Francisco Harbor and making an appropriation, to take effect immediately.

Referred to Committee on Transportation.

Senate Bill No. 772: By Senator Shelley—An act to add to Section 1913 to the Harbors and Navigation Code, relating to refunds for erroneous charges in connection with activities under the jurisdiction and control of the State Board of Harbor Commissioners for San Francisco Harbor.

Referred to Committee on Transportation.

Senate Bill No. 773: By Senator Shelley—An act to amend Sections 1970 and 1971 of the Harbors and Navigation Code, relating to the powers of the Board of State Harbor Commissioners for San Francisco Harbor with respect to property, under the control and jurisdiction of said board, to take effect immediately.

Referred to Committee on Transportation.

Senate Bill No. 774: By Senator Shelley—An act to add Section 1971.1 to the Harbors and Navigation Code, relating to leasing to the United States of America, or any department thereof, of certain described property by the Board of State Harbor Commissioners for San Francisco Harbor, to take effect immediately.

Referred to Committee on Transportation.

Senate Bill No. 775: By Senator Shelley—An act to amend Section 1990 of the Harbors and Navigation Code, relating to the signing and countersigning of contracts of the Board of State Harbor Commissioners for San Francisco Harbor.

Referred to Committee on Transportation.

Senate Bill No. 776: By Senator Shelley—An act to amend Sections 2007 and 2052 of the Harbors and Navigation Code, relating to proposals and contracts for construction work and the form for accompanying checks.

Referred to Committee on Transportation.

Senate Bill No. 777: By Senator Shelley—An act to amend Sections 2050, 2072 and 2402 of the Harbors and Navigation Code, relating to publication of notices in connection with construction work or leasing of property.

Referred to Committee on Transportation.

Senate Bill No. 778: By Senator Shelley—An act to amend Section 2071 of the Harbors and Navigation Code, relating to the lease of seawall lots and other property.

Referred to Committee on Transportation.

Senate Bill No. 779: By Senator Shelley—An act to amend Section 3081, and to repeal Sections 3083 and 3085, of the Harbors and Navigation Code, relating to certain tolls and charges.

Referred to Committee on Transportation.

Senate Bill No. 780: By Senator Shelley—An act to add Section 3202 to the Harbors and Navigation Code, relating to injury to property under the jurisdiction and control of the State Board of Harbor Commissioners for San Francisco Harbor.

Referred to Committee on Transportation.

Senate Bill No. 781: By Senator Shelley—An act to amend Section 3204 of the Harbors and Navigation Code, relating to the appointment of special policemen.

Referred to Committee on Transportation.

Senate Bill No. 782: By Senator Burns—An act to amend Section 250 of the Vehicle Code, and to add Section 260 thereto, relating to licenses required by ambulance vehicle operators.

Referred to Committee on Transportation.

Senate Bill No. 783: By Senator Burns—An act to amend Section 643.1 of the Agricultural Code, relating to dairy farm inspection.

Referred to Committee on Agriculture.

Senate Bill No. 784: By Senators Mayo and Mixter—An act making a transfer of money from the General Fund to the Postwar Employment Reserve.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 785: By Senators Seawell and Mayo—An act to add Article 6, comprising Sections 210 to 228.2, inclusive, to Chapter 1 of Division 1 of the Streets and Highways Code, to provide funds for the improvement of the State Highway System to modern and adequate standards, authorizing the issuance of bonds payable from a special fund therefor and increasing the taxes on motor vehicle fuel to provide for the redemption of such bonds.

Referred to Committee on Transportation.

Senate Bill No. 786: By Senator Dillinger—An act to amend Section 14341 of the Education Code, relating to the Retirement Investment Board.

Referred to Committee on Education.

Senate Bill No. 787: By Senator Shelley—An act to amend Section 15a and to add Section 15b to the Industrial Loan Act, relating to costs of examinations and supervision.

Referred to Committee on Financial Institutions.

Senate Bill No. 788: By Senators Burns, Deuel, Fletcher, Quinn, Shelley, and Salsman—An act to amend Sections 20451 and 20452 of the Education Code, relating to the State colleges.

Referred to Committee on Education.

Senate Bill No. 789: By Senator Keating—An act to amend Section 537 of the Code of Civil Procedure, relating to attachment.

Referred to Committee on Judiciary.

Senate Bill No. 790: By Senator Hatfield—An act to add Section 19490 and 19561.5 to the Business and Professions Code, relating to harness races.

Referred to Committee on Business and Professions.

Senate Bill No. 791: By Senators Hatfield, Jespersen, and McBride —An act to amend Sections 7351, 8353 and 8651 of the Revenue and Taxation Code, to provide for an increase in taxes on motor vehicle fuel and for the expenditure of the revenue received therefrom.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 792: By Senator Biggar—An act to amend Section 185 of the Education Code, relating to traveling expenses.

Referred to Committee on Education.

Senate Bill No. 793: By Senator Biggar—An act to add Chapter 11 consisting of Sections 3980, 3981, 3982 to Part 6, Division 1 of the Revenue and Taxation Code, and to repeal Sections 3521, 3725, 3726, 3809, and 3810 of the Revenue and Taxation Code, relating to real property taxation.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 794: By Senator Parkman—An act to amend Section 90 of the State Civil Service Act and Section 18901 of the Government Code, relating to eligible lists.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 795: By Senator Dillinger—An act making an appropriation for landscaping and auto parking at Marshall's Monument grounds.

Referred to Committee on Natural Resources.

Senate Bill No. 796: By Senator Swing—An act to add Sections 3511.4 and 4339 to the Revenue and Taxation Code, relating to redemption.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 797: By Senator DeLap—An act to amend Section 4244 of the Political Code, relating to compensation for public service in counties of the fifteenth class.

Referred to Committee on Local Government.

Senate Bill No. 798: By Senator DeLap—An act to amend Section 737g of the Political Code, relating to the salaries of judges of the Superior Court in and for the County of Contra Costa.

Referred to Committee on Local Government.

Senate Bill No. 799: By Senator DeLap—An act to add Section 12¾ to the City Carriers Act, relating to the service of decisions and orders of the Railroad Commission.

Referred to Committee on Public Utilities.

Senate Bill No. 800: By Senator Swing—An act to amend Sections 2, 5, 6, 6.5, 7, 7.2, 12, 16½, 18, 20, 22, 22b, 22c, 22d, 23b, 23c, 24.2, 24.3, 24.4, 24.5, 24.55, 26, 27a, 27b, 28, 34, 34b, 36a, 36b, 37, 39, 46, 49.2, 51c, 51g, 54, 57, and to repeal Sections 6.4, 33c, 35, 35a, 35b, 35c, 36, 36c, 54.1, 54.3 of the Alcoholic Beverage Control Act, and to add thereto Sections 4.1, 6.2, 47.5, and 59.6, relating to alcoholic beverages, and to provide that this act shall go into effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 801: By Senator Fletcher—An act to add Section 5.3 to the Metropolitan Water District Act, relating to contracts for transportation of water.

Referred to Committee on Water Resources.

Senate Bill No. 802: By Senator Fletcher—An act to add Section 66a to the Code of Civil Procedure, relating to the number of judges of the superior court in the County of San Diego, and providing for the appointment of two additional judges and for their compensation.

Referred to Committee on Judiciary.

Senate Bill No. 803: By Senator Collier—An act to provide for the mapping of the State of California; authorizing investigations, reports, recommendations, and plans for a mapping program; authorizing cooperation with Governmental and other agencies; and making an appropriation to carry out the purposes hereon.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 804: By Senator Swing—An act to amend Section 29 of the Corporation Income Tax Act, relating to the confidential nature of tax returns.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 805: By Senator Swing—An act to amend Section 35 of the Bank and Corporation Franchise Tax Act, relating to the confidential nature of tax returns.

Referred to Committee on Financial Institutions.

Senate Bill No. 806: By Senator Swing—An act to amend Section 82 of the Bank Act, relating to capital requirements of commercial banks.

Referred to Committee on Financial Institutions.

Senate Bill No. 807: By Senator Swing—An act to amend Section 906 of the Streets and Highways Code, relating to the width of county highways.

Referred to Committee on Transportation.

Senate Bill No. 808: By Senator Swing—An act to repeal Division 4, comprising Sections 2800 to 3012, both inclusive, of the Streets and Highways Code, relating to special assessment investigation, limitation and majority protest.

Referred to Committee on Transportation.

Senate Bill No. 809: By Senator Swing—An act to amend Sections 19282, 19284, 19286, 19287 and 19288 of the Revenue and Taxation Code, relating to the confidential nature of tax returns.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 810: By Senator Swing—An act to amend Sections $2\frac{1}{4}$ and $50\frac{1}{4}$ of an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers agents and employees and by other persons and corporations, creating the 'Railroad Commission Fund' and appropriating the moneys therein to carry out the provisions of this act and repealing Title 15 of Part 4 of Division 1 of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, relating to the definition of and regulation of passenger stage corporations.

Referred to Committee on Public Utilities.

Senate Bill No. 811: By Senator Swing—An act to amend an act known as the "California Resort District Act" approved June 19, 1931, by amending the title thereof by denominating the present text thereof as "Division 1" and by adding thereof a second division to be known as "Division 2," and for the purpose of providing for an alternative organization of the board of directors of the district therein provided for by appointment of directors by the board of supervisors in the county wherein the district shall be located by providing that the county treasurer of such county shall be ex officio treasurer of such alternatively organized district and the county surveyor of such county shall be ex officio the engineer of such alternatively organized district and providing that such alternatively organized district shall have generally the powers of a city of the sixth class.

Referred to Committee on Local Government.

Senate Bill No. 812: By Senator Swing—An act to amend Section 5005 of the Streets and Highways Code, relating to the definition of "cities" and extending the same to include resort districts formed under the provisions of Division 2 of the California Resort District Act.

Referred to Committee on Transportation.

Senate Bill No. 813: By Senator Swing—An act to amend Section 5014 of the Streets and Highways Code, relating to the definition of "street" and providing that the same shall include ways dedicated to a semi-public use by way of a dedication made for the exclusive use and benefit of all properties located within the boundaries of a resort district

formed under the provisions of Division 2 of the California Resort District Act.

Referred to Committee on Transportation.

Senate Bill No. 814: By Senator Swing—An act to add Section 330.1 to the Penal Code, relating to gaming and to gambling places.

Referred to Committee on Judiciary.

Senate Bill No. 815: By Senator Rich—An act to add Sections 7.1, 7.2, 37.1, 56.1 and 58.1, and to amend Sections 6, 6.5, 7, 11 and 57 of the Unemployment Insurance Act, relating to the coverage of seamen under this act.

Referred to Committee on Social Welfare.

Senate Bill No. 816: By Senator Rich—An act to add Section 8772 to the Water Code, relating to assessments of the Sacramento and San Joaquin Drainage District now outstanding on lands in public ownership.

Referred to Committee on Water Resources.

Senate Bill No. 817: By Senator Rich—An act to amend Section 8710 of the Water Code, relating to approval by the Reclamation Board of plans of reclamation and other works along or near the Sacramento and San Joaquin Rivers, pertaining to definition thereof.

Referred to Committee on Water Resources.

Senate Bill No. 818: By Senator Rich—An act to add Section 8723 to the Water Code, relating to approval by the Reclamation Board of plans of reclamation and other works along or near the Sacramento and San Joaquin Rivers, pertaining to refusal of approval of such plans.

Referred to Committee on Water Resources.

Senate Bill No. 819: By Senator Rich—An act to add Sections 8773 and 8774 to the Water Code, relating to assessments numbered 7 and 8 of the Sacramento and San Joaquin drainage district.

Referred to Committee on Water Resources.

Senate Bill No. 820: By Senator Slater—An act to amend the heading of Article 12 of Chapter 7 of Division 4 of the Education Code; to amend the heading of Article 13 of Chapter 11 of Division 2 of said code; to amend the heading of Article 3 of Chapter 13 of Division 2 of said code, and to amend Sections 6771, 9176, 11382, 16005, and 16482 of said code, and to add Section 20655 to said code, all relating to the Public School System.

Referred to Committee on Education.

Senate Bill No. 821: By Senator Swing—An act to repeal Statutes of 1935, Chapter 312, Page 1057, and all acts amendatory thereof and supplementary thereto, which act is known as the "City Carriers' Act."

Referred to Committee on Public Utilities.

Senate Bill No. 822: By Senator Gordon—An act to amend Section 1 and to repeal Section 1.5 of the "Highway Carriers' Act," relating to highway carriers.

Referred to Committee on Public Utilities.

Senate Bill No. 823: By Senator DeLap—An act to add Sections 104.5 and 104.6 to the Code of Civil Procedure, relating to justices' courts and places for holding court and sessions thereof.

Referred to Committee on Judiciary.

Senate Bill No. 824: By Senator Shelley—An act to amend Sections 2, 3, 5 and 7 of the California Airport District Act, relating to airport districts.

Referred to Committee on Transportation.

Senate Bill No. 825: By Senators Hulse and Hatfield—An act to provide a procedure for making allocations from the "Local Postwar Construction Fund."

Referred to Committee on Governmental Efficiency.

Senate Bill No. 826: By Senator Biggar—An act to validate certain acts of taxing agencies and revenue districts and of their officers, relating to taxation of property.

Referred to Committee on Judiciary.

Senate Bill No. 827: By Senator Dilworth—An act to provide for the receiving as evidence in any court, office or other place in this State, official findings, records, reports or certified copies thereof, of death, presumed as missing or other status, issued by the Secretaries of War and Navy and other Federal officers and employees, declaring the urgency thereof and that this act shall take effect immediately.

Referred to Committee on Judiciary.

Senate Bill No. 828: By Senator Ward—An act to amend Section 10605 of the Education Code, to amend the heading of Chapter 1 of Division 4 of said code and to add Article 3 to Chapter 1 of Division 4 of said code, all relating to agreements with agencies of the Federal Government affecting the public schools.

Referred to Committee on Education.

Senate Bill No. 829: By Senator Ward—An act to amend Section 340 of the Code of Civil Procedure, relating to the time of commencing civil actions.

Referred to Committee on Judiciary.

Senate Bill No. 830: By Senator Dilworth—An act to add Section 10250.5 to the Health and Safety Code, relating to adopted children.

Referred to Committee on Public Health and Safety.

Senate Bill No. 831: By Senator Dilworth—An act to add Section 10203 to the Health and Safety Code, relating to birth certificates.

Referred to Committee on Public Health and Safety.

Senate Bill No. 832: By Senator Dilworth—An act to amend Sections 10275, 10276, and 10277 of the Health and Safety Code, relating to legitimated children.

Referred to Committee on Public Health and Safety.

Senate Bill No. 833: By Senator Breed—An act to add Section 372.6 to the Vehicle Code and to amend Section 382 thereof, relating to certificates of allowable gross weight.

Referred to Committee on Transportation.

Senate Bill No. 834: By Senator Breed—An act to amend Sections 2605, 2606, 2607, 2617, 2618, 2621 and 2624 of the Revenue and Taxation Code, relating to property taxation, including installment payments of property taxes, delinquent penalties, cost of publishing delinquent roll and preparation of delinquent roll, and declaring this act to be an emergency measure to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 835: By Senators Hatfield, Keating, Biggar, Desmond, Crittenden, Slater, Weybret, and McBride—An act to amend Section 736.3 and to repeal Chapter 11, consisting of Sections 740, 741, 743 to 750, inclusive, and 750.5, of Division 4, and to add Chapter 11 to Division 4, of the Agricultural Code, relating to milk and milk products, including provisions for the investigation of the uses of milk and milk products, programs for stimulating the use of milk and milk products by educational and advertising programs, providing for a California Dairy Industry Board, prescribing its powers and duties and the duties of the Director of Agriculture under this act, and providing for the financing of the provisions of this act.

Referred to Committee on Agriculture.

Senate Bill No. 836: By Senators Mayo and Seawell—An act to amend Sections 507, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2253, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2266, 2267, 2271, 2274, and 2275 of, and to add Section 2005 to the Public Resources Code, to increase the membership of the State Mining Board and to provide for its powers and duties and for the powers and duties of employees and officers of the Division of Mines.

Referred to Committee on Natural Resources.

Senate Bill No. 837: By Senator Fletcher—An act to add Section 433.4 to the Political Code and to add Section 12423 to the Government Code, relating to the duties of the Controller.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 838: By Senator Brown—An act relating to property owned by any local governmental agency in its proprietary capacity or otherwise available for private use and situate without the boundaries of such agency, requiring all charges in respect to the sale or other disposition or the leasing, licensing or other use of such property to be just and reasonable, and providing for the administration and enforcement of the provisions of the act.

Referred to Committee on Local Government.

Senate Bill No. 839: By Senator Brown—An act to add Section 8722.1 to the Education Code, relating to the establishment and maintenance of high schools and the support thereof.

Referred to Committee on Education.

Senate Bill No. 840: By Senator Slater—An act to amend Sections 12291 and 13059.2 of the Education Code and to add Section 16482.1 to said code, relating to the authorization of persons to test the hearing of public school pupils.

Referred to Committee on Education.

Senate Bill No. 841: By Senators Dilworth and Mayo—An act to amend Section 105 of the Vehicle Code, relating to the office of director.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 842: By Senators Dilworth and Mayo—An act to amend Section 363 of the Political Code, relating to the Director of Public Works.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 843: By Senator Dilworth—An act to amend Section 798 of the Agricultural Code, relating to dates and date products.

Referred to Committee on Agriculture.

Senate Bill No. 844: By Senator Dilworth—An act to amend Section 830 of the Agricultural Code, relating to by-products and waste disposal.

Referred to Committee on Agriculture.

Senate Bill No. 845: By Senators Shelley, Ward, and Hatfield—An act to amend Section 10 of the Public Utilities Act, relating to the salary of a Railroad Commissioner.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 846: By Senators Rich, McCormack, McBride, and DeLap—An act to add Article 20 to Chapter 1, Part 2, Division 1, of the Insurance Code, comprising Sections 1130 to 1139.9, inclusive, and to amend Section 1282 of said code, all relating to insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 847: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to amend Section 142 of the State Civil Service Act, relating to the filing of performance reports.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 848: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to amend Section 1985 of the Code of Civil Procedure, relating to subpenas.

Referred to Committee on Judiciary.

Senate Bill No. 849: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to add Section 5009 to the Education Code, relating to audits.

Referred to Committee on Education.

Senate Bill No. 850: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to add Section 29.5 to the Fish and Game Code, relating to predatory animal control and destruction.

Referred to Committee on Fish and Game.

Senate Bill No. 851: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to add Section 3719.5 to the Political Code, relating to transfers from the special road improvement funds of counties to the general fund.

Referred to Committee on Local Government.

Senate Bill No. 852: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to add Section 86.2 to the State Civil Service Act, relating to physical examinations.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 853: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to amend Section 19536 of the Government Code, relating to demotion of employees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 854: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to add Section 5000 to the Education Code, relating to the support of the Elementary School System.

Referred to Committee on Education.

Senate Bill No. 855: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to amend Section 73 of the State Civil Service Act, relating to office and working hours and the payment of overtime compensation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 856: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to amend Section 10753.5 of the Revenue and Taxation Code, relating to the vehicle license fee.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 857: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to amend Section 1959 of the Code of Civil Procedure, relating to presumptions.

Referred to Committee on Judiciary.

Senate Bill No. 858: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to amend Section 160 of the Vehicle Code and to add Section 160.5 thereto, relating to renewal of registration of vehicles.

Referred to Committee on Transportation.

Senate Bill No. 859: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to amend Section 6854 of the Public Resources Code, relating to leasing of lands owned by the State for oil and gas.

Referred to Committee on Natural Resources.

Senate Bill No. 860: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act relating to the use of State automobiles and prescribing the reports required as to such use.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 861: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to add Section 1225 to the Government Code, relating to claims against the State.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 862: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to add Section 20431 to the Education Code, relating to nonresident tuition fees in State colleges.

Referred to Committee on Education.

Senate Bill No. 863: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to add two new articles to Chapter 3 of Title 1 of Part 3 of the Political Code, to be numbered Article 2.5 embracing Sections 360 to 360i, inclusive, and Article 2.8 embracing Sections 360j to 360m, inclusive, relating to State revenue and taxes, creating a Department of Revenue and establishing the State Board of Equalization as a board of tax appeals.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 864: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to repeal an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties to develop a Postwar Public Works Program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights-of-way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, and to provide for the disposition of the appropriation provided for therein, relating to a Postwar Public Works Program.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 865: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to amend Sections 1711, 1722, and 1725 of the Welfare and Institutions Code, relating to the Youth Authority.

Referred to Committee on Institutions.

Senate Bill No. 866: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to amend Section 12041 of the Government Code, relating to Governor's Council.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 867: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to amend Section 2224 of the Welfare and Institutions Code, relating to aid to the aged, and modifying the procedures in connection with relative's responsibility to contribute to the support of recipients thereof.

Referred to Committee on Social Welfare.

Senate Bill No. 868: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to amend Sections 70 and 71 of the State Civil Service Act, relating to salaries of employees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 869: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to amend Section 151 of the State Civil Service Act, and to add Section 18101 of the Government Code, relating to sick leave.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 870: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to add a new article numbered 6a, consisting of Sections 446 to 453, inclusive, to Chapter 3 of Title 1 of Part 3 of the Political Code, creating the office of Auditor General, prescribing his powers and duties, and providing for the auditing and management of the fiscal and business affairs of the State.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 871: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act relating to State Finances, providing for pre-audit by the Department of Finance of all expenditures, and prescribing the procedure therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 872: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to add Section 454 to the Political Code, relating to the establishment of a Uniform System of State Accounting.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 873: By Senator Desmond—An act to add Section 11740.3 to the Insurance Code, relating to workmen's compensation insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 874: By Senator Crittenden—An act to establish a Division of Economic Development and prescribing its purposes, powers, and duties; providing for the administration of the Division of Economic Development in connection with the State Reconstruction and Reemployment Commission; authorizing the Division of Economic Development to make investigations, reports, recommendations, and plans for, and to promote, the development of the economic activities of the State; and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 875: By Senator Hatfield—An act to add a new article heading to Chapter 1, Part 1, Division 12 of the Health and Safety Code, to amend Sections 13101, 13104, 13108, 13109, 13111, 13316 and 13654 thereof, and to add Sections 13111.1, 13111.2, 13105 and Article 2, comprising Sections 13140 to 13145, inclusive, to Chapter 1, Part 2, Division 12 thereof, relating to the State Fire Marshal.

Referred to Committee on Public Health and Safety.

Senate Bill No. 876: By Senator Desmond—An act to amend Section 11c of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class.

Referred to Committee on Local Government.

Senate Bill No. 877: By Senator Desmond—An act making an appropriation for the support of the Women Veterans' Home of California.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 878: By Senator Desmond—An act making an appropriation for the acquisition of a site for, and the construction of buildings at, the Women Veterans' Home of California.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 879: By Senator Desmond—An act to amend Section 429 of the Fish and Game Code, relating to sporting fishing and hunting licenses.

Referred to Committee on Fish and Game.

Senate Bill No. 880: By Senator Desmond—An act to amend Section 22003 of the Education Code, relating to the State Librarian.

Referred to Committee on Education.

Senate Bill No. 881: By Senator Desmond—An act to repeal Section 1094 of the Government Code, relating to the filing of affidavits by State, county and city officers.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 882: By Senator Desmond—An act making an appropriation for additional building construction at the Woman's Relief Corps Home of California.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 883: By Senator Desmond—An act to amend Sections 1082 and 1084 of the Military and Veterans Code, relating to the Woman's Relief Corps Home of California.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 884: By Senator Carter—An act to provide a retirement system for members of regularly organized fire departments, establishing a Firemen's Retirement Fund, providing for contributions thereto by governmental agencies employing members of the system, and by the State, and making an appropriation.

Referred to Committee on Local Government.

Senate Bill No. 885: By Senator Carter—An act to amend Section 911 of the Insurance Code, relating to financial statements of insurers.

Referred to Committee on Financial Institutions.

Senate Bill No. 886: By Senator Carter—An act to amend Sections 20563 and 20565 of the Government Code, relating to the State Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 887: By Senator Fletcher—An act to amend Section 7.5 of an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions, hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and adopted and approved by the electors of the State of California, November 2, 1920, as amended.

Referred to Committee on Judiciary.

Senate Bill No. 888: By Senator DeLap—An act to repeal Section 6061 of the Business and Professions Code, relating to exceptions to qualifications for admission to the bar.

Referred to Committee on Judiciary.

Senate Bill No. 889: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to repeal an act entitled, "An act to provide aid to counties, cities and counties, cities and districts for civilian defense purposes; to provide for the administration thereof; to make an appropriation for such purposes; and to declare the urgency thereof, to take effect immediately," approved May 27, 1943, and to declare the urgency thereof.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 890: By Senator Dillinger—An act to amend Section 372 of the Vehicle Code, relating to payment of weight fees.

Referred to Committee on Transportation.

Senate Bill No. 891: By Senators Rich and Carter—An act to amend Sections 19595 and 19662, and to add Article 9.5 to Chapter 4 of Division 8, of the Business and Professions Code, relating to wagering on horse races.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 892: By Senator Crittenden—An act making an appropriation for highway construction, repair and maintenance in San Joaquin County and counties adjacent thereto.

Referred to Committee on Transportation.

Senate Concurrent Resolution No. 27: By Senator Collier—Relative to the creation of a Joint Fact-Finding Committee on Highways, Streets and Bridges and the allocation of costs for the construction, maintenance and improvement thereof.

Referred to Committee on Rules.

Senate Constitutional Amendment No. 9: By Senators Seawell and Mayo—Proposed amendment to Article XVI of the Constitution, relative to the issuance and sale of bonds of the State of California for the improvement of the State Highway System.

Referred to Committee on Transportation.

Senate Constitutional Amendment No. 10: By Senator Fletcher—Proposed amendment to Article IV, Sections 2 and 34, of the Constitution, relative to Legislature.

Referred to Committee on Rules.

Senate Constitutional Amendment No. 11: By Senators Rich, Breed, DeLap, Seawell, and Swing—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 6 of Article IX and Section 15 of Article XIII thereof, relating to the support of the Public School System.

Referred to Committee on Education.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS

Senate Bill No. 4—An act to provide for the making, investing in and purchasing loans made to veterans, which are wholly or partially guaranteed by the United States or any agency thereof under the provisions of the "Servicemen's Readjustment Act of 1944" by banks, insurance companies, building and loan companies, personal finance companies, mortgage loan companies, mortgage insurance companies, trust companies, fiduciaries or fiduciary institutions and to add Sections 67.2 and 80.2 to the Bank Act, Section 9.19 to the Building and Loan Association Act, and Sections 1176.5 and 1176.6 to the Insurance Code, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 234—An act making an appropriation to meet a deficiency in the appropriation for legislative printing.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Joint Resolution No. 5—Relative to memorializing Congress to consider early return to this State of the administration and control assumed by the Federal Government as part of a Nation-wide Wartime Employment Program.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 562

Senator Tenney moved that Assembly Bill No. 562 be withdrawn from Committee on Transportation for purpose of consideration.

Motion carried.

Motion to Re-refer Assembly Bill No. 562

Senator Tenney moved that Assembly Bill No. 562 be re-referred to Committee on Transportation.

Motion carried.

ADJOURNMENT

At 4.22 p.m., on motion of Senator Seawell, the president declared the Senate adjourned until 10.30 a.m., January 27, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

SIXTEENTH LEGISLATIVE DAY
TWENTIETH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Saturday, January 27, 1945

The Senate met at 10.30 a.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Fletcher, on motion of Senator Crittenden, on legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Robert W. Mixter of Exeter.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to P. O D. Seymour, "Glenthorne," Epsom Rd., Ashtead, Surrey, England; P. O Rakestraw S. D., 27 Burlington Street, Blackburn, Lancashire, and Mrs. H. S. McIntosh of Sacramento.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. E. F. Auble, Member of the Board of Supervisors of Modoc County, Alturas.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mary Lu Pardue of Fresno.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Vernon Silvershield, Coroner and Public Administrator of Sonoma County.

COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

STATE RECONSTRUCTION AND REEMPLOYMENT COMMISSION
SACRAMENTO 14, January 10, 1945

Honorable Earl Warren, Governor of California
Honorable Frederick F. Houser, President of the Senate
Honorable Charles W. Lyon, Speaker of the Assembly

By the provisions of Chapter 631, Statutes of 1943, the Reconstruction and Reemployment Commission is required to "submit an annual report and recommendations to the Governor and the Legislature."

The first annual report required of the commission would technically cover the fiscal year ended June 30, 1944. However, the principal activities of the commission have been carried on since that date.

From the time the Reconstruction and Reemployment Act became effective, August 4, 1943, to June 30, 1944, the activities were circumscribed by the need for preliminary investigations and by the limited appropriation available. The Legislature, at its Special Session in June, 1944, appropriated additional funds to the commission for its support and for two specific studies directed by statute.

In order to present adequate information, the report submitted herewith covers the activities of the commission from the date of its creation, August 4, 1943, to December 31, 1944.

Respectfully submitted,
STATE RECONSTRUCTION AND REEMPLOYMENT COMMISSION
C. H. PURCELL, Chairman
ALEXANDER R. HERON, Director of Reconstruction and Reemployment

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 4

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 9
Senate Joint Resolution No. 3

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 22
Assembly Joint Resolution No. 13

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Joint Resolution No. 13 Relative to exchange of United States and Japanese Nationals.

Referred to Committee on Military and Veterans' Affairs.

Assembly Concurrent Resolution No. 22—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of November, 1944.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 22, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 22

Assembly Concurrent Resolution No. 22—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of November, 1944.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Tenney, and Weybret—30.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 26, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 330

And reports the same correctly re-engrossed.

SEAWELL, Chairman.

CONSIDERATION OF DAILY FILE (OUT OF ORDER)

THIRD READING OF SENATE BILLS

Senate Bill No. 330—An act to add Chapter 8, consisting of Sections 19810, and 19811, to Part 3 of Division 13 of the Health and Safety Code, relating to inflammable or explosive materials and governing their use, declaring the urgency hereof, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, January 26, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 285

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

COLLIER, Chairman

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 285—An act to amend Section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to poisons, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Mixter:

Resolved, That Assembly Bill No. 285 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Tenney, and Weybret—30.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 285

Assembly Bill No. 285—An act to amend Section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to poisons, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Mixter.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Tenney, and Weybret—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dorsey, Gordon, Hatfield, Jespersen, Keating,

Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 26, 1945

MR. PRESIDENT: Your Committee on Rules has examined:
Senate Bill No. 348
Senate Joint Resolution No. 9
And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 26, 1945

MR. PRESIDENT: Your Committee on Rules has examined:
Senate Joint Resolution No. 8
And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Military Affairs

SENATE CHAMBER, SACRAMENTO, January 27, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:
Assembly Joint Resolution No. 13
Has had the same under consideration, and reports the same back with the recommendation: Be adopted.
Committee membership 9; committee vote: Ayes 6; absent 3.

QUINN, Chairman

REQUEST FOR UNANIMOUS CONSENT

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 13, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 13

Assembly Joint Resolution No. 13—Relative to exchange of United States and Japanese Nationals.

Resolution read, and presented by Senator Tenney.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—28.
NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 10: By Senators Hatfield and Powers—Relative to memorializing Congress to provide adequate support for the maintenance of the San Joaquin Experimental Range by the Forest Service, United States Department of Agriculture.

Request for Unanimous Consent

Senator Powers asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 10, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 10

Senate Joint Resolution No. 10—Relative to memorializing Congress to provide adequate support for the maintenance of the San Joaquin Experimental Range by the Forest Service, United States Department of Agriculture.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Dorsey, Gordon, Hatfield, Keating, Kuchel, Parkman, Powers, Salsman, Seawell, Sutton, Ward, and Weybret—21.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assistant Secretary Med Anderson at the Desk

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 893: By Senator Biggar—An act to repeal Sections 10001 to 10010 inclusive of the Education Code, relating to the State Curriculum Commission.

Referred to Committee on Education.

Senate Bill No. 894: By Senators Biggar, Carter, and Fletcher—An act making a transfer of money from the General Fund to the Postwar Employment Reserve to be used for acquiring State forests.

Referred to Committee on Natural Resources.

Senate Bill No. 895: By Senator Weybret—An act to amend Section 6357 of the Education Code, relating to school district taxes.

Referred to Committee on Education.

Senate Bill No. 896: By Senators Crittenden, Deuel, Fletcher, Cunningham, and Mixter—An act to add Section 11501 to the Water Code, relating to the powers and duties of the Water Project Authority of the State of California, including the acquisition of the Central Valleys Project, and making an appropriation.

Referred to Committee on Water Resources.

Senate Bill No. 897: By Senators Crittenden, Deuel, Fletcher, Cunningham, and Mixter—An act to amend the heading to Part 1 of Division 6 of the Water Code, to insert in said Part a chapter heading (Chapter 1) and article headings in said chapter (Article 1, preceding Section 10000; Article 2, preceding Section 10061), and to add Chapters 2, 3, 4, 5, and 6 to said Part 1, to amend Sections 11101, 11400, and to repeal Sections 11401, 11402, 11403, 11404, 11405, 11410, 11411, 11412, 11413, 11414, 11415, 11416, 11417, 11418, 11419, 11420, 11701, and 11702, of said code.

Referred to Committee on Water Resources.

Senate Bill No. 898: By Senator Gordon—An act to amend Section 45 of the Vehicle Code, relating to implements of husbandry.

Referred to Committee on Transportation.

Senate Bill No. 899: By Senator Gordon—An act to add Section 1.5 and to amend the title and Section 1 of an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, relating to vacations and hours on duty of members of fire departments.

Referred to Committee on Local Government.

Senate Bill No. 900: By Senators Dilworth and Mayo—An act to amend Section 75 of the Labor Code, relating to the Commission of Immigration and Housing.

Referred to Committee on Labor.

Senate Bill No. 901: By Senators Dilworth and Mayo—An act to amend Section 40 of the Agricultural Code, relating to the State Board of Agriculture.

Referred to Committee on Agriculture.

Senate Bill No. 902: By Senator Keating—An act to amend Section 8.8 of the California Toll Bridge Authority Act, relating to the use of toll bridges or other toll highway crossings on a credit basis.

Referred to Committee on Transportation.

Senate Bill No. 903: By Senators Swing and Fletcher—An act to amend Section 5 of the County Water Authority Act, relating to water authorities.

Referred to Committee on Water Resources.

Senate Bill No. 904: By Senator Powers—An act to amend Sections 9726, 9727, 9728, 9729, and 9779 of the Revenue and Taxation Code, relating to the emblem and tax clearance requirements of the Motor Vehicle Transportation License Tax Law.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 905: By Senator Powers—An act to amend Sections 9779 and 10277 of the Revenue and Taxation Code, relating to certificates of motor vehicle transportation license tax clearance and the place of trial of actions to recover the tax.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 906: By Senator Powers—An act to amend Section 368 of the Agricultural Code, relating to transportation license fee and penalty.

Referred to Committee on Agriculture.

Senate Bill No. 907: By Senator Powers—An act to amend Section 366 of the Agricultural Code, relating to the transportation of cattle and hides.

Referred to Committee on Agriculture.

Senate Bill No. 908: By Senators Powers and Gordon—An act to amend Section 363 of the Agricultural Code, relating to cattle bills of sale.

Referred to Committee on Agriculture.

Senate Bill No. 909: By Senators Powers and Gordon—An act to amend Section 343 of the Agricultural Code, relating to brands and marks inspection.

Referred to Committee on Agriculture.

Senate Bill No. 910: By Senators Powers and Gordon—An act to amend Section 360 of the Agricultural Code, relating to tagging hides.

Referred to Committee on Agriculture.

Senate Bill No. 911: By Senators Powers and Gordon—An act to amend Section 334.5 of the Agricultural Code, relating to branded cattle moving from one district to another.

Referred to Committee on Agriculture.

Senate Bill No. 912: By Senators Powers and Gordon—An act to amend Section 332.5 of the Agricultural Code, relating to exempt brands on dairy cattle.

Referred to Committee on Agriculture.

Senate Bill No. 913: By Senators Powers and Gordon—An act to amend Section 358 of the Agricultural Code, relating to cattle slaughterer reports.

Referred to Committee on Agriculture.

Senate Bill No. 914: By Senators Powers and Gordon—An act to amend Section 354 of the Agricultural Code, relating to record of meat purchases and unlawful meat purchases.

Referred to Committee on Agriculture.

Senate Bill No. 915: By Senators Powers and Gordon—An act to amend Section 348 of the Agricultural Code, relating to cattle slaughterer license fees.

Referred to Committee on Agriculture.

Senate Bill No. 916: By Senators Powers and Gordon—An act to amend Section 336 of the Agricultural Code, relating to brand recordation fees, penalties and elimination of old brands.

Referred to Committee on Agriculture.

Senate Bill No. 917: By Senators Powers and Gordon—An act to amend Section 333.8 of the Agricultural Code, relating to venting of brands.

Referred to Committee on Agriculture.

Senate Bill No. 918: By Senators Gordon and Powers—An act to add Section 363.4 to the Agricultural Code, relating to penalties for public sales yards.

Referred to Committee on Agriculture.

Senate Bill No. 919: By Senators Gordon and Powers—An act to amend Section 363.2 of the Agricultural Code, relating to license and operation of public sales yards.

Referred to Committee on Agriculture.

Senate Bill No. 920: By Senator Powers—An act to amend Section 704 of the Vehicle Code, relating to axle weights.

Referred to Committee on Transportation.

Senate Bill No. 921: By Senator McCormack—An act providing for a Highway Postwar Employment Reserve out of moneys in the State Highway Fund in the State treasury and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

Senate Bill No. 922: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act creating a Postwar Reserve for State highway purposes, and making an appropriation therefor.

Referred to Committee on Transportation.

Senate Bill No. 923: By Senator Carter—An act to add Section 32a to the Public Utility District Act, relating to the issuance of revenue bonds.

Referred to Committee on Local Government.

Senate Bill No. 924: By Senator Carter—An act to add Section 15r to the Municipal Utility District Act, relating to the issuance of revenue bonds.

Referred to Committee on Local Government.

Senate Bill No. 925: By Senator Desmond—An act to amend Sections 13307, 13409, 13554, 13722, 13841, 13984, 13989, 14101, 14191, 14326, 14361, 14511, 14553, and to amend the heading of Chapter 4 of Part 8, to repeal Section 14515, to amend and renumber Section 14516, and to add Article 6 to Chapter 11 of Part 8 of the Revenue and Taxation Code, relating to inheritance taxes, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 926: By Senator Desmond—An act making an appropriation to The Regents of the University of California for surveys, preparation of plans and specifications, and other preliminary work preparatory to the construction of additional buildings for the University of California, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Education.

Senate Bill No. 927: By Senators Breed, Carter, and Dorsey—An act to amend Section 149 of the Civil Code, relating to divorce and maintenance.

Referred to Committee on Judiciary.

Senate Bill No. 928: By Senator Salsman—An act to add Section 10.5 to an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to municipal corporations, for the incorporation of such annexed territory in and as a part thereof, and for the districting, government and municipal control of such annexed territory," approved June 11, 1913, as amended, relating to the annexation of territory to municipal corporations.

Referred to Committee on Local Government.

Senate Bill No. 929: By Senator Desmond—An act declaring certain corporations, individuals or association of individuals engaged, directly or indirectly, in the transportation of gas or crude oil or petroleum or the products thereof, for hire or otherwise, to be common carriers and public utilities and subject to the provisions of the Public Utilities Act.

Referred to Committee on Public Utilities.

Senate Bill No. 930: By Senator Quinn—An act making an appropriation for the State War Council, to take effect immediately.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 931: By Senator Quinn—An act to add Section 495 to the Fish and Game Code, for the protection of fish in the Sacramento River above the confluence of Battle Creek, to that end prohibiting the bringing in of water from without the Sacramento River Watershed.

Referred to Committee on Fish and Game.

Senate Bill No. 932: By Senator Quinn—An act making appropriations for the purchase of lands for building sites at the Humboldt State College.

Referred to Committee on Education.

Senate Bill No. 933: By Senator Judah—An act to amend Section 10618 of the Health and Safety Code, relating to filing fees.

Referred to Committee on Public Health and Safety.

Senate Bill No. 934: By Senators Burns and Mixter—An act making an appropriation for the purchase of the tract commonly known as the Mountain Home Tract in Tulare County.

Referred to Committee on Natural Resources.

Senate Bill No. 935: By Senator Burns—An act to amend Section 4475 of, and to add Chapter 6 of Division 20, comprising Sections 25000 to 25009 to, the Health and Safety Code, relating to cleaning septic tanks, cesspools and seepage pits.

Referred to Committee on Public Health and Safety.

Senate Bill No. 936: By Senator Burns—An act to amend Section 101 of the Business and Professions Code, relating to boards and commissions comprising the Department of Professional and Vocational Standards, to amend the chapter heading of Chapter 1, Division 3 of, and to add Chapter 1.5, comprising Sections 5100 to 5145, inclusive, to said code, relating to the practice of accountancy and repealing acts and parts of acts inconsistent herewith.

Referred to Committee on Business and Professions.

Senate Bill No. 937: By Senators Ward and Parkman—An act to amend Section 19.1 of the Agricultural Prorate Act, relating to proration programs.

Referred to Committee on Agriculture.

Senate Bill No. 938: By Senator Ward—An act to amend Section 7051 of the Public Resources Code, relating to oil and gas and mineral leases by counties and other public or quasi public corporations, bodies or agencies.

Referred to Committee on Natural Resources.

Senate Bill No. 939: By Senator Ward—An act to add Section 7057 to the Public Resources Code, relating to oil and gas and mineral leases by municipalities, declaring the urgency thereof and providing that this act, shall take effect immediately.

Referred to Committee on Natural Resources.

Senate Bill No. 940: By Senator Ward—An act to amend Sections 7051, 7052, 7053, 7054 and 7055 of the Public Resources Code and to add Section 7046 to the Public Resources Code, relating to oil and gas and mineral leases by counties and other public or quasi public corporations, bodies or agencies.

Referred to Committee on Natural Resources.

Senate Bill No. 941: By Senator Kuchel—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land in Orange County as part of the State Park System.

Referred to Committee on Natural Resources.

Senate Bill No. 942: By Senator Judah—An act to add Section 5.5 to the Land Title Law, being the initiative act adopted November 3, 1914, Statutes of 1915, page 1932, relating to the withdrawal or removal of land from registration under the provisions of said act.

Referred to Committee on Judiciary.

Senate Bill No. 943: By Senator Seawell—An act to amend Section 670 of the Streets and Highways Code, relating to the care and protection of State highways.

Referred to Committee on Transportation.

Senate Bill No. 944: By Senator Biggar—An act to provide for the the acquisition of Montgomery Woods in Mendocino County as part of the State Park System, and making an appropriation therefor.

Referred to Committee on Natural Resources.

Senate Bill No. 945: By Senator Biggar—An act to add Section 220.5 to the Elections Code, relating to registration of electors.

Referred to Committee on Elections.

Senate Bill No. 946: By Senator Biggar—An act to add Sections 141, 142, and 143 to the Elections Code, relating to registration of electors.

Referred to Committee on Elections.

Senate Bill No. 947: By Senator Biggar—An act to repeal Sections 11001, 11155 to 11157, inclusive, 11181.1 and 11185 to 11187, inclusive, of the Education Code; to amend Sections 10055, 11152, 11153, 11181, 11182, 11184, 11241, and 11271 of said code; and to add Sections 11155 to 11164, inclusive, to said code, all relating to the State Curriculum Commission and elementary school textbooks.

Referred to Committee on Education.

Senate Bill No. 948: By Senator Powers—An act to amend Section 250 of, and to repeal Sections 251 and 300 of the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Senate Bill No. 949: By Senators Powers and Seawell—An act to amend Section 5241 of, and to add Sections 5267.1 and 5312.1 to, the Business and Professions Code, relating to outdoor advertising.

Referred to Committee on Business and Professions.

Senate Bill No. 950: By Senators Carter and Kuchel—An act to add Section 125 to the Insurance Code, relating to rates for insurance, rating methods, premiums, policy and bond forms, and underwriting rules, including the establishment thereof and agreements in respect thereto.

Referred to Committee on Financial Institutions.

Senate Bill No. 951: By Senator Powers—An act to amend Section 363a of the Political Code and Section 14005 of the Government Code, relating to the Department of Public Works.

Referred to Committee on Transportation.

Senate Bill No. 952: By Senator Keating—An act to add Section 11425 to the Probate Code, relating to the duties of a public administrator.

Referred to Committee on Judiciary.

Senate Bill No. 953: By Senator Keating—An act to amend Section 1144 of the Probate Code, relating to administration by the public administrator of estates of a value not exceeding two hundred dollars ($200).

Referred to Committee on Judiciary.

Senate Bill No. 954: By Senator Keating—An act to amend Section 902 of the Probate Code, relating to commissions to executors and administrators for extraordinary services.

Referred to Committee on Judiciary.

Senate Bill No. 955: By Senator Keating—An act to add Section 1844a to the Code of Civil Procedure, relating to proof of gifts in view of death.

Referred to Committee on Judiciary.

Senate Bill No. 956: By Senator Keating—An act to amend Section 1880 of the Code of Civil Procedure, relating to persons who can not be witnesses.

Referred to Committee on Judiciary.

Senate Bill No. 957: By Senator Keating—An act to amend Section 2911 of the Civil Code, relating to the extinguishment of liens.

Referred to Committee on Judiciary.

Senate Bill No. 958: By Senator Keating—An act to amend Section 329 of the Code of Civil Procedure, relating to time of commencing action for foreclosure of street improvement assessment liens and duration of such liens.

Referred to Committee on Judiciary.

Senate Bill No. 959: By Senator Keating—An act to add Section 330 to the Code of Civil Procedure, relating to the limitation of time for sales under improvement bonds.

Referred to Committee on Judiciary.

Senate Bill No. 960: By Senator Keating—An act to amend Sections 12 and 17 of the "Assessment Bond Refunding Act of 1933," relating to liens and bonds.

Referred to Committee on Judiciary.

Senate Bill No. 961: By Senator Keating—An act to amend Sections 5372, 6446, 6460 and 6572 of the Streets and Highways Code, relating to liens and bonds under the "Improvement Act of 1911."

Referred to Committee on Judiciary.

Senate Bill No. 962: By Senator Keating—An act to amend Sections 7240 and 7390 of the Streets and Highways Code, relating to liens and bonds under the "Street Improvement Act of 1913."

Referred to Committee on Judiciary.

Senate Bill No. 963: By Senator Keating—An act to amend Section 4290 of the Streets and Highways Code, relating to liens under the "Street Opening Act of 1903."

Referred to Committee on Judiciary.

Senate Bill No. 964: By Senator Keating—An act to amend Section 3450 of the Streets and Highways Code, relating to liens and bonds under the "Street Opening Bond Act of 1921."

Referred to Committee on Judiciary.

Senate Bill No. 965: By Senator Keating—An act to amend Sections 4570 and 4573 of the Streets and Highways Code, relating to liens and bonds under the "Street Opening Bond Act of 1911."

Referred to Committee on Judiciary.

Senate Bill No. 966: By Senator Keating—An act to amend Section 3280 of the Streets and Highways Code, relating to liens under the "Street Opening Act of 1889."

Referred to Committee on Judiciary.

Senate Bill No. 967: By Senator Jespersen—An act to repeal an act entitled "An act to validate certain acts of counties, cities and counties and of their officers, relating to taxation of property," approved May 15, 1943, relating to the validation of taxes.

Referred to Committee on Judiciary.

Senate Bill No. 968: By Senator Jespersen—An act to amend Sections 3620 and 3637 of the Revenue and Taxation Code, relating to real property taxation.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 969: By Senator Jespersen—An act to amend Sections 5911, 5930, 5931 and 5950 of the Elections Code, relating to voting.

Referred to Committee on Elections.

Senate Bill No. 970: By Senator Jespersen—An act relating to insurance rates and providing for the establishment of such rates.

Referred to Committee on Financial Institutions.

Senate Bill No. 971: By Senator Jespersen—An act to amend Section 5801 of, and to add Section 5801.5 to the Elections Code, relating to voting by persons who have not declared their affiliation with a political party.

Referred to Committee on Elections.

Senate Bill No. 972: By Senator Collier—An act to amend Section 7729 of the Public Resources Code, relative to the issuance of patents for State lands, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Natural Resources.

Senate Bill No. 973: By Senator Collier—An act to add Article 2, comprising Sections 8551 to 8557, inclusive, to Chapter 4, Part 4, Division 6, of the Public Resources Code, to add Section 10018 to said code, and to repeal Chapter 640 of the Statutes of 1935, relating to public lands, providing for State cooperation with Federal agencies regarding grazing lands, and providing for the distribution of money deposited in the State Treasury in connection therewith.

Referred to Committee on Natural Resources.

Senate Bill No. 974: By Senator Collier—An act to add Sections 7971 to 7974, inclusive, and Section 10017 to the Public Resources Code, and to repeal Sections 3571 and 3572 of the Political Code, relating to public lands, and providing for the refunding of payments in cases where public lands are improperly sold.

Referred to Committee on Natural Resources.

Senate Bill No. 975: By Senator Collier—An act to amend Section 7423 of the Public Resources Code, relating to public lands, and providing for payment of refunds upon surrender of certificates of indemnity or scrip and certificates of purchase.

Referred to Committee on Natural Resources.

Senate Bill No. 976: By Senator Judah—An act to amend Section 737rr of the Political Code, relating to the salaries of judges of the superior court in the County of Santa Cruz.

Referred to Committee on Local Government.

Senate Bill No. 977: By Senator Weybret—An act to add Section 125 to the Government Code, relating to acquisition of land in this State by the United States, its departments, agencies, and instrumentalities.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 978: By Senator Weybret—An act to add Section 9612 to the Government Code, relating to the interpretation of statutes concerning the use of land or the construction of maintenance or occupancy of buildings or other structures thereon.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 979: By Senator Sutton—An act to amend Section 2797 of the Elections Code, relating to vacancies in membership of party State conventions.

Referred to Committee on Elections.

Senate Bill No. 980: By Senator Sutton—An act to amend Section 373 of the Elections Code, relating to elections.

Referred to Committee on Elections.

Senate Bill No. 981: By Senator Quinn—An act to add Section 1256 to the Water Code, relating to the appropriation of water and the use thereof within and without the watershed of a stream, and declaring the respective priorities thereof.

Referred to Committee on Water Resources.

Senate Bill No. 982: By Senators Quinn and Hatfield—An act to amend Section 696 of the Military and Veterans Code, relating to employees of the Veterans' Welfare Board.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 983: By Senator Quinn—An act to amend Section 62 of the Fish and Game Code, relating to District 1.

Referred to Committee on Fish and Game.

Senate Bill No. 984: By Senator Quinn—An act to amend Section 16601 of the Business and Professions Code, relating to the sale of good will of a business.

Referred to Committee on Business and Professions.

Senate Bill No. 985: By Senator Dorsey—An act to amend Section 704 of the Penal Code, relating to security to keep the peace.

Referred to Committee on Judiciary.

Senate Bill No. 986: By Senator Desmond—An act to add a chapter heading and Sections 337h, 337i, 337j, 337k and 337*l* to the Penal Code, relating to horse racing and touting thereat.

Referred to Committee on Judiciary.

Senate Bill No. 987: By Senator Desmond—An act to amend Section 146 of the Civil Code, relating to divorce actions.

Referred to Committee on Judiciary.

Senate Bill No. 988: By Senator Desmond—An act to add Section 7.2 to the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 989: By Senator Desmond—An act to add Section 7.6 to the Unemployment Insurance Act, relating to excluded employments under said act.

Referred to Committee on Social Welfare.

Senate Bill No. 990: By Senator Breed—An act to amend Sections 8, 13 and 19, and to add Sections 4.5 and 8a to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation for the selection of jurors therein," approved May 23, 1925, as amended, relating to the establishment of municipal courts in cities of the second class.

Referred to Committee on Local Government.

Senate Bill No. 991: By Senator Mayo—An act to add Sections 682 and 683 to Article 2 of Chapter 3 of Division 1 of the Streets and Highways Code, relating to franchises on State highways.

Referred to Committee on Transportation.

Senate Bill No. 992: By Senator Dillinger—An act to add Section 664.5 to the Political Code, relating to the auditing of claims.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 993: By Senator Dillinger—An act to amend Section 83 of the Civil Code, relating to annulment of marriage.

Referred to Committee on Judiciary.

Senate Bill No. 994: By Senator Carter—An act authorizing municipalities as herein defined to acquire, construct, improve and extend within and without their limits revenue producing enterprises as herein defined, and providing an additional and alternative method of financing such enterprises through the issuance of revenue bonds or other obligations payable solely from the revenues, thereof, and in no respect secured by the taxing power, to maintain and operate such enterprises and to prescribe, revise and collect fees, tolls, rates, rentals and other charges for the services, facilities and commodities furnished thereby; regulating the issuance of such revenue bonds or other obligations, providing for their payment and the rights and remedies of the holders thereof; and providing for the certification of such bonds as legal investments.

Referred to Committee on Local Government.

Senate Bill No. 995: By Senators Quinn and Hulse—An act to repeal Section 5016.6 of the Business and Professions Code, relating to the educational requirements for admission to the examination for a certified public accountant.

Referred to Committee on Business and Professions.

Senate Bill No. 996: By Senator DeLap—An act to add Section 112.1 to the Code of Civil Procedure and to amend Section 1425 of the Penal Code, relating to the jurisdiction of courts.

Referred to Committee on Judiciary.

Senate Bill No. 997: By Senator DeLap—An act to amend Section 13¾ of the Highway Carriers' Act, relating to the service of decisions and orders of the Railroad Commission fixing rates of highway carriers.

Referred to Committee on Public Utilities.

Senate Bill No. 998: By Senator McBride—An act to add Section 10.5 to the Political Code, relating to time worked on holidays.

Referred to Committee on Judiciary.

Senate Bill No. 999: By Senator McBride—An act to add Section 72.5 to the State Civil Service Act, relating to holidays.

Referred to Committee on Judiciary.

Senate Bill No. 1000: By Senator Gordon—An act to provide for the creation of a sewage disposal system in Napa County.

Referred to Committee on Local Government.

Senate Bill No. 1001: By Senator Crittenden—An act granting certain salt marsh, tide, and submerged lands of the State of California to the City of Stockton, including the management, use, and control thereof.

Referred to Committee on Transportation.

Senate Bill No. 1002: By Senator Powers—An act to amend Sections 2541, 2574, 2576, 2702, 2703, 2705, 2753, 2791, 3920, 3921, 3924, 3926, 3930, 3946, 7966, and 8720 of the Elections Code, relating to nominations and party conventions.

Referred to Committee on Elections.

Senate Bill No. 1003: By Senator Collier—An act to add Article 13, consisting of Sections 550 to 557, to Chapter 3 of Title 1 of Part 3 of the Political Code, relating to the distribution of State documents to libraries.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1004: By Senator Judah—An act to amend Sections 580 to 582, inclusive, Sections 2135, 2142, 2142.5, 2195, 2230, 2287, 2289 to 2291, inclusive, and the title of Article 7, Chapter 5 of Division 2 of the Business and Professions Code, relating to drugless physicians.

Referred to Committee on Business and Professions.

Senate Bill No. 1005: By Senator Collier—An act to add Section 544 to the Political Code, and Article 6, comprising Section 9795, to Chapter 7 of Division 2 of Part 1 of the Government Code, relating to the

compilation, printing, publication and distribution of the codes and other statutes, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1006: By Senator Collier—An act to add Section 572.5 to the Military and Veterans Code, relating to clothing and equipage allowances for officers and warrant officers of the California State Guard.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1007: By Senator Collier—An act to add Section 709.5 to the Vehicle Code, relating to records of weight violations.

Referred to Committee on Transportation.

Senate Bill No. 1008: By Senator Mayo—An act to add Sections 141, 142 and 143 to the Elections Code, relating to registration of electors.

Referred to Committee on Elections.

Senate Bill No. 1009: By Senator Burns—An act to amend Section 4903 of the Labor Code, relating to liens against workmen's compensation benefits.

Referred to Committee on Labor.

Senate Bill No. 1010: By Senator Burns—An act to regulate the manufacture and sale of vitamins, and defining the duties of the Bureau of Food and Drug Inspection in relation thereto.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1011: By Senator Jespersen—An act to add Section 56.5 to the Alcoholic Beverage Control Act, relating to conduct of licensed premises.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1012: By Senator Carter—An act to amend Sections 391 and 401 of, and to add Section 391.5 to, the Agricultural Code, relating to estrays.

Referred to Committee on Water Resources.

Senate Bill No. 1013: By Senator Sutton—An act to amend Section 4276 of the Political Code, relating to compensation for public services in counties of the forty-seventh class.

Referred to Committee on Local Government.

REPORTS OF STANDING COMMITTEES

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, January 27, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 562

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

McCORMACK, Chairman

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 562—An act to amend Section 257 of the Vehicle Code, relating to junior drivers licenses, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Tenney:

Resolved, That Assembly Bill No. 562 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—29.
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 562

Assembly Bill No. 562—An act to amend Section 257 of the Vehicle Code, relating to junior drivers licenses, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Tenney.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Slater, Sutton, and Tenney—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

MOTION TO SUSPEND RULE NO. 21

Senator Seawell moved that Rule No. 21 of the Standing Rules of the Senate be suspended for the purpose of amending Rule No. 22, on this legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—35.
NOES—None.

RESOLUTIONS

The following resolution was offered:

By Senator Seawell:

Senate Resolution No. 51

Resolved, That Senate Rule 22 be amended to read as follows:

22. Any Senator desiring to introduce a bill shall send it to the Senate desk.

The Committee on Rules shall check all Senate bills prior to introduction and all Assembly bills before reference to committee and shall designate the committees to which they shall be referred. Rule 12 is intended as a guide to the committee in assigning of bills but is not binding upon the committee.

Under the order of Introduction of Bills, the Secretary shall assign a number to each Senate bill, shall read it the first time, shall read the name of the committee to which the bill has been assigned by the Committee on Rules, and unless otherwise ordered by the Senate without debate the assignment of the bill shall then be complete and after printing the Secretary shall deliver the bills to the committee so designated.

Under the order of Messages from the Assembly the Secretary shall read each Assembly bill the first time, shall read the name of the committee to which the bill has been assigned by the Committee on Rules, and unless otherwise ordered by the Senate without debate the assignment of the bill shall then be complete and the Secretary shall deliver the bill to the committee so designated.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, and Tenney—27.

NOES—None.

RECESS

At 12.10 p.m., on motion of Senator Seawell, the Senate recessed until 2.30 p.m.

REASSEMBLED

At 2.30 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 286
Senate Bill No. 287
Senate Bill No. 318
Senate Bill No. 330

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 5
Senate Joint Resolution No. 8
Senate Joint Resolution No. 9

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 258

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bill ordered to unfinished business file.

Senator McBride Presiding

At 2.33 p.m., Senator James J. McBride of the 33d District, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 27, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 7

And reports the same correctly engrossed.

SEAWELL, Chairman

RESOLUTIONS

The following resolution was offered:

By the Committee on Rules:

Senate Resolution No. 52

Resolved, That Frank N. Killam, Chief of the Bureau of Buildings and Grounds, be, and he is hereby directed to leave the Senate Chamber and all the committee rooms and other rooms used by the Senators and officers of the Senate in such condition that they will be available for use of the Senate at any time; and it is further directed that no persons other than the members, officers and attaches of the Senate be permitted to occupy or use the offices, committee rooms and other rooms now occupied by the Senate without permission as hereinafter provided, and that the desks, furniture, and other equipment of the Senate be at the disposal of the Secretary of the Senate pursuant to adjournment of this session until the Senate shall reconvene, and that no person except Members of the Senate be permitted to occupy any of the Senate's offices or make use of Senate equipment without permission of the Secretary; and be it further

Resolved, That the Secretary be and he is hereby made responsible for the safekeeping of Senate property after adjournment of this session until the Senate shall reconvene again; and be it further

Resolved, That the Secretary be directed to deliver a copy of this resolution to the Chief of the Bureau of Buildings and Grounds and a copy to the Director of Finance.

Resolution read, and unanimously adopted.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 258—An act to amend Sections 4455 and 4459, and to repeal Sections 4456, 4457, 4458 and 4460 of, and to add a new Section 4460 to, the Public Resources Code, relating to forest insect control, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 258?

Amendment No. 1

On page 2 of the printed bill, strike out lines 19 to 27, inclusive.

Amendment No. 2

On page 2 of the printed bill, strike out lines 40 to 44, inclusive.

Amendment No. 3

On page 2, line 45, of the printed bill, strike out "5", and insert "4".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 258 by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—27.
NOES—None.

Above bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 27, 1945

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Resolution No. 41
Assembly Concurrent Resolution No. 19

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Senate Resolution No. 41, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 41

Senate Resolution No. 41

Relating to meetings of the Senate Committee on Finance

Resolved by the Senate of the State of California, That the Standing Committee on Finance of the Senate is hereby authorized to meet during any recess of the Regular Session of the Fifty-sixth Legislature at the State Capitol, or elsewhere in the State, to perform the duties and to exercise all the powers vested in it by the Standing Rules of the Senate; and, be it further

Resolved, That, except as otherwise provided in this resolution, the committee shall have all of the powers granted to Investigating Committees by the Joint Rules of the Senate and Assembly as soon as such Rules are adopted and as such Rules are from time to time amended; and, be it further

Resolved, That the committee or chairman thereof may create subcommittees from the membership of the committee, assigning to the subcommittee any study, inquiry, investigation, or hearing which the committee itself has authority to make or hold, and the subcommittee for the purpose of this assignment shall have and exercise all the powers conferred upon the committee, limited only by the resolution of the committee or order of the chairman defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee or the chairman thereof; and, be it further

Resolved, That the sum of two thousand dollars ($2,000) is hereby made available to the Standing Committee on Finance of the Senate from the Contingent Fund of the Senate for the purpose of paying the expenses of the committee in connection with its duties, including the cost of any records and transcripts, and an allowance of twelve dollars ($12) per day (in lieu of expenses for living accommodations and meals) and five and one-half cents ($0.05½) per mile each way for each member of said committee incurred in connection with the exercise of the powers granted and performance of the duties imposed by this resolution and the Rules of the Senate and the Joint Rules of the Senate and Assembly and for the paying of the compensation and expenses of the necessary assistants of said committee, the sum so made

available to be disbursed upon the certification of the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—27.

NOES—None.

Request for Unanimous Consent

Senator Dorsey asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 19, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 19

Assembly Concurrent Resolution No. 19—Creating the Joint Committee on Purchase of Federal Property.

Resolution read, and presented by Senator Dorsey.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, and Tenney—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 10

Senate Concurrent Resolution No. 26

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above resolutions ordered enrolled.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was introduced, and read the first time:

Senate Concurrent Resolution No. 28: By Senator Desmond—Relative to commemorating members and volunteers of War Price and Rationing Boards.

Request for Unanimous Consent

Senator Desmond asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 28, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 28

Senate Concurrent Resolution No. 28—Relative to commemorating members and volunteers of War Price and Rationing Boards.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, DeLap, Desmond, Donnelly, Dorsey, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—25.
NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 1014: By Senators Jespersen, Slater, and McBride—An act to add Section 271 to, and amend Section 254 of, the Health and Safety Code, relating to physically handicapped children.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1015: By Senators Jespersen, McBride, and Slater—An act to amend Sections 254 and 270 of the Health and Safety Code, relating to physically handicapped children.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1016: By Senators Jespersen, Slater, and McBride—An act to amend Sections 254, 255, and 268 of the Health and Safety Code, relating to physically handicapped children.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1017: By Senators Jespersen, Slater, and McBride—An act to amend Section 254 and to add Section 271 to the Health and Safety Code.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1018: By Senators Jespersen, Slater, and McBride—An act making an appropriation to The Regents of the University of California for the maintenance and operation of State cerebral palsy diagnostic and treatment centers.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1019: By Senators Jespersen, Slater, and McBride—An act making an appropriation to The Regents of the University of California for the maintenance and operation of State cerebral palsy schools.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1020: By Senators Jespersen, Slater, and McBride—An act making an appropriation to The Regents of the University of California for the establishment, equipment and maintenance of State cerebral palsy schools.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1021: By Senators Jespersen, McBride, and Slater—An act making an appropriation for services for physically handicapped children suffering from cerebral palsy, to take effect immediately.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1022: By Senators Jespersen, McBride, and Slater—An act making an appropriation for coordination of the education of physically handicapped minors in the public schools and in cerebral palsy schools, to take effect immediately.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1023: By Senators Jespersen, McBride, and Slater—An act to add Section 6500.3 to the Welfare and Institutions Code, relating to State institutions.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1024: By Senators Seawell, Collier, McCormack, Parkman, and Keating—An act to amend Sections 105, 106, 108, 113, 116, 123, 124, and 126 and to repeal Sections 109, 110, 111, 112 and 120 of the Vehicle Code, relating to the organization of the Department of Motor Vehicles.

Referred to Committee on Transportation.

Senate Bill No. 1025: By Senators Seawell, Collier, McCormack, Parkman, and Keating—An act to amend Sections 105, 106, 108, 113, 116, 123, 124 and 126 and to repeal Sections 109, 110, 111, 112 and 120 of the Vehicle Code, relating to the organization of the Department of Motor Vehicles.

Referred to Committee on Transportation.

Senate Bill No. 1026: By Senator Powers—An act to amend Section 6503 of the Public Resources Code, relating to leases of public lands.

Referred to Committee on Agriculture.

Senate Bill No. 1027: By Senator DeLap—An act to add Section 3463.5 to the Political Code, relating to assessments in reclamation districts.

Referred to Committee on Water Resources.

Senate Bill No. 1028: By Senator Hatfield—An act providing for construction of postwar county highway projects, and making an appropriation therefor.

Referred to Committee on Transportation.

Senate Bill No. 1029: By Senator Hatfield—An act making an appropriation for allocation to cities, counties, and cities and counties for construction of postwar public works, and providing the procedure for making such allocations.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1030: By Senators Biggar, Carter, and Fletcher—An act relating to forestry, to provide for the purchase of forest practice demonstration areas in the pine and redwood regions, for compensating the counties in which such areas are situated for loss of taxes, for reforestation and management of such areas, for demonstrating forest practices, for making surveys and appraisals, and making an appropriation.

Referred to Committee on Natural Resources.

Senate Bill No. 1031: By Senator Deuel—An act making an appropriation for the acquisition of purchase of real property for Chico State College.

Referred to Committee on Education.

Senate Bill No. 1032: By Senator Dilworth—An act to amend Section 4243 of the Political Code, relating to compensation for public services in counties of the fourteenth class.

Referred to Committee on Local Government.

Senate Bill No. 1033: By Senators Biggar, Carter, and Fletcher—An act making an appropriation to the Division of Forestry for making surveys and appraisals of lands.

Referred to Committee on Natural Resources.

Senate Bill No. 1034: By Senator Biggar—An act to amend Section 612 of the Fish and Game Code, relating to steelhead fishing.

Referred to Committee on Fish and Game.

Senate Bill No. 1035: By Senator Collier—An act to amend Section 9651 of the Revenue and Taxation Code, relating to the motor vehicle transportation license tax.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1036: By Senator Parkman—An act to amend Section 2¾ of the Public Utilities Act, relating to public utilities.

Referred to Committee on Public Utilities.

Senate Bill No. 1037: By Senator Parkman—An act to add Sections 1171.1, 1184, 1185, 1191.1, 1192.1, 1192.2, 1193.1, and 1193.2 to the Military and Veterans Code, relating to memorial districts, declaring the emergency thereof, to take effect immediately.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1038: By Senator Parkman—An act to amend Section 5440 of, and to add Sections 5431.1, 5437.1, 5438.1, 5439.1, 5439.2, 5439.3, 5449.1 and 5449.2 to the Public Resources Code, relating to county recreation districts, declaring the emergency thereof, to take effect immediately.

Referred to Committee on Natural Resources.

Senate Bill No. 1039: By Senator Collier—An act adding Section 130 to the Government Code, relating to acquisition of land in this State by the United States, its departments, agencies, and instrumentalities.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1040: By Senator Shelley—An act to amend Section 6051 and 6201 of the Revenue and Taxation Code, relating to the sales and use taxes to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1041: By Senator Shelley—An act to add Article 3.6, comprising Sections 20395.1 to 20395.5, inclusive, to Chapter 2 of Division 10 of the Education Code, relating to sabbatical leaves for members of faculties of State colleges.

Referred to Committee on Education.

Senate Bill No. 1042: By Senator Shelley—An act making an appropriation to pay the claim of W. H. Roman against the State of California.

Referred to Committee on Finance.

Senate Bill No. 1043: By Senator Shelley—An act to amend Section 10 of the Public Utilities Act, relating to salaries and expenses.

Referred to Committee on Public Utilities.

Senate Bill No. 1044: By Senator Shelley—An act to amend Section 12291 of the Education Code, relating to chiropody.

Referred to Committee on Education.

Senate Bill No. 1045: By Senator Shelley—An act to amend Section 2450 and Section 2452 of the Business and Professions Code, relating to chiropody.

Referred to Committee on Business and Professions.

Senate Bill No. 1046: By Senator Shelley—An act to add Section 2326 to the Business and Professions Code.

Referred to Committee on Business and Professions.

Senate Bill No. 1047: By Senator Shelley—An act to add Chapter 4.5 comprising Sections 1800 to 1953, inclusive, to Division 2 of the Business and Professions Code, relating to the licensing and regulation of chiropodists; to amend Section 2135 and repeal Sections 2139, 2143, 2148, 2245, 2245.5, 2246, 2292, 2398 and 2410, all of the Business and Professions Code.

Referred to Committee on Business and Professions.

Senate Bill No. 1048: By Senator Shelley—An act to amend Section 1773 of the Labor Code, relating to prevailing rates of wages for public works.

Referred to Committee on Labor.

Senate Bill No. 1049: By Senator Desmond—An act to amend Sections 12009.1 and 12894.1 of the Education Code, relating to credentials and certificates.

Referred to Committee on Education.

Senate Bill No. 1050: By Senator Rich—An act to amend Section 4268 of the Political Code, relating to compensation for public service in counties of the thirty-ninth class.

Referred to Committee on Local Government.

Senate Bill No. 1051: By Senator Rich—An act to amend Section 4267 of the Political Code, relating to compensation for public services in counties of the thirty-eighth class.

Referred to Committee on Local Government.

Senate Bill No. 1052: By Senators Rich, Collier, and Desmond—An act to add Chapter 3 consisting of Section 175 to Part 1, Division 1, Revenue and Taxation Code, relating to real property taxation.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1053: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to amend Section 261-B of the Code of Civil Procedure, relating to filing and appearance fees.

Referred to Committee on Judiciary.

Senate Bill No. 1054: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to add Section 1.5 to "An act relating to the Postwar Employment Reserve, defining the powers and duties of State officers in connection therewith, making appropriation for preparation of plans for a State building program, and declaring the urgency thereof, to take effect immediately," approved May 18, 1943, relating to the money to be deposited in the Postwar Employment Reserve, declaring the urgency of this act and providing that it shall take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1055: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to add Section 254.5 to the Revenue and Taxation Code, relating to exemptions from taxation.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1056: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to add Section 5000 to the Education Code, relating to the support of the Elementary School System, and declaring the legislative intent in respect thereto.

Referred to Committee on Education.

Senate Bill No. 1057: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to provide for the sale of the property known as Ryde Camp purchased by the California Farm Production Council.

Referred to Committee on Agriculture.

Senate Bill No. 1058: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to amend Sections 4800 and 4801 of and to add Section 3213 to the Labor Code, relating to workmen's compensation payments to members of the California Highway Patrol, police and fire departments.

Referred to Committee on Labor.

Senate Bill No. 1059: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to add Section 709.5 to the Vehicle Code, relating to weight limitations.

Referred to Committee on Transportation.

Senate Bill No. 1060: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to add Section 661.1 to the Political Code and Section 13923.1 to the Government Code, prohibiting the augmentation of appropriations.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1061: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to amend Section 22 of the Bank and Corporation Franchise Tax Act, relating to the administration of the act.

Referred to Committee on Financial Institutions.

Senate Bill No. 1062: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to repeal Division 7 of the Military and Veterans Code, the California War Powers Act, except Sections 1570, 1571, 1591 and 1595 to 1598 thereof, providing for the winding up of certain of the affairs of the California State War Council and its director, and transferring to the State Department of Finance those functions of the council and its director which are not hereby terminated.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1063: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to repeal Chapter 1085 of the Statutes of 1943; to repeal Chapter 14 of the Statutes of the Fourth Extraordinary Session of the Fifty-fifth Legislature; to amend Chapter 2, Article 1, Section 5151 of the Education Code; to repeal Articles 2, 3 and 4 comprising Section 6926 to and including 6979 of the Education Code, all relating to the support of the public elementary schools, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Senate Bill No. 1064: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to add Section 465.3 to the Vehicle Code, relating to State highway signs.

Referred to Committee on Transportation.

Senate Bill No. 1065: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to add Article 6, comprising Section 4421, to Chapter

2 of Division 4 of the Public Resources Code, relating to Federal money received by the Division of Forestry or Department of Natural Resources.

Referred to Committee on Natural Resources.

Senate Bill No. 1066: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to amend Section 20017 of the Government Code, relating to the State Employees Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1067: By Senator McBride—An act to add Section 3606 to the Public Resources Code, relating to the spacing of oil wells.

Referred to Committee on Natural Resources.

Senate Bill No. 1068: By Senators McBride and Cunningham—An act to amend Section 4 of the Personal Property Brokers Act, as revised by Chapter 952 of the Statutes of 1939, relating to exemption of loans exceeding one thousand dollars ($1,000).

Referred to Committee on Financial Institutions.

Senate Bill No. 1069: By Senators McBride and Cunningham—An act to amend Section 4 of the Personal Property Brokers Act, as revised by Chapter 1044 of the Statutes of 1939, relating to exemption of loans exceeding one thousand dollars ($1,000).

Referred to Committee on Financial Institutions.

Senate Bill No. 1070: By Senator Dillinger—An act to amend Sections 5363, 5364 and 5366 of the Education Code, relating to payment for transportation of high school pupils outside State.

Referred to Committee on Education.

Senate Bill No. 1071: By Senator Shelley—An act to provide for the establishment of retirement systems for the purpose of creating benefits on account of members retiring by reason of age, length of service, disability or death, providing for licensing and supervision by the Commissioner of Corporations.

Referred to Committee on Financial Institutions.

Senate Bill No. 1072: By Senator Carter—An act to amend Section 4455 of the Public Resources Code, relating to forest insect control.

Referred to Committee on Natural Resources.

Senate Bill No. 1073: By Senator Carter—An act to amend Section 6006 of the Revenue and Taxation Code, relating to sales tax.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1074: By Senator Carter—An act to amend Section 4300g of the Political Code, relating to witness' fees.

Referred to Committee on Judiciary.

Senate Bill No. 1075: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Sections 38, 39, 40, 41, 41.1, 41.2, 41.3, 41.5, and 42 of the Unemployment Insurance Act, relating to unemployment insurance and employer contributions thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1076: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 57.7 of the Unemployment Insurance Act, relating to unemployment insurance and the eligibility of persons who have served in the armed forces thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1077: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to add Section 39.1 to the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 1078: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 66 of the Unemployment Insurance Act, relating to unemployment insurance and the procedure and provisions for claims for benefits thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1079: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to add Section 47 to the Unemployment Insurance Act, relating to unemployment insurance and the publication of the rate of taxation thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1080: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 7 of the Unemployment Insurance Act, relating to unemployment insurance and the definition of employment thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1081: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to add Article 10, comprising Sections 150 to 200 to, and to amend Sections 40, 44, 101.9, and 102 of the Unemployment Insurance Act, relating to unemployment insurance and establishing a System of Unemployment Disability Benefits within the Unemployment Insurance System.

Referred to Committee on Social Welfare.

Senate Bill No. 1082: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to establish a System of Unemployment Disability Insurance and to amend Sections 9.8, 40, 45, 45.5, and 45.11, and to repeal Sections 44, 44.2, and 101.9 of the Unemployment Insurance Act, relating to unemployment insurance and a system for providing benefits when unemployed because of illness or injury.

Referred to Committee on Social Welfare.

Senate Bill No. 1083: By Senators Judah, Dillinger, Cunningham, and Powers—An act to add Section 57.1 to the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 1084: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Sections 67 and 68 of the Unemployment Insurance Act, relating to unemployment insurance and the limitation on benefit appeals thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1085: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 68 of the Unemployment Insurance Act relating to unemployment insurance and the limitation on benefit appeals thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1086: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 56.6 of the Unemployment Insurance Act relating to unemployment insurance and the provision for enforcement thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1087: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 72 of the Unemployment Insurance Act relating to unemployment insurance and the payment of benefits pending appeals thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1088: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to add Sections 85 and 86 to the Unemployment Insurance Act relating to unemployment insurance and the administration thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1089: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Sections 67, 68, 69, and 72 of the Unemployment Insurance Act relating to unemployment insurance and the procedure for benefit appeals thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1090: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to add Section 84 to the Unemployment Insurance Act relating to unemployment insurance and the administrative organization thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1091: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 7 of the Unemployment Insurance Act, relating to unemployment insurance and the inclusion and exclusion of employment thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1092: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 57 of the Unemployment Insurance Act relating to unemployment insurance and the waiting period thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1093: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Sections 56 and 58 of the Unemployment Insurance Act, relating to unemployment insurance and the eligibility for benefits thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1094: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Sections 6 and 54 of the Unemployment Insurance Act relating to unemployment insurance and the provisions for dependent allowances thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1095: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Sections 9 and 9.7 of the Unemployment Insurance Act relating to unemployment insurance and the definition of employer thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1096: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Sections 41 and 53 of the Unemployment Insurance Act relating to unemployment insurance and the amount and duration of benefits payable thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1097: By Senator Shelley—An act to amend Sections 75, 76, 77, 78, 79, 80, 81, 82, 83, 89, 90, 91, and 92 of the Unemployment Insurance Act relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 1098: By Senator Shelley—An act to amend Sections 9.8, 40, 45, 45.5 and to repeal Sections 44 and 44.2 and 101.9 of the Unemployment Insurance Act relating to unemployment insurance and workers contributions thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1099: By Senator Shelley—An act to amend Sections 40, 64, and 67 and to repeal Sections 39, 41, 41.1; 41.2, 41.3, 41.5

and 42 of the Unemployment Insurance Act relating to unemployment insurance and the provisions for variable contribution rates thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1100: By Senator Shelley—An act to add Section 41.4 to the Unemployment Insurance Act relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 1101: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 6 and to repeal Sections 52.1 and 52.2 of the Unemployment Insurance Act relating to definitions contained therein.

Referred to Committee on Social Welfare.

Senate Bill No. 1102: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 7 of and to add Section 7.1 to the Unemployment Insurance Act relating to unemployment insurance and excluded employments thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1103: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 9 of the Unemployment Insurance Act relating to unemployment insurance and the definition of employer therein.

Referred to Committee on Social Welfare.

Senate Bill No. 1104: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 9.2 of the Unemployment Insurance Act relating to unemployment insurance and the definition of unemployed contained therein.

Referred to Committee on Social Welfare.

Senate Bill No. 1105: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 9.5 of the Unemployment Insurance Act relating to unemployment insurance and status of employers thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1106: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 9.8 of the Unemployment Insurance Act relating to unemployment insurance and the authorization of agents to act on behalf of employers.

Referred to Committee on Social Welfare.

Senate Bill No. 1107: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 11 of the Unemployment Insurance Act relating to the definition of wages contained therein.

Referred to Committee on Social Welfare.

Senate Bill No. 1108: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 12 of the Unemployment Insurance Act relating to the definition of week contained therein.

Referred to Committee on Social Welfare.

Senate Bill No. 1109: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Sections 15 and 6.5 of the Unemployment Insurance Act relating to unemployment insurance and the election to become subject thereto.

Referred to Committee on Social Welfare.

Senate Bill No. 1110: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 21 of the Unemployment Insurance Act relating to the Unemployment Trust Fund.

Referred to Committee on Social Welfare.

Senate Bill No. 1111: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 23 of the Unemployment Insurance Act relating to the Unemployment Administration Fund.

Referred to Committee on Social Welfare.

Senate Bill No. 1112: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to repeal Sections 22.5 and 24.5 of the Unemployment Insurance Act relating to unemployment insurance and adjustments with the Railroad Retirement Board authorized in said act.

Referred to Committee on Social Welfare.

Senate Bill No. 1113: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 25 of the Unemployment Insurance Act relating to the benefit payment account provided for therein.

Referred to Committee on Social Welfare.

Senate Bill No. 1114: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Sections 37 and 38 of the Unemployment Insurance Act relating to unemployment insurance and employer contributions required by said act.

Referred to Committee on Social Welfare.

Senate Bill No. 1115: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 41.1 of the Unemployment Insurance Act, relating to unemployment insurance and the procedure for protecting benefit charges.

Referred to Committee on Social Welfare.

Senate Bill No. 1116: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 41.5 of the Unemployment Insurance Act, relating to the transfer of reserve accounts.

Referred to Committee on Social Welfare.

Senate Bill No. 1117: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 42 of the Unemployment Insurance Act, relating to unemployment insurance and merit or experience rating.

Referred to Committee on Social Welfare.

Senate Bill No. 1118: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 44 of the Unemployment Insurance Act, relating to worker contributions required thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1119: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to repeal Sections 44.6, 45, 45.3 and 45.4 of, and to add Section 45 to the Unemployment Insurance Act, relating to unemployment insurance, the time for reporting and penalties for delinquent payments.

Referred to Committee on Social Welfare.

Senate Bill No. 1120: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to repeal Section 45.2 and to amend Section 45.1 of the Unemployment Insurance Act, relating to unemployment insurance and civil action for collection of delinquencies.

Referred to Committee on Social Welfare.

Senate Bill No. 1121: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to repeal Section 45.5 of, and to add Section 45.5 to the Unemployment Insurance Act, relating to assessments thereunder and administrative proceedings on petitions for reassessment.

Referred to Committee on Social Welfare.

Senate Bill No. 1122: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 45.6 of the Unemployment Insurance Act, relating to jeopardy assessments thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1123: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 45.7 of the Unemployment Insurance Act, relating to unemployment insurance and successors in interest under said act.

Referred to Committee on Social Welfare.

Senate Bill No. 1124: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 45.8 of the Unemployment Insurance Act, relating to the withholding of credits of a delinquent employer.

Referred to Committee on Social Welfare.

Senate Bill No. 1125: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 45.9 of the Unemployment Insurance Act, relating to recording of summary judgments.

Referred to Committee on Social Welfare.

Senate Bill No. 1126: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to repeal Sections 45.10 and 45.11 of and to add Sections 45.10 and 45.11 to the Unemployment Insurance Act, relating to unemployment insurance, and procedures for collection of delinquencies, claims for refund, and authorizing civil action against the commission for recovery.

Referred to Committee on Social Welfare.

Senate Bill No. 1127: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to add Section 45.12 to the Unemployment Insurance Act, relating to the release or subordination of liens.

Referred to Committee on Social Welfare.

Senate Bill No. 1128: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to repeal Section 46 of and to add Section 46 to the Unemployment Insurance Act, relating to priorities in insolvency proceedings.

Referred to Committee on Social Welfare.

Senate Bill No. 1129: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 52 of the Unemployment Insurance Act, relating to benefit payments thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1130: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 54 of the Unemployment Insurance Act, relating to the weekly benefit amounts payable thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 1131: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to repeal Section 56.5 of, and to add Sections 56.5 and 6.6 to the Unemployment Insurance Act, relating to reciprocal arrangements for covering multi-State employments.

Referred to Committee on Social Welfare.

Senate Bill No. 1132: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to repeal Section 56.7 of, and to add Sections 56.7 and 56.8 to the Unemployment Insurance Act, relating to cooperation between State and Federal agencies, and reciprocal arrangements with foreign governments.

Referred to Committee on Social Welfare.

Senate Bill No. 1133: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 57 of the Unemployment Insurance Act, relating to eligibility for benefits under said act.

Referred to Committee on Social Welfare.

Senate Bill No. 1134: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 60 of the Unemployment Insurance Act, relating to unemployment insurance and benefits payable under said act.

Referred to Committee on Social Welfare.

Senate Bill No. 1135: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Section 64 of the Unemployment Insurance Act, relating to overpayments to benefit claimants.

Referred to Committee on Social Welfare.

Senate Bill No. 1136: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Sections 75, 90, 81 and 89 of the Unemployment Insurance Act, relating to unemployment insurance and the administration of said act.

Referred to Committee on Social Welfare.

Senate Bill No. 1137: By Senators Shelley, Judah, Dillinger, Cunningham, and Powers—An act to amend Sections 66, 70, 71 and 72 of the Unemployment Insurance Act, relating to unemployment insurance and proceedings on disputed claims.

Referred to Committee on Social Welfare.

Senate Bill No. 1138: By Senators Fletcher and Burns—An act to add Chapter 7 to Part 1, Division 2, Title 2, to add Part 2 to said Division 2, to add Division 3 to said Title 2, of, and to add Sections 500016 to 500023, inclusive, to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1139: By Senators Fletcher and Burns—An act to add Parts 3 and 4 to Division 3, Title 2 of, and to add Section 500029 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1140: By Senators Fletcher and Burns—An act to add Sections 13074 and 500024 to the Government Code and to repeal Section 662 of the Political Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1141: By Senators Fletcher and Burns—An act to add Article 5 to Chapter 2, Part 3, Division 3, Title 2 of, and to add Section 500025 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1142: By Senators Fletcher and Burns—An act to add Chapter 4 to Part 3, Division 3, Title 2 of, and to add Section 500026 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1143: By Senators Fletcher and Burns—An act to add Chapter 6 to Part 3, Division 3, Title 2, of, and to add Section 500027 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1144: By Senators Fletcher and Burns—An act to add Sections 13643, 13644, 16345, and 500028 to the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1145: By Senators Fletcher and Burns—An act to add Parts 5, 6, 7, and 8, to Division 3, Title 2 of, and to add Section 500030 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1146: By Senators Fletcher and Burns—An act to add Part 9 to Division 3, Title 2 of, to add Division 4 to said Title 2, and to add Section 500031 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1147: By Senators Fletcher and Burns—An act to add Parts 2 and 3 to Division 4, Title 2 of, and to add Section 500032 to, the Government Code, to consolidate and revise the law relating to the

organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1148: By Senators Fletcher and Burns—An act to add Article 2 to Chapter 2, Part 2, Division 4, Title 2 of, and to add Section 500033 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Referred to Department on Governmental Efficiency.

Senate Bill No. 1149: By Senators Fletcher and Burns—An act to add Article 3 to Chapter 2, Part 2, Division 4, Title 2 of, and to add Section 500034 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal certain acts and parts of acts specified herein.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1150: By Senators Fletcher and Burns—An act to add Division 5 to Title 2 of, and to add Section 500035 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1151: By Senators Fletcher and Burns—An act to amend Section 13921 of the Government Code, relating to the State Board of Control.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1152: By Senators Fletcher and Burns—An act to amend Section 14100 of the Government Code, relating to the Department of Public Works.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1153: By Senators Fletcher and Burns—An act to amend Section 15001 of the Government Code, relating to the Department of Justice.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1154: By Senators Fletcher and Burns—An act to amend Section 15484 of the Government Code, relating to the Department of Investment.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1155: By Senators Fletcher and Burns—An act to amend Section 15562 of the Government Code, relating to the State Reconstruction and Reemployment Commission.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1156: By Senators Fletcher and Burns—An act to amend Section 16300 of the Government Code, relating to State Funds.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1157: By Senators Fletcher and Burns—An act to amend Section 16650 of the Government Code, relating to State bonds.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1158: By Senators Fletcher and Burns—An act to amend Section 18651 of the Government Code, relating to the State Civil Service and State Personnel Board.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1159: By Senators Fletcher and Burns—An act to amend Section 10233 of the Government Code, relating to the Legislative Counsel.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1160: By Senators Fletcher and Burns—An act to amend Section 10330 of the Government Code, relating to the California Code Commission.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1161: By Senators Fletcher and Burns—An act to add Section 11000.5 to the Government Code, relating to State agencies generally.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1162: By Senators Fletcher and Burns—An act to add Chapter 7 to Part 2, Division 3, Title 2, of the Government Code, relating to the constitutional officers.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1163: By Senators Fletcher and Burns—An act to amend Section 13070 of the Government Code, relating to the Department of Finance.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1164: By Senators Fletcher and Burns—An act to amend Section 18001 of the Government Code, relating to State officers.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1165: By Senators Fletcher and Burns—An act to amend Section 17000 of the Government Code, relating to warrants.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1166: By Senators Fletcher and Burns—An act to amend Section 20001 of the Government Code, relating to the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1167: By Senators Fletcher and Burns—An act to amend Section 9700 of the Government Code, relating to the Legislative Department of the State.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1168: By Senator Parkman—An act to amend Section 90 of the State Civil Service Act and Section 18901 of the Government Code, relating to eligible lists.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1169: By Senator Donnelly—An act making an appropriation to pay the claim of E. J. Kovats against the State of California.

Referred to Committee on Finance.

Senate Bill No. 1170: By Senator Donnelly—An act to amend Section 2020 and to repeal Section 2020.01 of the Welfare and Institutions Code, relating to aid to the aged, and increasing the amount thereof.

Referred to Committee on Social Welfare.

Senate Bill No. 1171: By Senator Biggar—An act to add Chapter 2.1, comprising Sections 4421 to 4426, inclusive, to Division 4 of the Public Resources Code, relating to burning of brush-covered lands and making an appropriation to the Division of Forestry.

Referred to Committee on Natural Resources.

Senate Bill No. 1172: By Senator Seawell—An act to add Chapter 9, comprising Sections 1850 to 1854.4 to Part 2, Division 1 of, to add Section 12973.6 to, and to amend Section 1282 of, the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 1173: By Senator Seawell—An act relating to taxes paid upon mines and mining claims by co-owners and providing remedies for nonpayment of taxes by co-owners.

Referred to Committee on Natural Resources.

Senate Bill No. 1174: By Senator Seawell—An act to add Chapter 10 to Part 2, Division 1, of the Insurance Code, relating to service organizations.

Referred to Committee on Financial Institutions.

Senate Concurrent Resolution No. 29: By Senator Fletcher—Relative to the creation of a Joint Committee on Balloting by Mail.

Referred to Committee on Rules.

Senate Constitutional Amendment No. 12: By Senator Biggar—Proposed amendment to Section 7 of Article IX of the Constitution, relative to powers of State Board of Education over elementary school textbooks.

Referred to Committee on Education.

Senator Collier Presiding

At 2.35 p.m., Senator Randolph Collier of the Second District, presiding.

MOTION TO EXCUSE SENATOR

At 2.35 p.m., Senator Brown moved that Senator Hatfield be excused for the balance of this legislative day, due to illness.

Motion carried.

MOTION TO PRINT IN JOURNAL

Senator Dillinger moved that the Report of the Joint Legislative Interim Committee on Study of the State Tax Structure, be printed in the Journal:

Motion carried.

REPORT OF THE JOINT LEGISLATIVE INTERIM COMMITTEE ON STUDY OF THE STATE TAX STRUCTURE (S.C.R. 10)

History

At the Session of 1943, a considerable surplus had accumulated in the State treasury, due to increased income resulting from war conditions. There was a demand for tax reduction from those who felt that a large State surplus is always a temptation to extravagance, and there was already evidence of a tendency to propose projects because "The State has lots of money".

At the same time, there were those who felt that now, while the State's income was up, was a proper time to build up a reserve to cushion the shock of a probable postwar decrease in revenue. A prudent business man keeps a reserve for emergencies. Also, it was felt that persons and firms who were profiting by war conditions, many of which persons and firms had come from elsewhere, should contribute from those profits to this reserve, since they would share in the benefits when emergency came.

For these reasons, the committee was created to study the State's tax structure. With conditions as they are, however, the committee did not think it desirable to recommend many drastic, far reaching changes now. A few, of considerable importance, have been made, and two (2) at least have been enacted into law.

The constitutional amendment allowing the State to accept money from the Federal Government in lieu of taxes on Federally-owned land opens the way for correction of this long standing problem. The Federal Government has already agreed to pay considerable sums and further legislation will undoubtedly be enacted by the Congress soon to cover more payments. It is estimated that over six million dollars per year is involved for California. The committee initiated this proposal with the help of some other groups, and it was overwhelmingly approved by the people.

The committee also made a detailed study of the Teachers Retirement Fund. That fund had long been actuarily unsound, but little had ever been done about it. As a result of the work of this committee, assisted by some other groups, a Retirement Act was enacted into law at the Special Session in 1944 that puts this fund on a sound basis. Special credit is due Assemblyman Lee T. Bashore, a member of this committee, and who is now deceased, for the great amount of very effective work done by him on this measure.

The committee recommended that the State itself buy the veterans bond issue if that bond issue was approved by the people, which it was later, thus tieing down a part of the accumulated surplus. The State also invested several million dollars in the future reserve of the Teachers Retirement Act, for like reasons.

Some consideration was also given to the present arbitrary allocation of the gas tax, by which some regions have more funds than required, while others have too little. They were unable, however, to make any recommendations for changes at this time. Another committee, we understand, is considering the matter of an increase in the gas tax.

The continuation of the present tax rates are recommended. Proposals may be made to increase rates to provide further subventions to cities and counties for postwar work. It is our belief that subventions to political subdivisions seldom result in permanent tax reductions for those subdivisions anywhere near commensurate with the added tax imposed on the State. Proposed subventions should be examined critically.

Tax Exempt Bonds

It is our belief that tax exempt bonds of political subdivisions are a vehicle for tax evasion. Also, they are a temptation to embark upon programs of expenditure because the bonds sell readily at a good premium, when such programs would not otherwise be undertaken. Of course, the Legislature can do little about it beyond presenting its views to the Congress.

We repeat, there is even gerater need for caution and economy now from the very fact that we have what seems to be a considerable surplus. We must not lose sight of the fact that postwar conditions might be such as to wipe out our surplus very quickly and put us in the red besides. Also, it is the part of patriotism as well as common sense to keep inflation in check by holding unnecessary spending down, and to save our money to provide employment later.

Tax Exemptions

Tax exemptions are a large and steadily increasing tax problem. We recommend a comprehensive study of the same with a view to curbing their increase.

The purpose of taxation is to meet the cost of Government without discouraging industry. When half or more of the profits are taken for taxes, there is little incentive to embark upon a speculative project like agriculture, mining, lumbering, or manufacturing. Yet, it is to these speculative projects that we must look after the war for employment. Public works can only prime the pump; the largest appropriation becomes exhausted, but a new enterprise continues to employ labor on and on.

The combined Federal, State and local tax bill of California taxpayers reaches the tremendous figure of nearly four and a quarter billion dollars per year or approximately thirty-five per cent (35%) of their income! Over one dollar out of every three of our income goes for taxes. The largest item, of course, is Federal taxes, amounting to over $3,370,000,000 dollars. Next, is the item of State taxes, over $545,000,000, with local taxes amounting to $316,000,000.

Common Property Taxes

Intentionally this report does not cover in adequate detail the vast problem assigned An attempt was made in the report to present, in as brief a fashion as possible, an overall view of some of the property tax problems in California. Certain questions are raised with suggestions for future study and subsequent report on items involved.

In our study of the Property Tax System in California, and in our search for answers to the questions and for remedies to the problems brought before us, we must guard against hasty recommendations for corrective action. The property tax in California is the oldest and most productive form of revenue. Its complexities of operation and its universal use by local government make it the very heart of our local fiscal structure. Improvements, of course, can be made and, if proven necessary, should be made, but change must be based upon fact and the general welfare, not upon wishful thinking and selfish consideration. In this report certain questions are raised regarding the Property Tax System; we must make further study to ascertain the facts of the situation

The following recommendations are made for further committee study. The report in detail appeared in the Tax Digest, October, 1943, a publication of the California Taxpayers' Association.

Recommendation 1. That State expenditures at all times must be carefully controlled and that the work of all agencies both public and private be aided and encouraged in all of their endeavors to keep State appropriations within reason.

Recommendation 2. That an intensive study be made of the independent taxing jurisdictions in the State with the purpose of making them more responsible to the property taxpayer.

Recommendation 3. That the State Controller be accorded the fullest encouragement to explore this field with emphasis upon adequate budgetary and fiscal control and reporting.

Recommendation 4. That data be developed on the extent of the problem of the equalization of values within counties and between counties and that facts be ascertained as to the possible remedial action which may be necessary.

Recommendation 5. That full review and study be given to the subventions now in operation and that a stiffening attitude be developed toward increasing unnecessarily, in number or amount, subsidies to local government.

Recommendation 6. That study be given to evaluating the proper services which government should perform for the community; to determine whether government should perform them and at what level of government.

Recommendation 7. That this committee go on record as urging the Federal Government to enact corrective legislation with respect to Federally-owned property which is off the local assessment rolls; that by proper resolution or personal appearance before current hearings of the House Public Lands Subcommittee in California this committee make appropriate recommendations for remedial legislation by Congress.

Recommendation 8. That all proposals for exemption from local property taxation be critically evaluated.

Bank and Corporation Franchise Tax Act

Under existing provisions of the Bank and Corporation Franchise Tax Act all corporations are taxed on their net income at a rate fixed by the Legislature. Banks and building and loan associations are taxed at this rate and also at an additional rate which is not fixed by the Legislature but is supposed to be determined each year by the Franchise Tax Commissioner. The additional rate is intended to represent in terms of percentage of net income the ratio which the total amount of personal property taxes paid by all other corporations bears to the total amount of the net income of all other corporations.

For a number of years this scheme of fixing a tax rate has been under attack, the contentions being made, that it is basically inequitable to tax one group of taxpayers at a rate determined by the amount of property owned by another group, that in any case no means are available whereby the Franchise Tax Commissioner can accurately fix the rate which the act contemplates and that the entire tax levy on financial corporations as a result may be held invalid.

The report of the Citizens' Tax Committee, appointed by the Governor in 1943, pointed out that, in the hearings before that committee, both the taxpayers involved and the Franchise Tax Commissioner's Office agreed that the present method of taxing financial institutions was unsatisfactory, and the committee recommended that the Legislature study the matter for the purpose of eliminating "the uncertainties and inequities" of the existing law. This the Legislature did, and after hearings by the appropriate Senate and Assembly committees and by a Special Subcommittee of the Senate, passed Senate Bill No. 341 which would have imposed a fixed rate of tax on banks, building and loan associations, and other financial corporations at 1 per cent in excess of the basic rate on corporations. This bill the Governor failed to sign. In doing so, however, he did not question the fairness or propriety of the proposed change, but, on the contrary, recognized possible inequalities in the existing provisions of the Bank and Corporation Franchise Tax Act and pointed out that his failure to sign it, along with various tax reduction measures with which he grouped it, was due to financial necessity and his belief that tax reductions already approved would not allow for any other changes in the tax laws at that session. Current reports from the State Controller and Director of Finance on the condition of the State's surplus show clearly that the considerations which prompted the Governor to withhold his approval of this proposal two (2) years ago are no longer pertinent.

The Board of Directors of the Federal Home Loan Bank has recently adopted a resolution pointing out that savings and loan associations operating in California are required under this act to pay a tax on net income "at a rate almost twice that imposed upon business corporations generally and (that) no satisfactory reason has ever been given why such associations should be taxed at a higher rate" and urging that the matter be corrected by the Legislature.

Your committee held a number of hearings on this particular aspect of the Bank and Corporation Franchise Tax Act which were attended not only by representatives of the groups of taxpayers involved but also by representatives of the Director of Finance and of the Franchise Tax Commissioner. Neither the representatives of the Director of Finance nor of the Franchise Tax Commissioner attempted to defend the present method of taxing financial institutions. Nothing was presented to the committee showing that the measure adopted by both houses of the Legislature at the last session was not an equitable solution of the problem, nor was any other solution suggested.

It was pointed out to the committee and appears to be unquestioned that under the existing method, the tax rate on financial corporations goes up as the net income of other corporations goes down, and goes down as the net income of other corporations goes up, and that the rate actually imposed on financial corporations bears no relation to the gross or net income of such corporations, to their ability to pay, to the amount of property owned by them, or to the value of their franchise, or to any other factor which is ordinarily employed as a measure of taxation. It also appears that the commissioner at best can only approximate the rate in applying the formula set forth in the statute, but can not determine it with accuracy.

This method of taxing banks, building and loan associations and other financial corporations was conceived in an effort to compensate for the fact that banks pay no property taxes upon tangible personal property. The State is prohibited by Acts of

Congress from levying such taxes upon National banks and it has consistently, therefore, not levied such taxes upon State banks. No other reason has been presented to the committee why these corporations should pay a higher rate of tax on net income than other corporations. This being true, it would appear that any additional rate should be so fixed as to produce in revenue approximately what is lost by reason of this exemption. The banks have presented to the committee convincing evidence prepared by certified public accountants showing that if banks paid taxes on tangible personal property the amount of revenue would, on the average, be something less than one per cent (1%) of net income. This being true, it would appear that the measure approved by the last Legislature fixing the rate on such corporations at one per cent (1%) above the rate imposed on other corporations would be fair both to the State, the particular groups of taxpayers affected and all other taxpayers.

Based upon the net income reported by financial corporations in 1944 and upon the rate fixed by the Franchise Tax Commissioner for 1944 the committee is advised that the adoption of this proposal by the forthcoming Legislature would result in collections from banks and other financial corporations during the forthcoming biennium of approximately $7,499,310, in lieu of $8,298,620 if the present method is continued and is not invalidated by the courts in suits now pending. This would involve a reduction of less than one per cent (1%) in contemplated collections under the Bank and Corporation Franchise Tax Act. The reduction would be somewhat less in the forthcoming biennium than later, as any change could not be effective as to taxes already accrued.

Evidence submitted to this committee plainly revealed that the present system of commercial vehicle taxation is inequitable, discriminatory, and unsound. Collection is highly involved and costly.

Immediate adjustment and equalization of truck taxes is highly desirable and necessary, if sound highway transportation system is to be preserved for the California public.

Trucks are playing a tremendous part in our State's war effort. A recent Railroad Commission report indicates that 64.8 per cent of all revenue freight moving intrastate between points in California is transported by "for hire" motor transport.

In a report dated November 15, 1944, the Department of Highways stated "The service which this transport performs is no less vital to our peace time pursuits than that which it is now giving in the time of war emergency" (page 9).

The need and scope of trucking service in California is broader than in any State of the Union. Our motor transport problems can not be compared with those of any other States. A broad postwar study based on the economic needs of California is most desirable.

We recommend that, as soon as feasible after the cessation of hostilities, a resurvey of truck taxation should be made by competent engineers, with the view of giving the public of California the most efficient, modern, highway transportation system possible at fair and reasonable rates. The capable engineering staff of the Railroad Commission of California might well be given this task as their experts have made thorough studies of the transportation needs of California. The cost of a study so made, would entail little cost as the commission already has much data and information.

We further urge that immediate steps be taken to correct the present inequitable and highly discriminatory system of taxing commercial vehicles.

The committee was given $6,000 first and a further sum of $5,000 later, of which $5344.34 remains unexpended.

We have held nearly all of our meetings at the State Capitol, since we believed that to be the most economical and convenient place, both for the members and for persons desiring to attend the meetings.

We also wish to express our appreciation for the cooperation and assistance received from many persons and groups too numerous to mention here.

H. E. DILLINGER, Chairman
ALBERT M. KING
T. H. DELAP
GERALD P. HAGGERTY

I concur in all respects except as to "truck tax" shown on page 12 of this report.

RANDOLPH COLLIER

I also concur in the expression of Senator Collier.

WALTER J. FOURT

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 27, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 177—An act relating to union elementary school districts, declaring the urgency thereof, to take effect immediately;

Senate Bill No. 204—An act making an appropriation for the Department of Finance for cost of advertising Veterans' Bond Act of 1943, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-seventh day of January, 1945, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 27, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 14—Relative to annual reports filed by certain guardians and trustees pursuant to the provisions of the Alien Land Act, and requesting of the Secretary of State and each district attorney in the State information and data in respect thereto;

Senate Concurrent Resolution No. 13—Relative to a reexamination and survey of real property transfers for the discovery of evasions and violations of the Alien Land Act, and requesting the advice of the Attorney General as to legislation necessary or desirable in furtherance thereof;

Senate Concurrent Resolution No. 17—Relative to the adjournment of the Legislature for the constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the twenty-seventh day of January, 1945, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 27, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 93—An act to amend Section 6052 of the Penal Code, relating to employees in the Department of Corrections, declaring the urgency thereof, and providing this act shall take effect immediately;

Senate Bill No. 224—An act to amend Section 3 of an act entitled "An act to provide for the establishment of a fiscal agency for the State of California in the City of New York, in the State of New York, and prescribing the duties of such fiscal agency and the duties of the public officers in relation thereto," approved June 6, 1913, declaring the urgency thereof, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-seventh day of January, 1945, at 2.30 p.m.

SEAWELL, Chairman

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 92

Senator Keating moved that Senate Bill No. 92 be withdrawn from Committee on Education for purpose of amendment, and be re-referred to the committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 92

Senate Bill No. 92—An act to amend Sections 13401 and 13407 of the Education Code, relating to teachers' institutes.

Bill read second time.

Motion to Amend

Senator Keating moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "superintendent of such county, or", and insert "county superintendent with the approval of the board of education of such county, or in the discretion".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

RECESS

At 2.40 p.m., on motion of Senator Seawell, the Senate recessed until 2.45 p.m.

REASSEMBLED

At 2.45 p.m., the Senate reconvened.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 1175: By Senator Desmond—An act to amend Sections 11b, 11c, and 22 of the Municipal Court Act of 1925, relating to municipal courts.

Referred to Committee on Local Government.

Senate Bill No. 1176: By Senator Desmond—An act to add Section 2.5 to an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, as amended, relating to the classification of municipal corporations.

Referred to Committee on Local Government.

Senate Bill No. 1177: By Senator Carter—An act to add Section 592 to the Vehicle Code, relating to parked vehicles.

Referred to Committee on Transportation.

Senate Bill No. 1178: By Senator Ward—An act to amend Section 14344 of the Revenue and Taxation Code, relating to access to safe deposit boxes held by decedents.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1179: By Senator Ward—An act to amend Section 160 of the Probate Code, relating to the date of accrual of income, annuities or other payments from funds established or created by the wills of deceased persons.

Referred to Committee on Judiciary.

Senate Bill No. 1180: By Senators Rich, Carter, Dillinger, Mixter, and Ward—An act to amend and renumber the heading of Part 1 of Division 2 of the Revenue and Taxation Code, and to add a new Part 1 to Division 2 of said code, embracing Sections 5500 to 5562, inclusive, creating a Department of Revenue, defining its powers, functions and duties, and those of the State Board of Equalization, all relating to State revenue and taxes.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1181: By Senators Rich, Breed, DeLap, Seawell, and Swing—An act to amend Sections 178, 179, 188, 330, 333, 417, 432, 434, and 510, and to repeal Sections 184, 185, 186, 190, 191, 192, 331, 332, and 435 of the Military and Veterans Code, relating to military property.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1182: By Senators Ward and Carter—An act to amend Section 108 of the Civil Code, relating to insanity as a ground for divorce.

Referred to Committee on Judiciary.

Senate Bill No. 1183: By Senators Ward, Carter, Powers, and Rich—An act to amend Section 6357 of the Revenue and Taxation Code, relating to the taxation of the privilege of selling and of storing, using, or otherwise consuming motor vehicle fuel pursuant to the Sales and Use Tax Law, and providing for the administration thereof.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1184: By Senators Ward, Carter, Powers, and Rich—An act to amend Sections 9853, 10051, 10052, 10053, 10071, 10072, 10121, 10123, 10125, 10126, 10146, 10281, 10401, 10451, and to repeal Sections 10454 and 10455, of the Revenue and Taxation Code, relating to the taxation of persons engaged in the transportation of persons or property upon the public highways by motor vehicles.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1185: By Senators Ward, Carter, Powers, and Rich—An act to amend Sections 7651, 7701, 7704, 7713, 7715, 7728, 7729, 7730, 7754, 7851, 7852, 7853, 7891, 7893, 7894, 7895, 7916, 7931, 7932, 7933, 7934, 7935, 7981, 7982, 8102, 8103, 8104, 8104.5, 8105, 8126, 8127, 8192, 9251, 8351, 8352, 8353, and to repeal Section 7716, of the Revenue and Taxation Code, relating to the motor vehicle fuel license tax, and providing for the administration thereof.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1186: By Senator Sutton—An act to add Chapter 2.1, comprising Sections 4421 to 4426, inclusive, to Division 4 of the Public Resources Code, relating to burning of brush-covered lands and making an appropriation to the Division of Forestry.

Referred to Committee on Natural Resources.

Senate Bill No. 1187: By Senator Brown—An act to amend Section 8 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1188: By Senator Seawell—An act to add Section 717 to the Political Code, relating to the State Capitol Building, the management thereof, and the assignment and reassignment of space therein.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1189: By Senator Desmond—An act to add Section 6901 to the Public Resources Code, relating to extraction of minerals from State lands.

Referred to Committee on Natural Resources.

Senate Bill No. 1190: By Senators Judah, Salsman, Dorsey, Crittenden, and Biggar—An act to provide for postwar construction of highways and for State aid to counties and cities and counties therefor, and making an appropriation therefor.

Referred to Committee on Transportation.

Senate Bill No. 1191: By Senator Parkman—An act to amend Section 41 of the Unemployment Insurance Act, relating to "experience" or "merit rating."

Referred to Committee on Social Welfare.

Senate Bill No. 1192: By Senator Ward—An act to amend Section 41.5 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 1193: By Senator Slater—An act to add Article 3, comprising Section 96, to Chapter 3, Division 1, of the Agricultural Code, relating to county fairs.

Referred to Committee on Agriculture.

Senate Bill No. 1194: By Senator Slater—An act to add Section 19540 to the Business and Professions Code, relating to horse racing.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1195: By Senator Slater—An act to amend Section 5154 of the Public Resources Code, relating to use of parks and fair grounds for and expenditures for and revenues from fairs and expositions.

Referred to Committee on Agriculture.

Senate Bill No. 1196: By Senator Keating—An act to add Section 726.5 to the Political Code, relating to committees of the Judicial Council.

Referred to Committee on Judiciary.

Senate Bill No. 1197: By Senator Mayo—An act to provide for the reorganization of the Department of Motor Vehicles and the Department of Public Works by transferring the California Highway Patrol to the latter and to amend Sections 776 and 777 and to add Sections 95, 96, 97 and 98 to the Vehicle Code, relating to such reorganization.

Referred to Committee on Transportation.

Senate Bill No. 1198: By Senator Shelley—An act to amend Section 356 of the Streets and Highways Code, relating to State highway groups.

Referred to Committee on Transportation.

Senate Bill No. 1199: By Senator Shelley—An act to amend Section 302 of, and to add Section 302.5 to, the Streets and Highways Code, relating to Route 2 of the State Highway System.

Referred to Committee on Transportation.

Senate Bill No. 1200: By Senator Quinn—An act to amend Section 6895 of the Public Resources Code, relating to State lands.

Referred to Committee on Natural Resources.

Senate Bill No. 1201: By Senator Quinn—An act to amend Section 6890 of the Public Resources Code, relating to the granting of prospecting permits and leases for the extraction and removal of minerals other than oil and gas from lands belonging to the State of California.

Referred to Committee on Natural Resources.

Senate Bill No. 1202: By Senator Quinn—An act to amend Section 6891 of the Public Resources Code, relating to mineral leases of State lands.

Referred to Committee on Natural Resources.

Senate Bill No. 1203: By Senator Crittenden—An act to amend Sections 53 and 57 of the Unemployment Insurance Act, relating to the amount of wages required to be earned in the base period.

Referred to Committee on Social Welfare.

Senate Bill No. 1204: By Senator Quinn—An act to amend Section 6894 of the Public Resources Code, relating to the marking of boundaries and posting notice of grant.

Referred to Committee on Natural Resources.

Senate Bill No. 1205: By Senators Dorsey and Carter—An act to amend Section 418 of, and to add Section 410.3 to, the Vehicle Code, and to amend Sections 11731, 11732, 11738, 11739, 11740, 11770, 11778, 11784, 11820 and 11840 of, and to add Section 11736.5 to, the Insurance Code, all relating to compulsory liability insurance on motor vehicles.

Referred to Committee on Financial Institutions.

Senate Bill No. 1206: By Senator Jespersen—An act to provide a method of removing clouds on title of real estate by reason of leases which have been abandoned.

Referred to Committee on Judiciary.

Senate Bill No. 1207: By Senator Hatfield—An act making an appropriation for fire protection to the Division of Forestry in the Department of Natural Resources.

Referred to Committee on Natural Resources.

Senate Bill No. 1208: By Senators McBride, Shelley, Dorsey, Mayo, Brown, and Gordon—An act to add Chapter 7, comprising Sections 1680 to 1689, inclusive, to Division 2 of the Health and Safety Code, relating

to commercial placement services for aged persons, and providing for their licensing and supervision by the State Department of Public Health.

Referred to Committee on Social Welfare.

Senate Bill No. 1209: By Senator Hatfield—An act to amend Sections 19561 and 19563 of, and to add Section 19490 and 19539 to, the Business and Professions Code, relating to horse racing.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1210: By Senator DeLap—An act to amend Section 2.2 of the County Civil Service Enabling Act, relating to county civil service systems in respect to employee representation upon county civil service commissions.

Referred to Committee on Local Government.

Senate Bill No. 1211: By Senator Desmond—An act to amend Section 11b of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class.

Referred to Committee on Local Government.

Senate Bill No. 1212: By Senator Desmond—An act to add Section 18662 to the Health and Safety Code, relating to auto and trailer camps.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1213: By Senator Desmond—An act to amend Section 737hh of the Political Code, relating to the salaries of the judges of the superior court in the County of Sacramento.

Referred to Committee on Local Government.

Senate Bill No. 1214: By Senator Desmond—An act to amend Section 24205 of the Education Code, relating to the issuance of college degrees.

Referred to Committee on Education.

Senate Bill No. 1215: By Senator Keating—An act to amend Section 4115, and to repeal Sections 4116, 4146, and 4146a, and to add Sections 4116 and 4146 to the Political Code, relating to the duties of the coroner and the receipt and disposition of money and property.

Referred to Committee on Judiciary.

Senate Bill No. 1216: By Senator Dillinger—An act to add Section 59.6 to the Alcoholic Beverage Control Act, relating to hours of sale of alcoholic beverages.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1217: By Senator Jespersen—An act to amend Sections 6051 and 6201 of the Revenue and Taxation Code, relating to the rates of sales and use taxes, providing for the use of part of the proceeds of said taxes, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1218: By Senator Powers—An act to amend Sections 7351, 8353, 8353.5 and 8355 of the Revenue and Taxation Code, relating to motor vehicle fuel license tax and distribution of the proceeds thereof.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1219: By Senator Hulse—An act to amend Section 2 of an act entitled "An act to aid the prosecution of the war by authorizing housing authorities to develop or administer projects to provide housing for persons engaged in war industries and to cooperate with the Federal Government in making housing available for such persons; to grant certain powers to public bodies," approved May 27, 1943, relating to war housing projects and housing authorities.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1220: By Senators Judah and Powers—An act to add Section 50¾ to the Public Utilities Act, relating to highway common carriers.

Referred to Committee on Public Utilities.

Senate Bill No. 1221: By Senators Judah and Powers—An act to add a new section to be numbered 13½ to the City Carriers Act, relating to city carriers.

Referred to Committee on Public Utilities.

Senate Bill No. 1222: By Senators Judah and Powers—An act to add Section 14¾ to the Highway Carriers Act, relating to highway carriers.

Referred to Committee on Public Utilities.

Senate Bill No. 1223: By Senators Judah and Powers—An act to add Section 745 to the Vehicle Code, relating to records of convictions.

Referred to Committee on Transportation.

Senate Bill No. 1224: By Senator Ward—An act to provide for the establishment of master and official plans in cities, cities and counties, and counties, and for the adoption of ordinances pursuant thereto; to prescribe the manner of adoption of such plans, portions thereof and amendments thereto, and the composition and effects thereof; to provide for the establishment and appointment of planning commissions by cities, cities and counties and counties, for the creation of regional planning districts and the establishment and appointment of regional planning commissions and the State Conservation and Planning Board and Director of Planning; to define the powers and duties of such commissions and the State Conservation and Planning Board and the Director of Planning, and to provide for the exercise of such powers; to provide for the levy of special taxes for the support of planning commissions, and making certain expenditures legal charges against the funds of cities, cities and counties, and counties; and prescribing penalties for the

violation thereof; and to repeal Chapter 331, Statutes of 1935, and the Planning Act of 1929, as amended, relating to planning commissions.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1225: By Senator Ward—An act to add Sections 4.4 and 4.5 to The Planning Act and Sections 5 and 6 to the State Conservation and Planning Act, relating to conservation and planning.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1226: By Senator Powers—An act to amend Section 212 of the Agricultural Code, relating to importation of animals.

Referred to Committee on Agriculture.

Senate Bill No. 1227: By Senators Rich, Seawell, Swing, Breed, and DeLap—An act to add Section 7067.1 to the Welfare and Institutions Code, relating to defective or psychopathic delinquents, and providing for the parole and discharge of such persons from State Institutions.

Referred to Committee on Social Welfare.

Senate Bill No. 1228: By Senators Swing, Breed, DeLap, Seawell, and Rich—An act to repeal Section 13394, 13395, 13396, 13397, 13398, 13399 and 13400, of the Government Code and to add thereto Section 13394, relating to State purchases and the Department of Finance.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1229: By Senators Rich, DeLap, Breed, Swing, and Seawell—An act to add Section 20393 to the Government Code, relating to the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1230: By Senator Donnelly—An act to amend Section 6591 of the Revenue and Taxation Code, relating to interest and penalties for failure to pay sales or use taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1231: By Senator Powers—An act to amend Section 737y of the Political Code, relating to the salary of the judge of the superior court in Modoc County.

Referred to Committee on Local Government.

Senate Bill No. 1232: By Senator Tenney—An act to add Section 737.1 to the Political Code, relating to the salaries of superior court judges.

Referred to Committee on Local Government.

Senate Bill No. 1233: By Senator Tenney—An act to amend Section 1 of Chapter 921 of the Statutes of 1943, relating to licensing, visitation and supervision of schools teaching, or taught in, foreign languages, and making an appropriation.

Referred to Committee on Education.

Senate Bill No. 1234: By Senator Tenney—An act to amend Sections 46, 47, 48 and 48a of, and add a new section to, the Civil Code, to be numbered 45a, relating to libel and slander.

Referred to Committee on Judiciary.

Senate Bill No. 1235: By Senator Tenney—An act to amend Section 43.5 of the Civil Code, and Section 340 of the Code of Civil Procedure, relating to the right of privacy of persons.

Referred to Committee on Judiciary.

Senate Bill No. 1236: By Senator Tenney—An act to amend Section 1161 of the Code of Civil Procedure, relating to unlawful detainer proceedings.

Referred to Committee on Judiciary.

Senate Bill No. 1237: By Senator Tenney—An act to amend Section 602 of the Penal Code, relating to trespass.

Referred to Committee on Judiciary.

Senate Bill No. 1238: By Senator Tenney—An act to amend Section 6015 of the Revenue and Taxation Code and to add Section 6365 to said code, relating to the taxation of the privilege of selling and of storing, using, or otherwise consuming tangible personal property and to certain exemptions from said taxation, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1239: By Senators Tenney, Burns, and Dilworth—An act to add Section 1106 to the Labor Code, relating to the hiring and discharging of employees with foreign philosophies of Government.

Referred to Committee on Labor.

Senate Bill No. 1240: By Senator Tenney—An act to add Section 1018 to the Labor Code, relating to membership in labor organizations of persons adhering to foreign philosophies of Government.

Referred to Committee on Labor.

Senate Bill No. 1241: By Senator Tenney—An act to add Sections 682 to 694, inclusive, to Article 2 of Chapter 3 of Division 1 of the Streets and Highways Code, relating to franchises on State highways.

Referred to Committee on Transportation.

Senate Bill No. 1242: By Senator Tenney—An act to amend Section 784 of the Probate Code, relating to notices of sale of real property.

Referred to Committee on Judiciary.

Senate Bill No. 1243: By Senator Tenney—An act to amend Sections 7663, 7685.5 and 7694 of the Business and Professions Code, relating to funeral directors and embalmers.

Referred to Committee on Business and Professions.

Senate Bill No. 1244: By Senator Tenney—An act to amend Section 3440 of the Civil Code, relating to fraudulent conveyances.

Referred to Committee on Judiciary.

Senate Bill No. 1245: By Senator Dillinger—An act to amend Sections 737b, 737c, and 737i of the Political Code, relating to judges' salaries.

Referred to Committee on Local Government.

Senate Bill No. 1246: By Senator Dillinger—An act to amend Sections 4271, 4277, and 4287 of the Political Code, relating to compensation for public service.

Referred to Committee on Local Government.

Senate Bill No. 1247: By Senator Sutton—An act to add Section 25.5 to the Fish and Game Code, relating to the establishment and operation of trout rearing ponds, and making an appropriation therefor.

Referred to Committee on Fish and Game.

Senate Bill No. 1248: By Senator Sutton—An act to add Section 25.6 to the Fish and Game Code, relating to the establishment and operation of trout rearing ponds.

Referred to Committee on Fish and Game.

Senate Bill No. 1249: By Senator Fletcher—An act to amend Sections 14034 and 14036 of the Government Code, relating to the Division of Water Resources Revolving Fund, and making an appropriation.

Referred to Committee on Water Resources.

Senate Bill No. 1250: By Senator Biggar—An act to amend Sections 5151 and 5185 of, to add Chapter 13.5, comprising Sections 7001 to 7086, inclusive, to Division 3 of, and to repeal Sections 5151.1, 5181, 5182, 6787, 6788, and 6789, and Articles 2, 3, and 4, comprising Sections 6926 to 6979, inclusive, of Chapter 13 of Division 3 of, the Education Code, relating to the support of the public elementary schools, and to repeal certain acts and parts of acts specified herein, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Senate Bill No. 1251: By Senator Judah—An act to amend Sections 20012, 20020, 20021, 20125, 20127, 20231, 20303, 20334, 20361, 20522, 20532, 20563, 20654, 20755, 21001, 21026, 21027, 21028, 21367, and 21453 of, and to add Sections 20009.1, 20463, 20806.1 and 20894.1 to, the Government Code, relating to the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1252: By Senator Desmond—An act to add Section 720 to the Civil Code, relating to oil and gas leases.

Referred to Committee on Judiciary.

Senate Bill No. 1253: By Senator Seawell—An act to add Article 1.5, comprising Sections 235, 236 and 237 to the Labor Code, relating to wage discriminations on account of sex.

Referred to Committee on Labor.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 27, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 286—An act to amend Sections 19 and 20 of, and to add Section 24 to the Unemployment Insurance Act, relating to unemployment insurance, declaring the urgency thereof, to take effect immediately;

Senate Bill No. 318—An act to add Section 9.1 to the Unemployment Insurance Act, relating to unemployment insurance and the definition of employer thereunder, declaring the urgency thereof, to take effect immediately;

Senate Bill No. 330—An act to add Chapter 8, consisting of Sections 19810 and 19811, to Part 3 of Division 13 of the Health and Safety Code, relating to inflammable or explosive materials and governing their use, declaring the urgency thereof, to take effect immediately;

Senate Bill No. 287—An act to amend Section 57.7 of the Unemployment Insurance Act, relating to the benefit rights of veterans, declaring the urgency thereof, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-seventh day of January, 1945, at 2.40 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 27, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 9—Relative to the appointment of the State Controller as accounting officer for the Legislature for tax and other purposes;

Senate Joint Resolution No. 3—Relative to cooperation among Nations to curtail the production and traffic of opium;

Senate Joint Resolution No. 5—Relative to memorializing Congress to consider early return to this State of the administration and control assumed by the Federal Government as part of a nation-wide wartime employment program;

Senate Joint Resolution No. 9—Relative to memorializing the Congress of the United States to provide for the prompt removal of temporary war housing which violates local building regulations and relative to the timing and method of such removal and consultation with local legislative bodies to determine the need for retaining any such housing;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the twenty-seventh day of January, 1945, at 2.40 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 27, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 4—An act to provide for the making, investing in and purchasing loans made to veterans, which are wholly or partially guaranteed by the United States or any agency thereof under the provisions of the "Servicemen's Readjustment Act of 1944" by banks, insurance companies, building and loan companies, personal finance companies, mortgage loan company, mortgage insurance companies, trust companies, fiduciaries or fiduciary institutions and to add Sections 67.2 and 80.2 to the Bank Act, Section 9.19 to the Building and Loan Association Act, and Sections 1176.5 and 1176.6 to the Insurance Code, declaring the urgency thereof, to take effect immediately;

Senate Bill No. 258—An act to amend Sections 4455 and 4459, and to repeal Sections 4456, 4457, 4458 and 4460 of, and to add a new Section 4460 to, the Public Resources Code, relating to forest insect control, declaring the urgency thereof, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the 27th day of January, 1945, at 2.40 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 27, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 8 Relative to memorializing the Congress of the United States to provide financial assistance following the cessation of hostilities and during the period of reconversion to normal peacetime operation to those communities which have suffered deterioration of facilities owing to the impact of war industry and war-increased population;

Senate Concurrent Resolution No. 26 Approving certain amendments to the charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the general election held therein on the seventh day of November, 1944;

Senate Joint Resolution No. 10 Relative to memorializing Congress to provide adequate support for the maintenance of the San Joaquin Experimental Range by the Forest Service, United States Department of Agriculture;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the twenty-seventh day of January, 1945, at 2:40 p.m.

SEAWELL, Chairman

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 27, 1945

MR. PRESIDENT: The Committee on Rules has appointed Senators Dorsey, Tenney and Desmond as Senate Members of the Committee authorized by Assembly Concurrent Resolution No. 19.

SEAWELL, Chairman

REQUEST FOR UNANIMOUS CONSENT

Senator Shelley asked for, and was granted, unanimous consent to have the following Statement by the Interim Committee on Unemployment Insurance printed in the Journal:

STATEMENT BY SENATE INTERIM COMMITTEE ON UNEMPLOYMENT INSURANCE

Your Interim Committee on Unemployment Insurance created by Senate Resolution No. 143 (Fifty-fifth Session) on May 5, 1943, and continued by Senate Resolution No. 22 (Fifty-sixth Session) on January 16, 1945, takes this occasion to set forth a brief summary of some of its conclusions and recommendations, the reasons and bases for which will be stated in the final report to be submitted shortly after the reconvening of this Fifty-sixth Regular Session.

From the preliminary report submitted by your committee on June 15, 1944, it will be seen that California is now the third largest State in the Union, having developed during this recent war time period into a highly industrialized and populated area. The total number of workers employed has increased by more than 1,000,000 since 1940, with a total labor force today of 3,500,000 workers. Likewise, civilian population has increased by 1,000,000 bringing the total number of civilian inhabitants to nearly 8,000,000. It is apparent that with a tremendously expanded labor force and population, California will face a severe postwar readjustment problem.

In the light of these employment and unemployment conditions, your committee has endeavored to appraise the adequacy of the Unemployment Insurance System of this State. We have found serious limitations both in the provisions as well as in the administration of the Unemployment Insurance Act. The recommendations submitted herewith are made with full appreciation of the heavy burden that unemployment insurance must carry after the war, and with a clear recognition that the Unemployment Insurance Law of this State is a part of a Nationwide system which must, to survive, retain marks of integration and uniformity and, at the same time, envisage a progressive development.

It is the unanimous recommendation of your committee at this time that the California Unemployment Insurance Act be amended to provide as follows:

1. That the worker contributions imposed by the Unemployment Insurance Act should be used to establish a system to pay benefits to individuals who are unemployed because of illness or injury, for which no compensation is otherwise made;

2. That the workers employed by establishments of one or more should be covered by unemployment insurance.

3. That benefits should be available for every eligible worker for a uniform period of 26 weeks;

4. That children under the minimum age at which a full time work permit may be granted should not be considered in the labor market and therefore should be excluded from coverage under the Unemployment Insurance Act;

5. That workers in certain nonprofit organizations should be protected by unemployment insurance and the present exclusion of this group be removed;

6. That the variable disqualification provisions of the present California law should be adjusted to conform with the uniform disqualification provisions of the Veterans' G. I. Bill;

7. That provision should be made to provide dependent allowances to those workers who are the head of a family;

8. That a Bureau of Education and Public Instruction should be established in the Department of Employment to promote a better understanding of the provisions of the Unemployment Insurance Act;

9. That an investigating staff be established in the Department of Employment to insure proper enforcement of the law and to prevent and discourage the filing of claims in violation of the Unemployment Insurance Act;

10. That provision be made for greater interstate cooperation in the administration and enforcement of the Unemployment Insurance Law of each State;

11. That no large war expanded industries should be extended a tax rate below the general rate for a two-year period;

12. That the present two-week waiting period should be reduced to one week;

13. That provision be made for establishing tri partite appeal tribunals in the various local areas throughout the State.

14. That the commission be given greater authority to determine whether or not workers who file claims for benefits are in the labor market when their prior earnings reveal short periods of employment.

Respectfully submitted.

JOHN F. SHELLEY, Chairman
H. R. JUDAH
H. E. DILLINGER
R. R. CUNNINGHAM
HAROLD J. POWERS

RESOLUTIONS

The following resolutions were offered:

By Senator Seawell:

Senate Resolution No. 53

Resolved, That a Committee of Three be appointed by the President of the Senate to notify the Assembly that the Senate is ready to adjourn for the constitutional recess, and to ask if the Assembly has any further communications to transmit to the Senate.

Resolution read, and, on motion of Senator Seawell, adopted.

Appointment of Special Committee

In accordance with the above resolution, the President appointed Senators Dilworth, Sutton, and Hulse as a committee to inform the Assembly that the Senate is ready to adjourn for the constitutional recess.

By Senator Slater:

Senate Resolution No. 54

Resolved, That a Committee of Three be appointed by the President of the Senate to notify the Governor that the Senate is ready to adjourn for the constitutional recess, and to ask if he has any further communications to transmit to the Senate.

Resolution read, and, on motion of Senator Slater, adopted.

Appointment of Special Committee

In accordance with the above resolution, the President appointed Senators Crittenden, Kuchel, and Judah as a committee to wait on His Excellency, Governor Earl Warren, and inform him that the Senate is ready to adjourn for the constitutional recess.

MOTION TO APPROVE JOURNALS

Senator Seawell moved that the Senate Journals of Monday, January 22, 1945; Tuesday, January 23, 1945; Wednesday, January 24, 1945; Thursday, January 25, 1945; and Friday, January 26, 1945, be approved as corrected by the Journal Clerk and the Minute Clerk.

Motion carried.

APPROVAL OF MINUTES

The minutes of this day, Saturday, January 27, 1945, were read, and, on motion of Senator Seawell, approved as read.

Motion carried.

MESSAGES FROM THE ASSEMBLY

At 2.55 p.m., a committee from the Assembly, consisting of Messrs. Maloney, Allen, and Middough, appeared at the bar of the Senate and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared to adjourn for the constitutional recess.

REPORTS OF SPECIAL COMMITTEES

Senators Crittenden, Kuchel, and Judah, as a Special Committee appointed to wait upon the Governor and inform him of the readiness of the Senate to adjourn for the constitutional recess, reported that His Excellency had informed the committee that he had no further communication to transmit to the Senate.

Senators Dilworth, Sutton, and Hulse, as a Special Committee appointed to inform the Assembly of the readiness of the Senate to adjourn for the constitutional recess, reported that the committee had delivered the message to the Assembly, and had been requested to inform the Senate that the Assembly had no further communications to transmit, as they were prepared to adjourn for the constitutional recess.

ADJOURNMENT FOR CONSTITUTIONAL RECESS

Thereupon, at 3 o'clock p.m., on motion of Senator Seawell, in accordance with the provision of Senate Concurrent Resolution No. 17, Hon. Frederick F. Houser, President of the Senate, declared the Senate adjourned for the constitutional recess, to reconvene at 11 o'clock a.m., on March 5, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

SEVENTEENTH LEGISLATIVE DAY

FIFTY-SEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, March 5, 1945

Pursuant to Senate Concurrent Resolution No. 17, providing for the reconvening of the Legislature after the constitutional recess, the Senate met at 11 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Dorsey, on motion of Senator Mixter, account of death in family.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Dan Rossi of San Diego; Miss Marianne Rossi of San Diego; Robert Apity of San Diego Chamber of Commerce, San Diego; and Gordon D. McCutcheon of Portland, Ore.

On request of Lieutenant Governor Frederick Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Hulda McGinn of San Francisco and former Senator Frank Weller of Glendale.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Corporal Linnie M. Colyer, DeWitt General Hospital, WAC Detachment, S.C.U. 1987, Auburn.

On request of Senator Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. W. H. Rosbury of Gerber.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Grace Stoermer of Los Angeles.

COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA
LOS ANGELES 15, February 28, 1945

Inter-Departmental Communication

To: *Hon. Frank M. Jordan, Secretary of State*
Sacramento, California

Subject: BIENNIAL REPORT

From: *California Horse Racing Board*

Pursuant to the provision of the Racing Act requiring that this board biennially make a report of its proceedings to the Legislature of the State of California, we are enclosing herewith two copies of our Sixth Biennial Report for delivery to the Secretary of the Senate and Chief Clerk of the Assembly.

Very respectfully yours,

THE CALIFORNIA HORSE RACING BOARD
By W. C. BUCHANAN, Secretary

SIXTH BIENNIAL REPORT OF THE CALIFORNIA HORSE RACING BOARD OF CALIFORNIA TO THE GOVERNOR AND TO THE LEGISLATURE OF THE STATE OF CALIFORNIA

For the Period December 1, 1942, to November 30, 1944

California Horse Racing Board

BOARD MEMBERS

George H. Payne, Chairman
Dwight Murphy
Loyd Wright
W. C. Buchanan, Secretary

OFFICES

LOS ANGELES OFFICE: 591 Chamber of Commerce Building, Los Angeles, California.
SACRAMENTO OFFICE: 637 Forum Building, Sacramento, California.

To the Honorable Governor, and
To the Legislature of the State of California.

Pursuant to the provisions of Section 19432, of Article 2, Chapter 4, Division 8, Business and Professions Code, the California Horse Racing Board presents herewith its biennial report covering the period from December 1, 1942, to November 30, 1944.

The receipts of this board from all sources during the period covered by this report totaled $5,663,379.87. As provided by law, the revenue received by the board has been forwarded to the State Treasurer to be credited, as provided by statute, $4,740,549.26 to Fair and Exposition Fund and $922,830.61 to General Fund. The California Horse Racing Board derives its revenue from collection of percentages of pari-mutuel pools handled at licensed race meetings, from the fees collected for certain licenses and registrations and from fines levied against associations licensed to conduct race meetings.

The revenue derived by the State for this biennium shows an increase of $1,069,543.61 over the biennium ending November 30, 1942. This increase was occasioned by the partial resumption of racing during the period covered by this report.

At the 1941 Session of the Legislature the support appropriation of the board was increased to $75,000 per annum to provide for much needed increase in personnel owing to continued expansion of racing in the State. However, in view of the curtailment of racing, and in line with the general effort to reduce expenditures to the minimum during the war emergency, the board, by strict economy and reduction of personnel where possible, kept its expenditures well within the old support appropriation of $30,000 per annum. The cost of administering the act for the biennium ending November 30, 1944, was $49,100.71. (The members of this board receive no compensation for their services.) The net revenue to the State was $5,614,279.16.

As an indication of the progress of the sport of thoroughbred racing in California prior to the curtailment in 1942 there is shown below a statement of revenue received by the State each fiscal year since racing was legalized:

85th Fiscal Year, 1933-1934—Total revenue to State	$259,657 36
86th Fiscal Year, 1934-1935—Total revenue to State	1,005,103 36
87th Fiscal Year, 1935-1936—Total revenue to State	1,587,373 44
88th Fiscal Year, 1936-1937—Total revenue to State	1,933,259 84
89th Fiscal Year, 1937-1938—Total revenue to State	2,661,142 32
90th Fiscal Year, 1938-1939—Total revenue to State	3,030,689 56
91st Fiscal Year, 1939-1940—Total revenue to State	2,832,230 66
92nd Fiscal Year, 1940-1941—Total revenue to State	3,799,115 10
93rd Fiscal Year, 1941-1942—Total revenue to State	1,515,435 18
94th Fiscal Year, 1942-1943—Total revenue to State	1,077,685 21
95th Fiscal Year, 1943-1944—Total revenue to State	2,372,392 16
Total	$22,074,084 19

Owing to the uncertainties prevailing at this time as to the future of racing no estimate can be made as to the probable revenue for the present fiscal year.

With the exception of specific appropriation of $75,000 for the support of the Racing Board and $30,000 to the Department of Finance all revenue credited to the Fair and Exposition Fund is allocated to State, county, agricultural district and citrus fairs, and to our agricultural schools and colleges, for their support and improvement. Many of the organizations are largely dependent upon these funds for their support and continuation of activities so vital to the agricultural progress of the State.

The following taken from the Department of Finance report of distribution of revenue derived from racing for the fiscal year ending June 30, 1944, will be of especial interest to those citizens of the State who are engaged in agricultural, horticultural, livestock and other activities benefited by the operation of our fairs and colleges:

Report of Department of Finance

Distribution of Revenue Received, Ninety-fifth Fiscal Year—July 1, 1943 to June 30, 1944

Total Revenue for Distribution		$1,997,274 56
Less Fixed Annual Appropriations:		
California Horse Racing Board	$24,782 00	
Department of Finance		
Division of Audits	7,500 00	
Division of Fairs and Expositions	11,474 00	
California State Fair	125,000 00	
Los Angeles County Fair	125,000 00	
Sixth District Agricultural Association	15,000 00	
Contribution to State Employees' Retirement Fund	10,000 00	318,756 00
First Balance		$1,678,518 56
Less Allocation to Fairs:		
5% of first balance to citrus fairs	$83,925 93	
40% of first balance to agricultural fairs	671,407 43	755,333 36
Second Balance		$923,185 20
Less Other Allocations:		
25% for California Polytechnic Schools	$230,796 29	
33% for University of California	304,651 11	
42% for construction, improvements and purchase of land at State, county, district and citrus fairs[2]	387,737 80	923,185 20

[2] Appropriation of $100,000 annually from these funds to 1-A District Agricultural Association under Section 19626.5 Business and Professions Code.

The allocation of these funds to the State, county and agricultural district fairs of California carries out in a substantial manner the declared purpose of the Racing Act—encouragement of agriculture and breeding. Prior to the curtailment of racing, on account of the war emergency, the progress and expansion of the breeding industry in the State was highly gratifying, many millions of dollars having been invested in the industry. The breeding stock of the State was being constantly improved by the addition of new stallions and brood mares from other sections of this Country and abroad, and many new breeding farms were being established. The curtailment of racing is, of course, having a serious effect on the industry.

The provisions of the Racing Act, that 10 per cent of the first money of every purse won by a horse bred in the State of California shall be paid to the breeder of such animal, and that there shall be at least one race each day limited to horses foaled in California, has been strictly complied with. This bonus to breeders, together with many valuable stakes established for California bred horses constituted a splendid inducement to California breeders, and created a ready market for California-bred horses.

The record shows that for the biennium covered by this report, the sum of $2,960,910 was paid in purses and stakes by the licensed associations and fairs operating under license by this board and that by far the major portion was won by our western breeders and owners. During that same period California bred horses won 1,025 races run on California tracks.

This board and the racing associations of the State have cooperated fully and effectively with the armed forces and Federal agencies during the war emergency to the end that there be no damage to the war effort as a result of racing. The two race tracks operating during the period covered by this report made possible the distribution of large sums to war effort service organizations and to other worthy charitable agencies. The California Jockey Club contributed $2,516,283.35 from the six meetings held at Bay Meadows and the Hollywood Turf Club contributed $1,013,481.26 from one meeting of 34 days held at Hollywood Park.

Herewith is the financial statement of this board for the period December 1, 1942, to November 30, 1944:

Statement of Expenditures—Sixth Biennial Report

Function	*Salaries and Wages*	*Operating Expenses*	*Property and Equipment*	*Total*
Administration:				
Board members, traveling		$ 2,385 75		$ 2,385 75
Other traveling		5,446 53		5,446 53
General Office	$26,746 35	833 56	$34 64	
Materials and supplies, Printing		1,228 88		28,843 43
Postage		425 00		425 00
Prorata, general fiscal administration		171 36		171 36
Prorata, Attorney General		6,000 00		6,000 00
Prorata, Personnel Board		157 73		157 73
Rent		3,928 80		3,928 80
Tel., Tel & Tel.		1,535 76		1,535 76
Freight, cartage, express		206 35		206 35
Totals	$26,746 35	$22,319 72	$34 64	$49,100 71

Statement of Income—Sixth Biennial Report

From 4% of total mutuel pools, $118,068,444—Fair and Exposition Fund	$4,722,737 76
From license fees, registrations, etc.—Fair and Exposition Fund	17,811 50
From 1%—General Fund	435,064 97
From 2%—General Fund	484,971 64
From unclaimed pari-mutuel wagers—General Fund	2,794 00
Total	$5,663,379 87

Racing Permits Granted

Name	Number of Days	Total Mutuel Pool	4% State Fair and Exposition Fund	1% State General Fund	2% Fund
Bay Meadows (Fall)— December 1, 1942- December 19, 1942	15	$3,506,497 00	140,259 88	$35,064 97	
Bay Meadows (Early Spring)— February 20, 1943- April 3, 1943	25	4,616,166 00	184,646 64		
Bay Meadows (Late Spring)— April 6, 1943- May 8, 1943	25	5,697,199 00	227,887 96		
Bay Meadows (Fall)— October 2, 1943- December 18, 1943	64	22,100,855 00	884,034 20	100,000 00	$42,017 10
Bay Meadows (Spring)— March 18, 1944- June 17, 1944	65	27,292,281 00	1,091,691 24	100,000 00	145,845 62
Bay Meadows (Fall)— September 9, 1944- October 26, 1944	41	20,237,128 00	809,485 12	100,000 00	4,742 56
Hollywood (Fall)— November 1, 1944- November 30, 1944	22	34,618,318 00	1,384,732 72	100,000 00	292,366 36
Totals	257	$118,068,444 00	$4,722,737 76	$435,064 97	$484,971 64

Purse and Stakes Distribution

Name	Total Purse and Stakes
Bay Meadows	$2,458,410 00
Hollywood Park	502,500 00
Total	$2,960,910 00

Licenses and Registrations Issued

Owners' licenses	1,358 00
Trainers	6,840 00
Jockeys	1,340 00
Apprentice jockeys	58 00
Jockey agents	320 00
Grooms	1,318 00
Exercise boys	218 00
Miscellaneous, handlers, etc.	175 00
Officials	54 00
Pari-mutuel operators	1,618 00
Authorized agents	2,010 00
Assumed name registered	2,475 00
Duplicate licenses issued	27 50
Totals	17,811 50

Fines Against Associations

None

Suspension of Permits Issued to Associations

None

Licensees Suspended or Ruled Off by Board

Trainer	1
Groom	1

All of which is respectfully submitted.

CALIFORNIA HORSE RACING BOARD
GEORGE H. PAYNE, Chairman
DWIGHT MURPHY, Member
LOYD WRIGHT, Member
W. C. BUCHANAN, Secretary

RESOLUTIONS

The following resolutions were offered:

By Senator Breed:

Senate Resolution No. 55

Resolved, That the President of the Senate appoint a Special Committee of Three to notify the Governor that the Senate has reconvened, after the constitutional recess, in accordance with Senate Concurrent Resolution No. 17, and is now ready to receive any communication he may have to make.

Resolution read, and, on motion of Senator Breed, adopted.

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Breed, Gordon, and McBride.

By Senator Donnelly:

Senate Resolution No. 56

Resolved, That the President of the Senate appoint a Special Committee of Three to notify the Assembly that the Senate has reconvened after the constitutional recess, in accordance with Senate Concurrent Resolution No. 17, and is ready to proceed with the business of the State.

Resolution read, and, on motion of Senator Donnelly, adopted.

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Donnelly, Tenney, and Kuchel.

By the Committee on Rules:

Senate Resolution No. 57

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper funds in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law, for attendance upon the Fifty-sixth Session of the Legislature:

Senators	County	Mileage	Total at 5 cents per mile
Biggar, George M.	Mendocino	480	$24 00
Breed, Arthur H. Jr.	Alameda	180	9 00
Brown, Charles	Inyo	1,292	64 60
Burns, Hugh M.	Fresno	338	16 90
Carter, Oliver J.	Shasta	330	16 50
Collier, Randolph	Siskiyou	590	29 50
Crittenden, Bradford S.	San Joaquin	94	4 70
Cunningham, R. R.	Kings	428	21 40
DeLap, T. H.	Contra Costa	164	8 20
Desmond, Earl D.	Sacramento	2	10
Deuel, Charles H.	Butte	202	10 10
Dillinger, H. E.	El Dorado	100	5 00
Dilworth, Nelson S.	Riverside	1,092	54 60
Donnelly, Hugh P.	Stanislaus	182	9 10
Dorsey, Jesse R.	Kern	550	27 50
Fletcher, Ed	San Diego	1,146	57 30
Gordon, Frank L.	Napa	94	4 70
Hatfield, George J.	Merced	236	11 80
Hulse, Ben	Imperial	1,206	60 30
Jespersen, Chris N.	San Luis Obispo	666	33 30
Judah, H. R.	Santa Cruz	336	16 80
Keating, Thomas F.	Marin	210	10 50
Kuchel, Thomas H.	Orange	976	48 80
Mayo, Jesse M.	Calaveras	170	8 50
McBride, James J.	Ventura	980	49 00
McCormack, Thomas	Solano	124	6 20
Mixter, Frank W.	Tulare	444	22 20
Parkman, Harry L.	San Mateo	222	11 10
Powers, Harold J.	Modoc	832	41 60
Quinn, Irwin T.	Humboldt	624	31 20

Senators	County	Mileage	Total at 5 cents per mile
Rich, Wm. P.	Yuba	106	5 30
Salsman, Byrl R.	Santa Clara	292	14 60
Seawell, Jerrold L.	Placer	38	1 90
Shelley, John F.	San Francisco	180	9 00
Slater, Herbert W.	Sonoma	204	10 20
Sutton, L. G.	Colusa	150	7 50
Swing, Ralph E.	San Bernardino	1,016	50 80
Tenney, Jack B.	Los Angeles	894	44 70
Ward, Clarence C.	Santa Barbara	920	46 00
Weybret, Fred	Monterey	484	24 20

Officers	County	Mileage	Total at 10 cents per mile
Beek, J. A., Secretary	Orange	990	$99 00
Lea, John F., Minute Clerk	Placer	76	7 60
Nolan, Joseph F., Sergeant-at-Arms	Los Angeles	894	89 40

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Powers, Rich, Seawell, Shelley, Slater, Sutton Swing, Tenney, Ward, and Weybret—29.

NOES—None.

By Senator Powers:

Senate Resolution No. 58

Resolved, That the following statutory officers of the Senate previously elected but whose names were dropped from the pay roll upon adjournment for the constitutional recess be reinstated to their previous positions and their names reentered on the pay roll as set forth below:

John F. Lea, Minute Clerk	$15 00 per day
Joseph F. Nolan, Sergeant-at-Arms	15 00 per day
Dr. Clarence A. Kircher, Chaplain	5 00 per day

and be it further

Resolved, That the following named persons in addition to such officers be appointed to the offices hereinafter set forth, with the compensation as set forth below payable weekly seven days per week. The Controller is hereby ordered and directed to draw his warrants for the said persons in said respective amounts, and the Treasurer is directed to pay the same:

Cleve V. Taylor, Chief Assistant Secretary	$15 00 per day
Med Anderson, Assistant Secretary	12 00 per day
Pat Rollins, Assistant Secretary	12 00 per day
Grace Brown, File Clerk	12 00 per day
George A. Spaulding, History Clerk	12 00 per day
A. P. Bellisle, Assistant History Clerk	8 00 per day
Laura D. Prentice, Engrossing and Enrolling Clerk	12 00 per day
Buster Peart, Assistant at Desk	10 00 per day
A. F. Ross, Assistant at Desk	10 00 per day
H. B. Thomas, Assistant Engrossing and Enrolling Clerk	8 00 per day
Jennevieve Reinbach, Assistant Engrossing and Enrolling Clerk	8 00 per day
Ada Ford, Assistant Engrossing and Enrolling Clerk	8 00 per day
N. L. Levering, Journal Clerk	12 00 per day
Mabel A. Miller, Assistant Journal Clerk	8 00 per day
Lola M. Doyle, Stenographer at Desk	10 00 per day
Harry L. Jordan, Bookkeeper to Sergeant-at-Arms	10 00 per day
Thomas A. Wright, Chief Assistant Sergeant-at-Arms	9 00 per day
Robert Horbach, Assistant Sergeant-at-Arms	8 00 per day
W. B. H. Fairchild, Assistant Sergeant-at-Arms	8 00 per day
Howard W. Potts, Assistant Sergeant-at-Arms	8 00 per day
Margaret Sweeny, Chief Stenographer	10 00 per day

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Delap, Desmond, Deuel, Dillinger, Dilworth, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, McCormack, Mixter, Parkman, Powers, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—26.

NOES—None.

REPORTS OF SPECIAL COMMITTEES

The following reports of special committees were received:

Senators Breed, Gordon, and McBride, the Special Committee appointed to wait upon the Governor and inform him of the organization of the Senate, reported they had performed their duty.

Senators Donnelly, Tenney, and Kuchel, the Special Committee appointed to notify the Assembly of the organization of the Senate, reported that they had performed their duty.

MESSAGE FROM ASSEMBLY

At 11.28 a.m., a committee from the Assembly, consisting of Messrs. Davis, Emlay, and Sherwin, appeared at the bar of the Senate, and announced that the Assembly was duly organized, and ready to proceed with the business of the State.

ADJOURNMENT

At 11.30 a.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.30 p.m., Tuesday, March 6, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

EIGHTEENTH LEGISLATIVE DAY

FIFTY-EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Tuesday, March 6, 1945

The Senate met at 2.30 p.m.

Honorable Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Delap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Dorsey, on motion of Senator Seawell, due to death in family.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Charles F. Osgood of Oakland.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Elmer D. Doyle, Secretary, Superior Court, and Jury Commissioner of Los Angeles; and wife, Margueritte Doyle.

On request of Senator Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Martin Mathieson of Maxwell; and Lt. Col. Archie Olin Lefors, U. S. Army, stationed at Ft. Mason, San Francisco.

COMMUNICATIONS

The following communication was received, read, and, on motion of Senator Seawell, ordered printed in the Journal:

REPORT OF THE ATTORNEY GENERAL

STATE OF CALIFORNIA

DEPARTMENT OF JUSTICE, Sacramento, March 6, 1945

To the Honorable President and Members of the Senate

Report of the Attorney General of California to the Senate and Assembly, in Response to the Request contained in Senate Concurrent Resolution No. 13.

In Senate Concurrent Resolution No. 13, adopted in the Senate January 16, 1945, and in the Assembly January 26, 1945, it is recited that the studies and investigations of the Senate Fact-Finding Committee on Japanese Resettlement and the Assembly Interim Committee on the Japanese Problems indicate that there may have been numerous evasions and violations of the provisions of the Alien Land Act of 1920 and that it would appear that there is need for a reexamination and survey of real property transfers, particularly in the agricultural areas of the State, with a view to discovering evasions and violations of the Alien Land Act; and the Attorney General of California is requested to advise the Senate and Assembly "What appropriations of money may be needed for the conduct of such an examination and survey by his department and what changes, if any, in the law may be necessary or desirable to facilitate the consummation of the survey and the prosecution of evasions and violations discovered during the course of it."

The following report of the Attorney General of California is respectfully submitted in response to the request thus expressed:

I

This report will be addressed first to the inquiry as to what appropriations may be needed for the conduct of an examination and survey of the character and extent indicated in the concurrent resolution.

It should be stated at the outset that any answer to this question must be dependent upon various factors required to be taken into consideration. Some of the factors upon which such an estimate must be predicated are of necessity uncertain, some even highly speculative. The following are among the more realistic factors:

1. The scope or extent of the areas to be explored.
2. The degree of exhaustiveness of the investigation or survey.
3. The character of the work necessary to uncover violations.
4. The qualifications of investigators for effective results.
5. The number of investigators needed and the rate of their compensation.
6. The time required to perform the work.

This enumeration of factors calls for a certain amount of amplification.

1. The precise number of counties of the State in which lands have been illegally acquired by ineligible aliens is not known. In February of 1944, letters were sent by the Attorney General to the district attorney of each of over 40 counties which had been called upon, following Pearl Harbor, to submit reports as to the Japanese occupancies (not restricted to ownerships) of lands therein. Copies of these letters have been furnished the Senate Fact-Finding Committee. In this letter the Attorney General urged these district attorneys to actively engage in the program, inaugurated by him, of investigating violations of the Alien Land Law and to commence escheat proceedings in every instance in which satisfactory evidence could be found. The response to this request for the wholehearted undertaking of this work and participation in this program was not encouraging in a large majority of these counties. It is not known how many failed to undertake this work for the reason that no ownership of lands by ineligible aliens existed in that county. In seven of the counties of the State a limited amount of investigative work has been done and an appreciable number of escheat proceedings have been filed. These proceedings are at various stages; in some cases judgments escheating the lands have already been rendered. There is reason to believe that in at least twice that number of counties there exists a fertile field for investigation, with good possibility of uncovering violations of the Alien Land Law. It may be said with considerable assurance that in at least five of the seven counties where investigations have already proceeded with good result the possibilities of uncovering violations have scarcely been scratched, and that in at least 10 additional counties there exist more than reasonable prospects of finding illegal ownerships, if vigorous and intelligent investigation is applied. It may readily be that scattered violations will be found in other counties as well. It is suggested that the request made of the Secretary of State and the district attorneys in Senate Concurrent Resolution No. 14 may result in reports being made which will be helpful to some extent in ascertaining the number of counties in which exhaustive investigations should be carried on. This factor, viz., the number of counties to be surveyed, is an important one in arriving at any estimate of cost.

2. The exhaustiveness of the investigations to be carried on is likewise an important factor. A survey, for example, which would only disclose the number of record ownerships of lands in Japanese names would only be preliminary, even though it may be the result of a thorough search of the records of the county recorder, the county assessor and the clerk of the probate court (in guardianship cases). In a few counties such surveys have already been accomplished, but they are still a long way from uncovering evidence of the real or actual ownership underneath, which is necessary to establish violations of the law and support an escheat. Such preliminary surveys require effort, time and money, but they serve largely only to eliminate the chaff from the possible wheat.

3. This brings us to a consideration of what sort of investigation is necessary for effective results. In all cases title searches are essential, almost always requiring running back the chain of title with great care. The investigation of bank accounts, credit statements and financial transactions of various kinds is one of the most fruitful fields of investigation. Dealings with produce companies, seed and fertilizer sales agencies, and water and power companies are all important sources of information and must be explored to ascertain who was the true owner. Neighbors must be interviewed, real estate brokers questioned as to the facts surrounding purchases, and various other agencies and business concerns with whom the operator of the land and its owner of record have transacted business must be contacted. In the absence of a fortuitous "tip-off" from a chance informer, which is a rare occurrence, almost every phase of the suspect's life and activities must be investigated in order to discover evidence of subterfuge and evasion of the law. And even after the most exhaustive investigation possible it may be that the evidence uncovered falls short of meeting the requirements of legal evidence admissable upon a trial of the escheat proceeding.

4. Some comment as to the qualifications which should be possessed by the investigator for effective results is pertinent here. Although perfection is not attainable, in order to operate successfully the investigator should have some knowledge and experience in the field of title searching, he should know something about public records, he should understand how to examine banking records, he should have some business training and know where to look for information as to a person's financial dealings, and he should possess the facility for eliciting desired information from those he contacts. Such investigators are not easy to obtain, but upon the qualifications possessed depends the number required and the time consumed in performing the work.

5. The number of investigators which would be required to make an acceptable report depends, as has been stated, upon their ability and upon the thoroughness of the job done. At the present time the Attorney General has an investigator at work in a county which probably has more possibilities of uncovering Alien Land Law violations than any in the State. He has been at work continuously now for a little over three months. He possesses more than ordinary qualifications, having been formerly an investigator for the Alien Property Custodian of the Federal Government. During the period he has worked exclusively on Alien Land Law matters he has uncovered three very promising cases, two of which are nearing the stage of filing proceedings for escheat. His compensation, which includes a per diem and expenses, averages approximately $120 per week. Roughly speaking, this amounts to about $500 monthly, or, if continuously employed $6,000 a year. This does not include his transportation in the field. As another example, the Attorney General had an able investigator not at present engaged in this work, who worked diligently for almost four months in the investigation of one case. It gives promise of bringing about the escheat of a valuable piece of land. His compensation was the same as that of the first investigator mentioned.

6. There is no exact measuring stick by which the length of time required to be devoted to a case can be foreseen. It is a conservative statement that two full time investigators, of above the average ability, could work for a year, and probably longer, in each of the two counties referred to without exhausting the possibility of uncovering violations and without thoroughly covering the field. In each of the 13 other counties referred to, one investigator assigned to it could work for an indefinite period with the possibility of fruitful results. It is quite probable that there are other counties which require thorough investigation just as urgently as the 15 referred to.

From the foregoing discussion of the factors necessary to be considered in making an estimate of cost of investigation, the difficulties of naming any definite sum are apparent. Fifteen investigators, compensated on the scale paid the two mentioned, would require an expenditure of some $90,000 annually. If investigators could be found who reside in the county in which their services would be performed, a saving could be made in the item of living expenses. This is not always possible. Extreme difficulty has been encountered in finding men of satisfactory qualifications for this work. In San Diego County, where more proceedings have been filed than in any other county, the investigator, a former investigator for a Federal agency and a man of excellent qualifications, has just been inducted into the armed forces and no one has been found to continue his work.

If a real workmanlike and State-wide job of investigation were made, embracing each county in which there is reason to believe that land was illegally acquired by ineligible aliens, it will be seen that the cost could assume substantial proportions. It could easily mount to $100,000 annually, or even more, depending entirely upon

the character and exhaustiveness of the work done, the ability of the investigators and the local situations disclosed.

It is understood that this figure includes only field work, and does not include the cost of services of members of the legal staff of the Attorney General regularly assigned to escheat proceedings. At the present time only one member of the legal staff is so engaged, but the volume of this work could readily employ the services of two additional deputies with the approach of trials and the heavy appeal work anticipated.

It should also be understood that at this time the amount of outlay can not be considered with relation to any anticipated amounts of eventual recovery through the escheat of land illegally acquired and their sale by the State. This is for two reasons—first, the practical question as to whether sufficient proof can be adduced to satisfy the courts in all cases, and second, the uncertainties which always exist as to what the higher courts may ultimately decide upon the numerous legal points which are being and will be raised. For example, it is even being contended that the Federal Government, through its amendment of the naturalization law, has now made *all* aliens eligible to citizenship. Some of the points raised may be merely obstructive, others may be regarded by the courts as having substance. In all events, the fact remains that, up to this time, the escheat provisions of the California Alien Land Law have never been satisfactorily adjudicated, and that some of the points now being raised have never before even been presented to the courts.

II

This brings us to the second inquiry contained in Senate Concurrent Resolution No. 13, viz. that as to "what changes, if any, in the law may be necessary or desirable to facilitate the consummation of the survey and the prosecution of evasions and violations discovered during the course of it."

In a report made by the Attorney General to the Chairman of the Senate Fact-Finding Committee on Japanese Resettlement under date of December 20, 1944, (a copy of which is attached) it was recommended that the Alien Land Law be amended to provide for reimbursement of counties for expenses incurred by them in connection with proceedings for the escheat of the *fee simple* of land unlawfully acquired in the same manner that Section 8 provides for reimbursement where *leasehold* interests are escheated. For some reason not known to us, probably simple inadvertence, when the latter section was amended in 1943 no similar provision was made to cover proceedings where the land itself is escheated. A suitable amendment to accomplish this (copy of which is attached) was later furnished the Chairman of the Senate Committee, but we do not find that it was introduced. We do find three bills which were introduced to amend Section 7.5, relating to this subject. These are Senate Bill No. 415, Senate Bill No. 887 and Assembly Bill 1682—the two latter bills being identical in their provisions. None of these bills follow the provisions of Section 8 of the act, which provide for reimbursement where leaseholds are escheated. Senate Bill No. 415 directs that one-half the proceeds of escheated lands be paid into the General Fund of the State and the other one-half be paid to the county, to be expended only for investigation and enforcement of, and prosecutions for violations of the Alien Land Law. The other two bills provide that one-half shall be paid into the county treasury and the other one-half shall be placed by the State Treasurer in the School Fund. While the method of disposing of the proceeds realized from escheated land is a matter of legislative policy and properly one for the Legislature to decide, it would seem that Senate Bill No. 415 might be expected to stimulate effort in the carrying out of the provisions of the Alien Land Law with greater effect than the plan incorporated in the other measures. It may be observed that the plan proposed by the Attorney General would provide a uniform plan throughout the Statute and that no insistent objection has been made, to his knowledge, to that adopted in 1943, after which the proposed amendment was patterned.

There are four other bills pending which affect the Alien Land Law. *Senate Bill No. 414* is an appropriation bill designed to implement the Attorney General with funds for "the investigation, discovery and prosecution of violations or evasions" of the Alien Land Law. It is recommended that there be added, following the word "State" in line 9, the words "and for the instituting and carrying on of escheat proceedings in all proper cases." It could not then be contended that the intent was to limit expenditures to the enforcement of the penal provisions.

Senate Bill No. 139 places the duty of bringing escheat proceedings solely upon the Attorney General, by deleting the words "or district attorney of the proper county" now contained in Sections 7 and 8. It was apparently the intent of the sponsors that a primary responsibility be thus fixed upon the Attorney General, although it is provided that the district atorney shall cooperate with and assist him when requested. In as much as the district attorney has more intimate knowledge of local conditions, is better equipped to handle matters in the superior courts in most instances and his participation as counsel of record and joint effort with the Attorney General is desirable, it is recommended that the new matter added in

lines 12 to 15 on page 1, in lines 37 to 40 on page 2, and in lines 14 to 17 on page 3, be amended to read as follows:

> When requested by the Attorney General it shall be the duty of the district attorney of the proper county to join him in the enforcement of all the provisions of this act, and in the investigation of violations thereof and the instituting and carrying on of escheat proceedings under this section.

This would then provide for the district attorney's exerting active effort in preliminary investigations and the preparation of escheat proceedings, as well as joining and participating as attorney of record. It would seem desirable also, if agreeable to the sponsors of the bill, that some language be included to indicate that, while the primary responsibility is to rest upon the Attorney General, he is to act in a sense as the coordinator of this work and the duty rests upon the district attorneys to carry on active work under his direction. Experience has demonstrated that active effort on the part of the district attorney of the county in which the land is situated is absolutely essential to success. A fixing of a definite degree of responsibility on his part, as well as that of the Attorney General, is necessary.

Senate Bill No. 161 amends Section 315 of the Code of Civil Procedure, which imposes a 10-year statute of limitations upon the State in actions brought "in respect to any real property," by providing that this section shall not apply to proceedings under the Alien Land Law. While the intent of this measure is good and the result sought to be achieved highly desirable, the opinion has been expressed that it constitutes an acknowledgment of weakness, or at least uncertainty. Recommendation as to this bill is reserved, pending decision of several superior courts upon demurrers which have raised the question of the bar of this section. It should be stated that in one county the court has already ruled that this section does not apply to escheat proceedings.

Assembly Bill No. 2130 contains numerous amendments to the Alien Land Law. Among them are provisions apparently aimed at the so-called dual citizenship status of certain Japanese, also provisions including watercraft within the enumeration of property forbidden to be acquired and made escheatable. Sections 8 and 9 of the bill are designed to implement the Attorney General in the enforcement of the Alien Land Law. No recommendation is made as to this measure at this time, pending further consideration of the effect of its provisions and their constitutionality.

So far as suggestions, invited by the Resolution, as to amendments to the Alien Land Law necessary or desirable at this time, are concerned, a statement of the position of the Attorney General should be made. In some respects it would be highly desirable to amend the statute substantially even to the extent of rewriting some of its basic provisions. However, there exist several hazards to its revision or to the amendment of its important and basic provisions at this stage. One of these arises from the fact that the law, in respect of its escheat provisions, has never been satisfactorily adjudicated. In fact, thus far there are only two decisions of the California Supreme and Appellate Tribunals directly passing upon the nature and effect of the escheat proceeding. These proceedings, therefore, are still more or less in the pioneering stage so far as their known legal status is concerned. To revise or amend important provisions at this time might add to such confusion and uncertainty as exists, and deprive the courts of such judicial guidance as has been furnished. This is well illustrated by the fact that the amendment made in 1943, repealing the conspiracy section and adding a new section which makes *any* violation of the statute a criminal offense, has been avidly embraced by those who challenge the escheat provisions, and employed by them in their argument that the 1-year statute of limitation applying in the case of a penalty or forfeiture (C.C.P. Sec. 340, Subd. 2) has thus been made to apply to escheat proceedings. It may become desirable to repeal Section 10a of the statute because of this potential impediment, although up to this time the superior courts have ruled with us in our contention that, upon the authority of *People* vs. *Nakamura*, 125 Cal. App. 268, no penalty or forfeiture is involved. However, at the time the *Nakamura case* was decided no violation of the act, e.g., illegal acquisition of land, was made an offense—the only crime denounced being that of conspiracy to violate.

The second reason why the amendment of the act in essential particulars should be approached with extreme caution lies in the difficulty, if not the impossibility, of giving the amendments other than prospective effect. There is serious question as to whether amendments such as might be desirable could be made retroactive. This becomes highly important by reason of the effect such amendments would have or might be held to have, upon some 28 pending proceedings which are the result of extensive investigation and painstaking preparation. In a report of this character it is impossible to develop all of the legal questions and problems present, but suffice it to say that they are not few in number. It will be readily appreciated that perhaps the most defiant and substantial evasions of the Alien Land Law which can be expected have already taken place, many of them as long as two decades ago. The present mature age of the ineligible aliens in this Country and State, the fact that most of them have American-born children who have now reached the age of majority and can acquire and own land without legal restraint, and the fact that all aliens have now become quite Alien Land Law conscious by reason of the program which has been conducted during the past year all serve to indicate that the principal objective must

Monterey County

People vs. Iketa, et al., Sup. Ct. No. 23921

Orange County

People vs. Nitta, et al., Sup. Ct. No. 43170
People vs. Nitta, et al., Sup. Ct. No. 43171
People vs. Nitta, et al., Sup. Ct. No. 43172

San Diego County

People vs. Iguchi, et al., Sup. Ct. No. 120062
People vs. Iguchi, et al., Sup. Ct. No. 120064
People vs. Iguchi, et al., Sup. Ct. No. 120065
People vs. Iguchi, et al., Sup. Ct. No. 120066
People vs. Saito, et al., Sup. Ct. No. 120683
People vs. Oyama, et al., Sup. Ct. No. 121200
People vs. Tanida, et al., Sup. Ct. No. 121323
People vs. Shinohara, et al., Sup. Ct. No. 122431
People vs. Yoshimura, et al., Sup. Ct. No. 120450
People vs. Masumoto, et al., Sup. Ct. No. 122527

San Joaquin County

People vs. Watanabe, Assano, et al., Sup. Ct. No. 35267
People vs. Akita, et al., Sup. Ct. No. 35268
People vs. Hirota, et al., Sup. Ct. No. 35286
People vs. Watanabe, et al., Sup. Ct. No. 35327

Ventura County

People vs. Akitomo, et al., Sup. Ct. No. 27409
People vs. Toyohara, et al., Sup. Ct. No. 27498

In addition to the foregoing 25 proceedings now pending, proceedings in new cases are now approaching the filing stage in the Counties of Fresno, San Diego and Ventura.

The pending cases above enumerated are at various stages. The problem of acquiring jurisdiction is not a simple one. In addition to publishing notice, each defendant has been personally served with process whenever he could be located within the boundaries of the United States, whether in a relocation center or at some place in the Nation to which he has been released. In numerous instances continuances have been sought and obtained by the attorneys for the Japanese defendants; in some cases the Federal Government has requested continuances, and we have, of course, granted all such; in other cases the absence of Japanese American-born citizens (who are necessary parties) by reason of service in our armed forces has compelled a continuance, under the Soldiers' and Sailors' Relief Act. The effort has been to bring all cases to issue and trial as soon as the law and the interests of justice will permit.

(3). Mention should be made of six counties which have not heretofore pursued investigations but whose district attorneys have recently undertaken the investigation of some promising cases, with the view to the preparation of proceedings. These are the Counties of Contra Costa, Kings, Madera, Merced, San Luis Obispo, and Stanislaus. Santa Barbara County has also promised a report of the results of its investigations. In some counties, as for example those of Riverside and Tulare, the district attorneys state that they are without sufficient personnel to undertake this work. In some of these counties we feel that reasonable prospects exist of uncovering violations.

(4). With the thought that you may be interested in the review made by the Attorney General of the Alien Land Law and the present program involving escheat proceedings, we enclose a copy of his speech before the California Land Title Association at its annual conference in Pasadena on June 7, 1944. This may afford some information useful to you.

(5). It is our belief that the Alien Land Law should be amended to include the same provision for reimbursement of counties for the expenses incurred by them in connection with proceedings for the escheat of the fee simple of land unlawfully acquired (Section 7, Alien Land Law) as that added to Section 8 of the law in 1943 for reimbursement where leasehold interests are escheated. For some reason not known to us, probably simple inadvertence, the latter section was amended, while the section to which recourse is necessarily made to escheat the land itself was not implemented with this legal authorization for reimbursement. In our discussions with the various district attorneys we have found that a like amendment to Section 7 will be satisfactory to them. We believe that the authorization should provide for reimbursement in all proceedings had subsequent to January 1, 1942, which would include two completed cases—in Fresno and Stanislaus Counties—which have yielded appreciable recoveries to the State. We will be glad to furnish such an amendment to you for introduction.

(6). The matter of strengthening the existing sections of the Alien Land Law by the addition of certain desirable provisions has been under study by this office. There are certain dangers involved in making changes at this time, which arise both from constitutional considerations and by reason of the difficulty of giving the new provisions other than prospective effect. The subject is being explored and further expression will be forthcoming as to our views.

Trusting that the information furnished herewith may be of service to you, we are

Respectfully yours,

ROBERT W. KENNY, Attorney General
By EVERETT W. MATTOON, Deputy Attorney General

An act to amend Section 7.5 of an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property-holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by initiative and adopted and approved by the electors of the State of California, November 2, 1920, as amended, relating to sales of real property by the State and the reimbursement of counties for costs and expenses expended.

The people of the State of California do enact as follows:

SECTION 1. Section 7.5 of the act cited in the title hereof is amended to read:

Sec. 7.5. Whenever any real property is acquired by the State by reason of the violation of this act, either by escheat or by other method, the State Controller is authorized, upon such terms and subject to such conditions as in his judgment is for the best interests of the State, to sell the real property for cash or on deferred payments. The sale may be at public auction or at private sale. If the sale is made at public auction, it shall be made to the highest bidder, after notice thereof, stating the terms of sale, given in the manner and for the time prescribed in Section 1274 of the Code of Civil Procedure. If the real property is sold at private sale, the sale and all the terms thereof shall be subject to the approval of the Director of Finance.

Whenever, in the judgment of the State Controller, he can not immediately sell such real property to the best interests of the State, he may take possession of the real property, and rent or lease for cash rental or share rental, manage, repair, insure against fire, and otherwise operate and control the property until such time as an advantageous sale can be made.

Upon receipt of the proceeds of any sale made pursuant to this section or upon the recovery of any money resulting from an escheat proceeding, the State Controller shall pay therefrom all reasonable costs and expenses expended by the county in which the escheat proceeding was brought in preparing, filing and prosecuting such escheat cause. Such payment shall be made to the county treasurer of such county, upon a verified claim filed with the State Controller by the district attorney of said county and approved by a judge of the superior court therein. This provision for the reimbursement of counties for costs and expenses incurred shall apply to the proceeds of any sale or any recovery of money resulting from escheat proceedings had at any time subsequent to January 1, 1942. In the event the State Controller shall not immediately sell such real property but shall rent, lease or operate the same until an advantageous sale can be made, as above provided, such reimbursement shall be made from the first proceeds of such renting, leasing or operation.

RESOLUTIONS

The following resolution was offered:

By Senators Slater, Deuel, Seawell, Shelley, and Breed:

Senate Resolution No. 59

WHEREAS, On February 22, 1945, while this body was at recess, former Senator The Honorable Albert E. Boynton was called to his reward, and

WHEREAS, Senator Boynton was a distinguished and patriotic Californian, having been born at Oroville, California, on October 9, 1875, where he received his primary and high school education, later becoming a publisher and an attorney, and

WHEREAS, Senator Boynton served as a member of the first board of trustees of the City of Oroville, and was elected to the Senate on November 6, 1906, serving in this body during the Thirty-seventh, Thirty-eighth, Thirty-ninth, and Fortieth Sessions hereof, and serving during the Thirty-ninth and Fortieth Sessions as President pro tempore, and

WHEREAS, Senator Boynton was a distinguished barrister, an able parliamentarian, a clear thinker, a man of great diplomacy, and the floor leader in this house during the

enactment of legislation which has placed the State of California in the forefront of the States of the Union as a liberal commonwealth, and

WHEREAS, Senator Boynton was noted as well for his tolerance and broad-mindedness as for his aggressiveness and militant courage, now, therefore, be it

Resolved by the Senate of the State of California, That it deeply deplores the passing of this distinguished statesman and extends to the members of his family its most sincere sympathy in their bereavement; and be it further

Resolved, That when the Senate shall adjourn from its labors of this day, it shall do so in honor of the memory of the Honorable Albert E. Boynton, and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to prepare suitably engrossed copies of this resolution and to forward the same to the members of the bereaved family.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

NOES—None.

COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

ASSEMBLY, SACRAMENTO, March 6, 1945

Hon. Frederick F. Houser, Lieutenant Governor
State Capitol, Sacramento, California

MY DEAR MR. HOUSER: Will you please read the following announcement to the Senate at your earliest convenience:

"On Thursday afternoon, March 8, 2 p.m., fourth floor on the Assembly side, a meeting will be held for the purpose of discussing pending legislation pertaining to delinquency, youth correctional and prison reforms, as well as getting the views and suggestions of juvenile judges, State administrators, and interested citizens."

Yours very truly,

LORNE D. MIDDOUGH, Chairman,
Crime and Correction Committee

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 30: By Senator Crittenden—Relative to the continuance of the Joint Committee on Water Problems created by Resolutions Chapter 130 of the 1941 Regular Session.

Request for Unanimous Consent

Senator Crittenden asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 30, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 30

Senate Concurrent Resolution No. 30—Relative to the continuance of the Joint Committee on Water Problems created by Resolutions Chapter 130 of the 1941 Regular Session.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman,

Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 6, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 102	Senate Bill No. 572
Senate Bill No. 104	Senate Bill No. 259
Senate Bill No. 105	Senate Bill No. 1244
Senate Bill No. 191	Senate Bill No. 700
Senate Bill No. 624	Senate Bill No. 701

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 6, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 1182

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; noes 2; absent 3.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 6, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 106

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bill ordered to second reading.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 7

Senator Gordon moved that Senate Bill No. 7 be withdrawn from Committee on Agriculture, and referred to Committee on Fish and Game.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 1012

Senator Carter moved that Senate Bill No. 1012 be withdrawn from Committee on Water Resources, and referred to Committee on Agriculture.

Motion carried.

ADJOURNMENT

At 3.00 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.30 p.m. Wednesday, March 7, 1945, out of respect to the memory of the late Hon. Albert E. Boynton.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

NINETEENTH LEGISLATIVE DAY
FIFTY-NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Wednesday, March 7, 1945

The Senate met at 2.30 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators—Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Roger D. Lapham, Mayor of San Francisco.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lt. Thomas Fenton Knight, Jr., of La Canada, California, U. S. Navy, recently active in South Pacific and Atlantic campaigns.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James Fisher of Napa, California.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 68
Assembly Bill No. 69

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time: .

Assembly Bill No. 68—An act to amend Section 1a of an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the Chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 69—An act to amend Sections 1 and 3, and to repeal Section 1a of an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the Chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council.

Referred to Committee on Governmental Efficiency.

RECESS

At 2.35 p.m., on motion of Senator Shelley, the Senate recessed to hear the remarks of Mayor Lapham of San Francisco.

REASSEMBLED

At 2.38 p.m., the Senate reconvened.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

REPORTS OF STANDING COMMITTEES

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, March 6, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 7

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

GORDON, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 6, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 30

And reports the same correctly engrossed.

SEAWELL, Chairman

COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

CARSON CITY, NEVADA, March 6, 1945

Frederick F. Houser, President
California Senate, Sacramento, California.

DEAR SIR: Herewith please find certified copy of Assembly Joint Resolution No. 1 which is being sent you as per the resolution provides.

Truly yours,

MALCOLM McEACHIN, Secretary of State.

ASSEMBLY JOINT RESOLUTION

To the California Legislature of 1945, asking the State of California to cede the territory east of the summit of the Sierras to Nevada, by a plebiscite of the residents of that area.

Motion to Refer Joint Resolution

Senator Powers moved that Assembly Joint Resolution No. 1 of the Nevada State Legislature be referred to the Senate Committee on Rules.

Substitute Motion

Senator Deuel moved, as a substitute motion, that Assembly Joint Resolution No. 1 of the Nevada State Legislature be referred to the Committee on Transportation instead of to the Committee on Rules.

The President ordered the roll called.

The roll was called, and the motion lost by the following vote:

AYES—Senators Breed, Burns, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Mayo, Slater, and Swing—12.

NOES—Senators Brown, Carter, Collier, Donnelly, Hatfield, Judah, Keating, Kuchel, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Tenney, and Ward—18.

The question being on the adoption of the motion by Senator Powers

The roll was called, and the motion carried by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—30.

NOES—Senators Breed, Carter, DeLap, and Deuel—4.

Assembly Joint Resolution of the Nevada State Legislature referred to Committee on Rules.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 278

Senator Dillinger moved that Senate Bill No. 278 be withdrawn from Committee on Revenue and Taxation, for purpose of amendment.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 278

Senate Bill No. 278—An act to amend Sections 17053.5, 19200, 19201, 19202, 19203, 19204, and 19205 of the Revenue and Taxation Code, relating to personal income taxes.

Bill read second time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill, after "taxes", insert ", to take effect immediately".

Amendment No. 2

On page 5 of said bill, after line 39, insert

"SEC. 8. This act shall not take effect unless Senate Bills Nos. 3, 279, and 281, all as amended by the Senate, are enacted by the Fifty-sixth Legislature.

SEC. 9. Amendments to sections of the Revenue and Taxation Code effected by this act become operative upon the effective date of this act if on or prior to said date Part 10 of Division 2 of the Revenue and Taxation Code has become operative; otherwise, said amendments become operative when Part 10 of Division 2 of said code becomes operative.

SEC. 10. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 279

Senator Dillinger moved that Senate Bill No. 279 be withdrawn from Committee on Revenue and Taxation for purpose of amendment.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 279

Senate Bill No. 279—An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, relating to a franchise tax imposed on banks and corporations, and providing for the use of part of the proceeds of said tax.

Bill read second time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendments:

Amendment No. 1

In line 4 of the title of the printed bill, after "tax", insert ", to take effect immediately".

Amendment No. 2

On page 1 of said bill, after line 32, insert

"SEC. 2. This act shall not take effect unless Senate Bills Nos. 3, 278, and 281, all as amended by the Senate, are enacted by the Fifty-sixth Legislature.

SEC. 3. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 281

Senator Dillinger moved that Senate Bill No. 281 be withdrawn from Committee on Revenue and Taxation for purpose of amendment.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 281

Senate Bill No. 281—An act to amend Section 5.5 of the Corporation Income Tax Act, relating to income tax imposed on corporations and providing for the use of part of the proceeds of said tax.

Bill read second time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill, after "tax", insert ", to take effect immediately".

Amendment No. 2

On page 1 of said bill, after line 32, insert

"SEC. 2. This act shall not take effect unless Senate Bills Nos. 3, 278, and 279, all as amended by the Senate, are enacted by the Fifty-sixth Legislature.

SEC. 3. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 3

Senator Breed moved that Senate Bill No. 3 be withdrawn from Committee on Revenue and Taxation for purpose of amendment.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 3

Senate Bill No. 3 An act to amend Sections 6051 and 6201 of the Revenue and Taxation Code, relating to the sales and use taxes, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Breed moved the adoption of the following amendments:

Amendment No. 1

In lines 2 and 3 of the title of the printed bill, strike out "declaring the urgency thereof,".

Amendment No. 2

On page 2 of said bill, strike out lines 38 to 51, inclusive, and insert

"SEC. 3. This act shall not take effect unless Senate Bills Nos. 278, 279, and 281, all as amended by the Senate, are enacted by the Fifty-sixth Legislature.

SEC. 4. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 102—An act to amend Section 131 of the Civil Code, relating to actions for divorce.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 104—An act to amend Section 4237.1 of the Political Code, relating to court phonographic reporters in counties of the eighth class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 105—An act to amend Section 55 of the Civil Code, relating to marriages.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 191—An act to amend Section 1029 of the Code of Civil Procedure, relating to award of costs against counties, cities, districts and other public agencies or entities.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 624—An act to add Section 6060.7 to the Business and Professions Code, relating to admission to the practice of law.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 572—An act to amend Section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 259—An act to amend Section 1064 of the Probate Code, relating to estates of deceased persons.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1244—An act to amend Section 3440 of the Civil Code, relating to fraudulent conveyances.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 700—An act to add Section 988j to the Code of Civil Procedure, relating to practice and procedure on appeals from municipal courts in civil cases, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 701—An act to amend Sections 984 and 988g, and to repeal Sections 983a, 988, 988a, 988b, 988c, 988c-1 and 988d, of the Code of Civil Procedure, relating to procedure and practice on appeal in municipal courts.

Bill read second time ordered engrossed, and to third reading.

Senate Bill No. 1182—An act to amend Section 108 of the Civil Code, relating to insanity as a ground for divorce.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 106—An act to validate marriages performed under Section 79 of the Civil Code.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, after "to", strike out "validate", and insert "add a new section to the Civil Code relating to".

Amendment No. 2

In line 1 of the printed bill, after "Section 1.", insert "Section 79.1 is hereby added to the Civil Code to read as follows:
Section 79.1."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 319

Senator Fletcher moved that Senate Bill No. 319 be withdrawn from Committee on Public Health and Safety for purpose of amendment:

Motion carried.

CONSIDERATION OF SENATE BILL NO. 319

Senate Bill No. 319—An act to add Article 5, comprising Sections 540 to 552, inclusive, to Chapter 1 of Part 2 of Division 1 of the Health and Safety Code, relating to the registration and examination of sanitarians employed full time in State and local departments of public health.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

In line 1 of title of the printed bill, strike out "552", and insert "542".

Amendment No. 2

On page 1, line 1, of the printed bill, strike out "552", and insert "542".

Amendment No. 3

On page 1, lines 7 and 8, of the printed bill, strike out "an educator", and insert "a person".

Amendment No. 4

On page 1, line 9, of the printed bill, strike out "is employed by an official health agency", and insert "is qualified".

Amendment No. 5

On page 1, line 11, of the printed bill, strike out "environmental"; strike out "this definition does not apply"; and strike out lines 12 to 15, inclusive.

Amendment No. 6

On page 1 of the printed bill, strike out all of lines 16 to 18, inclusive, and insert "541. The governing body of a city, of a county, or of a local health district may employ on a full time basis one or more sanitarians each of whom shall be a registered sanitarian as provided for in this article for the purpose of the enforcement of such State Statutes relative to public health, and such rules and regulations of the State Board of Public Health, and any local ordinances of a city, county or local health district that relate to the inspection of food products, water supplies, sewage disposal, food establishments, general sanitation or housing; provided, however, that any person who shall be known as assistant sanitarian may without a certificate of registration be employed to work under the supervision of a registered sanitarian until such time as he may be qualified by examination as provided under Section 542 (b), such time not to exceed two years of such employment".

Amendment No. 7

On page 1 of the printed bill, strike out lines 19-23, inclusive; on page 2, strike out lines 1 to 52, inclusive; and on page 3, strike out lines 1 to 51, inclusive, and insert "542. The State department shall certify as a registered sanitarian any person who qualifies himself by one of the following procedures:

(a) The State department shall accept for registration as a registered sanitarian (1) any person who on or before January 1, 1946, has passed an official civil service examination as certified by an official agency qualifying him as a sanitarian, food and market inspector, food and drug inspector, or housing inspector, given by the State, or by any city, county or local health district of the State; or (2) any person who has had a minimum of two years experience between January 1, 1938 and January 1, 1946, as such inspector with the State, or with any city, any county, or any local health district of the State.

(b) The State department may hold examinations in various parts of the State for the purpose of determining persons who are qualified and competent to act as registered sanitarians who desire to become employed on a full time basis in health departments of the State, or of any city, or any county, or of any local health district of the State in the enforcement of State statutes relative to public health, the rules and regulations of the State Board of Public Health and local ordinances pertaining to public health. The State department shall issue a certificate as a registered sanitarian to each person who passes such examination. The State Board of Public Health may by rule establish minimum standards and qualifications for such persons."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolutions were offered:

Senate Joint Resolution No. 11: By Senators Desmond, McBride, Quinn, Tenney, Jespersen, and Ward—Relative to the establishment of an Optometry Corps in the United States Army.

Referred to Committee on Military and Veterans Affairs.

Senate Concurrent Resolution No. 31: By Senator Hatfield—Relative to the passing of Lucas E. Kilkenny.

Request for Unanimous Consent

Senator Hatfield asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 31, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 31

Senate Concurrent Resolution No. 31—Relative to the passing of Lucas E. Kilkenny.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Resolution ordered transmitted to the Assembly.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 790

Senator Hatfield moved that Senate Bill No. 790 be withdrawn from Committee on Business and Professions, and referred to Committee on Governmental Efficiency.

Motion carried.

RESOLUTIONS

The following resolution was offered:

By Senator Powers:

Senate Resolution No. 60

Resolved, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law with the compensation set opposite her name, payable weekly seven days per week, beginning Tuesday, March 6, 1945, and the Controller is hereby directed to draw his warrants in favor of the respective person for the respective amount, and the Treasurer is hereby directed to pay the same.

Ada Reinhold, Assistant Minute Clerk.....$8 00 per day

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—33.

NOES—None.

ADJOURNMENT

At 3.38 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.30 p.m. Thursday, March 8, 1945, out of respect to the memory of the late Hon. Lucas E. Kilkenny.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

TWENTIETH LEGISLATIVE DAY

SIXTIETH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Thursday, March 8, 1945

The Senate met at 2.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Mayo, on motion of Senator Mixter, account of illness.

Senator DeLap, on motion of Senator Seawell, account of illness.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Edmund Gerry of Ventura.

On request of Senators Mixter and Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Aubrey M. Lumley of Porterville.

On request of Senator Slater the privilege of the floor of the Senate Chamber for this day was unanimously extended to District Attorney Chas. J. McGoldrich and Mr. Ralph Brown of Santa Rosa.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Capt. Laughlin E.

Waters, U. S. Army, of Los Angeles, and Miss Ronnie Newman of New York City.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edwin Mueller, former Senator, of San Diego.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Theresa Meikle, Judge of the Juvenile Department, Superior Court of San Francisco, and Mrs. George Ososke of San Francisco, California.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Edward C. Poulsen, D. C., of Santa Cruz, and Dr. Levitt of San Jose.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 43
Assembly Bill No. 321
Assembly Bill No. 575
Assembly Bill No. 932
Assembly Bill No. 2112

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 43 An act to amend Sections 736b, and 737a to 737z, inclusive, 737aa to 737zz, inclusive, and 737aaa to 737fff, inclusive, of the Political Code, relating to the salaries of judges of the superior court.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 321 An act to amend Sections 69 and 69a of the Civil Code and Section 10525 of the Health and Safety Code, relating to marriage.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 575 An act to add Section 19a to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to emergency employees in municipal courts.

Referred to Committee on Judiciary.

Assembly Bill No. 932 An act to add Section 1066 to the Code of Civil Procedure, relating to the judicial review of administrative determinations.

Referred to Committee on Judiciary.

Assembly Bill No. 2112 An act to add Sections 8740.5 and 8793 to the Business and Professions Code, relating to land surveyors.

Referred to Committee on Business and Professions.

Senator Hatfield Presiding

At 2:45 p.m., Senator Hatfield of the Twenty-fourth District, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 7, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 102
Senate Bill No. 104
Senate Bill No. 105
Senate Bill No. 191
Senate Bill No. 259
Senate Bill No. 572
Senate Bill No. 624
Senate Bill No. 700
Senate Bill No. 701
Senate Bill No. 1182
Senate Bill No. 1244

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 106

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Institutions

SENATE CHAMBER, SACRAMENTO, March 7, 1945

MR. PRESIDENT: Your Committee on Institutions, to which was referred:

Senate Bill No. 546

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bill ordered re-referred to Committee on Finance.

Committee on Education

SENATE CHAMBER, SACRAMENTO, March 8, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 356
Senate Bill No. 661
Senate Bill No. 662

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 8, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 329

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Agriculture.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bill ordered re-referred to Committee on Agriculture.

SENATE CHAMBER, SACRAMENTO, March 8, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 73
Senate Bill No. 367
Senate Bill No. 457
Senate Bill No. 458
Senate Bill No. 485
Senate Bill No. 788
Senate Bill No. 828

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 8, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 357
Senate Bill No. 753
Senate Bill No. 1233

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bills ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 8, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 947
Senate Constitutional Amendment No. 12

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bills ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 8, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 952

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 8, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 188
Senate Bill No. 415
Senate Bill No. 829

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bills ordered to second reading.

Committee on Military and Veterans' Affairs

SENATE CHAMBER, SACRAMENTO, March 7, 1945

MR. PRESIDENT: Your Committee on Military and Veterans' Affairs, to which were referred:

Senate Bill No. 689
Senate Bill No. 691
Senate Bill No. 692
Senate Bill No. 693

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

QUINN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 7, 1945

MR. PRESIDENT: Your Committee on Military and Veterans' Affairs, to which was referred:

Senate Bill No. 690

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; noes 1.

QUINN, Chairman

Above reported bill ordered to second reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 277

Senator Gordon moved that Senate Bill No. 277 be withdrawn from Committee on Natural Resources for purpose of amendment, and re-referred to committee.

Motion carried.

Above reported bill ordered to second reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 365

Senator Fletcher moved that Senate Bill No. 365 be withdrawn from Committee on Education for purpose of amendment, and re-referred to committee.

Motion carried.

Above reported bill ordered to second reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 99

Senator Fletcher moved that Senate Bill No. 99 be withdrawn from Committee on Judiciary for purpose of amendment, and re-referred to committee.

Motion carried.

Above reported bill ordered to second reading.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 503

Senator Quinn moved that Senate Bill No. 503 be withdrawn from Committee on Transportation, and referred to Committee on Judiciary.

Motion carried.

RESOLUTIONS

The following resolution was offered:

By Senators Swing, Dilworth, and Hulse:

Senate Resolution No. 61

Relating to public lands on and near the Colorado River

WHEREAS, The State of California owns many acres of public lands bordering on or near the Colorado River; and

WHEREAS, There is a vast acreage of Federal public lands in that area; and

WHEREAS, Existing and proposed dams enhance the value of such lands and will make the lands bordering upon the impounded waters desirable for recreational areas; and

WHEREAS, The ever increasing demand for recreational privileges and for public places suitable for use in connection with the recreational and rehabilitation program now in the course of preparation for the returning members of the armed forces, making it desirable and proper that all lands now owned or controlled by the State, or that may be acquired by exchange for Federal lands suitable for recreational purposes, should be preserved in State control for public use; and

WHEREAS, The regulation and control of the Colorado River has created lakes and ponded water, which abound in fish and are rapidly becoming the natural feeding ground for ducks, geese and other wild migratory birds; and

WHEREAS, Much of the lands adjoining these lakes and ponded areas are by reason of the mild climatic conditions and attractiveness of these lakes and ponded areas peculiarly suitable for recreational purposes; and

WHEREAS, The lands within Counties of San Bernardino and Riverside bordering upon these lakes and ponded areas are still in a state of undevelopment and largely State or Federal lands, and should be acquired and preserved in the interest and for the use and benefit of the public before they pass into private ownership; now, therefore, be it

Resolved by the Senate of the State of California, That the State Lands Commission be and it is hereby requested to withdraw from sale or lease all lands within the

Counties of San Bernardino and Riverside bordering on or in the close vicinity of the Colorado River, under its jurisdiction and control; and, be it further

Resolved, That the State Lands Commission be and it is hereby requested to exchange other lands under its jurisdiction and situated elsewhere in the State for Federal public lands bordering on or near the Colorado River, particularly where the acquisition of Federal land will vest title in the State to complete blocks of land which may be desirable for recreational areas; and, be it further

Resolved, That the Bureau of Reclamation and the Secretary of Interior be and they are hereby requested to co-operate and preserve the lands for and in the interest of the public in order that the same may be converted into a great public recreational area; and, be it further

Resolved, That the State Lands Commission be and it is hereby requested to cooperate and to work with the Committee of the Senate heretofore appointed under resolution referring to the Needles Colorado River Committee, heretofore appointed under Resolution No. 38 in the selection of suitable lands herein specified or any other committee that may be hereafter be appointed for such purpose, and be it further

Resolved, That the Secretary of the Senate is directed to submit a copy of this resolution to the Bureau of Reclamation and to the Hon. Harold L. Ickes, Secretary of Interior and to the State Lands Commission.

Resolution read, and on motion of Senator Swing, adopted.

COMMUNICATIONS

Senator Seawell: "I have a communication from the Legislative Counsel which I wish to present at this time."

SACRAMENTO 2, CALIFORNIA, January 26, 1945

Honorable Jerrold L. Seawell
Senate Chamber, State Capitol, Sacramento 2, California

Powers of President of Senate—No. 2802

DEAR SENATOR SEAWELL: We have your inquiry asking whether the President of the Senate has authority to appoint a Senator to preside over the Senate during the absence of the President.

In view of the Rules adopted by the Senate at this session it is our opinion that the President of the Senate does not have authority to make such an appointment.

Section 15 of Article V of the Constitution provides that the Lieutenant Governor shall be President of the Senate but shall have only a casting vote therein.

It appears to be well settled that where a presiding officer is not a member of the body of which he is President, he possesses no inherent powers or duties other than to preside over the body when it is in session. Such other powers as he may have are vested in him solely by the Rules of the body.

Senate Rule 8 provides that the President pro tempore of the Senate may name any Senator to perform any duties of the chair in the absence of the President.

In view of this rule we believe the President of the Senate has no authority to delegate his constitutional duty to preside over that body to any Member of the Senate.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By LAWRENCE G. ALLYN, Deputy

Communication read.

Motion to Print Communication

Senator Seawell moved that the communication from the Legislative Counsel be embodied in the Journal.

Motion carried.

Senator Hatfield stated: "In view of the opinion of the Legislative Counsel I am not authorized to act as President of the Senate."

Therefore, Senator Hatfield relinquished the chair.

Senator Seawell, President pro tempore of the Senate, appointed Senator Parkman to preside.

Senator Parkman Presiding

At 2.50 p.m., Senator Parkman of the Twenty-first District, presiding.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 12: By Senators Slater, Collier, Shelley, Quinn, Gordon, Biggar, and Keating—Relating to the establishment of the Seat of Government of the Allied Nations of the World, in the Redwood Empire of California.

Request for Unanimous Consent

Senator Slater asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 12, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 12

Senate Joint Resolution No. 12—Relating to the establishment of the Seat of Government of the Allied Nations of the World, in the Redwood Empire of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 347

Senator Dorsey moved that Senate Bill No. 347 be withdrawn from Committee on Governmental Efficiency, for purpose of amendment, and re-referred to committee.

Motion carried.

Above reported bill ordered to second reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILLS NOS. 560, 556, 637, AND 1030

Senator Biggar moved that Senate Bills Nos. 560, 506, 637, and 1030 be withdrawn from Committee on Natural Resources for purpose of amendment, and re-referred to committee.

Motion carried.

Above reported bills ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 7—An act to add Section 162 to the Agricultural Code, relating to the destruction of predatory animals and the use of methods and devices intended for that purpose.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 277—An act to provide for the acquisition of a State park in the County of Napa as part of the State Park System, and making an appropriation.

Bill read second time.

Motion to Amend

Senator Gordon moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, strike out lines 6 to 9, inclusive, and insert "SEC. 2. Not more than five thousand dollars ($5,000) of the money appropriated by this act shall be expended for the purpose herein provided until an amount equal to the amount proposed to be expended in excess of five thousand dollars ($5,000) from this appropriation has been deposited in the State Treasury from sources other than State funds to be used in augmentation of such appropriation."

Amendment No. 2

On page 1, line 11, of said bill, strike out the blank, and insert "ten thousand dollars ($10,000)".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

Senate Bill No. 365—An act to amend Section 5922 of the Education Code, relating to Revolving Fund for Warehouse Stock.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "two hundred thousand dollars ($200,000)", and insert "an amount equal to the average daily attendance of the district for the next preceding year multiplied by $7.00".

Amendment No. 2

On page 1, lines 10 and 11, of said bill, strike out "of two hundred thousand dollars ($200,000)", and insert "determined as above".

Amendment No. 3

On page 1, line 17, of said bill, strike out "two hundred thousand dollars ($200,000)", and insert "an amount equal to the average daily attendance of the districts for the next preceding year multiplied by $7.00".

Amendment No. 4

On page 1, line 20, of said bill, strike out "stores".

Amendment No. 5

On page 1, line 24, of said bill, strike out "of two hundred thousand dollars ($200,000)", and insert "as determined above".

Amendment No. 6

On page 2, lines 2 and 3, of said bill, strike out "not to exceed two hundred thousand dollars ($200,000)", and insert "to an amount not in excess of the average daily attendance of the next preceding year multiplied by $7.00".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 99—An act to add Section 1060 to the Civil Code, relating to the release of powers of appointment, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, strike out line 6, and insert "the donee and delivered as hereinafter provided unless the instrument creating the power provides otherwise."

Amendment No. 2

On page 1, line 19, of said bill, strike out "grantee", and insert "donee".

Amendment No. 3

On page 1, line 21, of said bill, strike out "grantee", and insert "donee".

Amendment No. 4

On page 1 of said bill, between lines 25 and 26, insert

"4. All releases heretofore made which substantially comply with the foregoing requirements are hereby validated."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 347—An act to establish California academies for children who require special care and supervision, to provide for the government and administration thereof, and making an appropriation.

Bill read second time.

Motion to Amend

Senator Dorsey moved the adoption of the following amendments:

Amendment No. 1

On page 2 of the printed bill, strike out lines 26 to 30, inclusive, and insert

"SEC. 12. The board shall determine, subject to the State Civil Service Act, the number and qualifications of all personnel of the schools, appoint the same, and fix their compensation. Teachers and instructors shall be selected from the standpoint of efficiency, in the particular line or subject to be covered by them.

The instructors and teachers of vocational education and academic subjects shall possess the same qualifications as are now, or may hereafter be, required by any law of this State for instructors and teachers of vocational and academic subjects in the public schools of the State and they shall be certificated as now or hereafter may be required by the provision of Chapters 1 and 2, and Articles 1 and 2 of Chapter 3 of Division 7 of the Education Code.

Any person employed by a school district as a probationary or permanent employee in a position requiring certification qualifications shall be entitled to a leave of absence for the purpose of accepting employment by California Academies in a similar position. Such absence shall not in any way affect his classification, and upon the termination of his employment by California Academies, he shall be entitled to return to the position held by him at the time of his entrance into such employment.

In the academic field as to subjects to be taught and the qualifications of teachers and instructors for all grades and departments, the rules and regulations to be adopted by the board shall conform as nearly as practicable to the provisions of the Education Code covering similar subjects so as to provide the said California Academies academic departments and to give to the students thereof educational advantages similar in character to those of the public schools of the State.

Physicians and surgeons, including not less than one for each school who specializes in psychiatric cases as may be determined shall be engaged by the board at compensation comparable to that received by physicians and surgeons in other State institutions."

Amendment No. 2

On page 3, line 29, of the printed bill, after "child", insert "referred to in Section 23 hereof".

Amendment No. 3

On page 3, line 31, of the printed bill, after "residence", insert "as provided in said Section 23 hereof".

Amendment No. 4

On page 3, line 38, of the printed bill, after "made", insert "and such report shall be furnished forthwith".

Amendment No. 5

On page 4, line 2, of the printed bill, after the period, insert

"No fee shall be paid for the filing of a petition for the appointment of a guardian for any child as to which there is a proceeding pending in the juvenile court and which petition for appointment of a guardian is filed for the purpose of applying for admittance of the child to any school established under this act. No bonds shall be required upon the issuance of letters of guardianship on such petition.

SEC. 23½. If the application of the guardian for admittance of the child to the school is granted, the guardian shall forthwith cause the child to be transported to such school accompanied by a competent person; if the child has no estate or funds from which the expenses thereof may be paid or the parent or parents are financially unable to pay the reasonable expenses of transporting said child and of the person so to accompany such child and the probate judge so finds, then such expenses shall be a charge against the county in which such probate court is located; the court shall make an order of such findings and in such order shall direct the county auditor to

draw his warrant in favor of said guardian for the amount of such expenses and the county treasurer shall pay the same; such child if a female shall be accompanied to the school by a woman to be approved by the judge of the probate court; provided, however, that in no case shall a child be accompanied to the school by any probation officer, or peace officer, or any person directly connected with a penal, correctional, or detention institution, either State, county, or municipal; nor shall any person holding any position herein last above mentioned, or connected with any of said last mentioned institutions, be appointed guardian of any child the subject of this act."

Amendment No. 6

On page 4 of the printed bill, strike out lines 7 and 8, and insert

"SEC. 25. The board shall establish a uniform charge for the maintenance, clothing, care, and tuition of pupils to be paid by a parent or parents or by the guardian where the ward has an estate from which the same may be paid."

Amendment No. 7

On page 4, line 27, of the printed bill, after "code", insert ", and as same may be hereafter amended".

Amendment No. 8

On page 4 of the printed bill, after line 31, insert

"SEC. 29. The board shall upon establishment of such schools make, or cause to be made, through the proper agencies, application or applications to the Government of the United States for Federal aid for such schools and each thereof."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 560 — An act to add Article 6, comprising Sections 4421 to 4435, inclusive, to Chapter 2 of Division 4 of the Public Resources Code, relating to the acquisition, administration, protection and reforestation of forest lands, the management for demonstration purposes and sale of forest products therefrom.

Bill read second time.

Motion to Amend

Senator Biggar moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 4 of the title, of the printed bill, following "land," insert "their management as State forests and".

Amendment No. 2

On page 1, line 12, of the printed bill, following "lands", insert a comma, and following "growth", insert a comma.

Amendment No. 3

On page 2, line 21, of the printed bill, following "term", capitalize "State forest".

Amendment No. 4

On page 2, line 32, of the printed bill, following "fornia" strike out "Forest", and insert "Forestry".

Amendment No. 5

On page 2, line 28, of the printed bill, following "of" strike out "purchases area", and insert "purchase areas".

Amendment No. 6

On page 3, lines 33 and 34, of the printed bill, following "($1,000)", strike out "shall make such sales by", and insert "only upon".

Amendment No. 7

On page 3, line 43, of the printed bill, following "forest", strike out "resources", and insert "products".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

Senate Bill No. 556—An act to amend Section 505 of Division 1 of the Public Resources Code, relating to the administration of the Division of Forestry.

Bill read second time.

Motion to Amend

Senator Biggar moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 22, of the printed bill, following "represent", insert "irrigated".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

Senate Bill No. 637—An act to provide for forest practices which will promote the maximum sustained productivity of the forest lands of California.

Bill read second time.

Motion to Amend

Senator Biggar moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 20, of the printed bill, following "promote", insert "and require".

Amendment No. 2

On page 1, line 23, of the printed bill, following "of", strike out "such".

Amendment No. 3

On page 2, line 4, of the printed bill, following "of", strike out "such".

Amendment No. 4

On page 2, line 10, of the printed bill, following "any", strike out "and all".

Amendment No. 5

On page 2, line 16, of the printed bill, following "diseases", strike out the comma, and insert "and".

Amendment No. 6

On page 2, line 41, of the printed bill, following "all", insert "privately owned".

Amendment No. 7

On page 2, line 47, of the printed bill, following "all", insert "privately owned".

Amendment No. 8

On page 3, line 4, of the printed bill, following "all", insert "privately owned".

Amendment No. 9

On page 3, line 12, of the printed bill, following "timberland", strike out "timber"; and following "all", insert "privately owned".

Amendment No. 10

On page 4, line 17, of the printed bill, following "in", strike out "their", and insert "the".

Amendment No. 11

On page 5, line 25, of the printed bill, following "Sec. 7.", strike out "Permits.", and insert "Registration."; and following "timber", strike out "owners", and insert "operators".

Amendment No. 12

On page 5, lines 27 and 28, of the printed bill, following "shall", strike out "apply for and obtain a permit from", and insert "register with".

Amendment No. 13

On page 5, line 29, of the printed bill, following "such", strike out "permit", and insert "registration".

Amendment No. 14

On page 5 of the printed bill, strike out all of lines 30 to 34, inclusive, and insert "Any timber operator who fails to register, as provided for in this section, shall be prohibited from cutting or removing timber or other forest products for commercial purposes from forest lands."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

Senate Bill No. 1030—An act relating to forestry, to provide for the purchase of forest practice demonstration areas in the pine and redwood regions, for compensating the counties in which such areas are situated for loss of taxes, for reforestation and management of such areas, for demonstrating forest practices, for making surveys and appraisals, and making an appropriation.

Bill read second time.

Motion to Amend

Senator Biggar moved the adoption of the following amendments:

Amendment No. 1

On page 1, of the printed bill, strike out lines 1 to 7, inclusive, and insert "SECTION 1. In accordance with the provisions of Article 6 of Chapter 2 of Division 4 of the Public Resources Code, and to carry out the purposes and intents thereof, the Division of Forestry, acting under the direction of the Director of Natural Resources, shall purchase forest lands for State forests in the redwood and pine forest areas of the State as may be approved and recommended by the State Forest Purchase Committee pursuant to said article."

Amendment No. 2

On page 1, line 22, of said bill, after the period, insert "The money received by any county under this section shall not be expended other than for one or more of the following purposes: (a) forest fire protection, (b) roads, bridges and schools, and (c) aid to the needy aged, the needy blind and needy children."

Amendment No. 3

On page 2 of said bill, strike out line 1.

Amendment No. 4

On page 2 of said bill, strike out line 2; and in line 3, strike out "($450,000)", and insert

"SEC. 4. The sum of seven hundred fifty thousand dollars ($750,000)."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

THIRD READING OF SENATE BILLS

Senate Joint Resolution No. 7—Relative to memorializing the Congress of the United States and the United States Department of War in relation to the proposed diversion of the waters of the Klamath River watershed.

Resolution read.

Motion to Refer Bill to Inactive File

Senator Collier moved that Senate Joint Resolution No. 7 be placed on the inactive file.

Motion carried.

Senate Bill No. 102—An act to amend Section 131 of the Civil Code, relating to actions for divorce.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 104—An act to amend Section 4237.1 of the Political Code, relating to court phonographic reporters in counties of the eighth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 105—An act to amend Section 55 of the Civil Code, relating to marriages.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 106—An act to add a new section to the Civil Code, relating to marriages performed under Section 79 of the Civil Code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 259—An act to amend Section 1064 of the Probate Code, relating to estates of deceased persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormick, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1244—An act to amend Section 3440 of the Civil Code, relating to fraudulent conveyances.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Desmond, Deuel, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

Bill ordered transmitted to the Assembly.

Senate Bill No. 700—An act to add Section 988j to the Code of Civil procedure, relating to practice and procedure on appeals from municipal courts in civil cases, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31
NOES—None

Bill ordered transmitted to the Assembly.

Senate Bill No. 701—An act to amend Sections 984 and 988g, and to repeal Sections 983a, 988, 988a, 988b, 988c, 988c-1 and 988d, of the Code of Civil Procedure, relating to procedure and practice on appeal in municipal courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 31

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWBIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 63	Assembly Bill No. 497
Assembly Bill No. 83	Assembly Bill No. 513
Assembly Bill No. 143	Assembly Bill No. 527
Assembly Bill No. 151	Assembly Bill No. 529
Assembly Bill No. 153	Assembly Bill No. 720
Assembly Bill No. 286	Assembly Bill No. 781
Assembly Bill No. 496	Assembly Bill No. 1231

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 63—An act to add Section 2176 to the Business and Professions Code, relating to persons authorized to practice medicine and surgery in the Veterans' Home of California.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 83—An act to amend Section 783 of the Penal Code, relating to jurisdiction of offenses committed on vessels navigating State waters or on railroad trains or cars or on aircraft.

Referred to Committee on Judiciary.

Assembly Bill No. 143—An act to amend Section 2609 of the Elections Code, relating to sponsor certificates.

Referred to Committee on Elections.

Assembly Bill No. 151—An act to amend Section 714 of, and to add Sections 717.1 and 717.2 to, the Code of Civil Procedure, relating to execution on the property of the judgment debtor.

Referred to Committee on Judiciary.

Assembly Bill No. 153—An act to amend Section 963 and Section 983 of the Code of Civil Procedure, relating to cases in which an appeal may be taken.

Referred to Committee on Judiciary.

Assembly Bill No. 286—An act to amend Section 4135 of the Business and Professions Code, relating to licentiates in pharmacy.

Referred to Committee on Business and Professions.

Assembly Bill No. 496—An act to amend Section 3823 of the Elections Code, relating to ballots.

Referred to Committee on Elections.

Assembly Bill No. 497—An act to amend Section 3828 of the Elections Code, relating to ballots.

Referred to Committee on Elections.

Assembly Bill No. 513—An act to amend Section 2957 of the Civil Code, relating to mortgages of personal property.

Referred to Committee on Judiciary.

Assembly Bill No. 527—An act to amend Section 2800 of the Health and Safety Code, relating to pest abatement.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 529—An act to amend Section 784.6 of the Agricultural Code, relating to dried fruits.

Referred to Committee on Agriculture.

Assembly Bill No. 720—An act to amend Section 673 of the Agricultural Code, relating to factory licenses.

Referred to Committee on Agriculture.

Assembly Bill No. 781—An act to amend Section 10105 of the Business and Professions Code, relating to the suspension or revocation of licenses by the Real Estate Commissioner.

Referred to Committee on Business and Professions.

Assembly Bill No. 1231—An act to amend Section 761.1 of the Agricultural Code, relating to canning tomato standards.

Referred to Committee on Agriculture.

President of the Senate Presiding

At 4 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

WITHDRAWAL FROM COMMITTEE OF SENATE BILLS NOS. 279 AND 281

Senator Dillinger moved that Senate Bills Nos. 279 and 281 be withdrawn from Committee on Revenue and Taxation, for purpose of amendment, and re-referred to committee.

Motion carried.

Above reported bills ordered to second reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 9

Senator Ward moved that Senate Bill No. 9 be withdrawn from Committee on Revenue and Taxation, for purpose of amendment, and re-referred to committee.

Motion carried.

Above reported bill ordered to second reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 3

Senator Breed moved that Senate Bill No. 3 be withdrawn from Committee on Revenue and Taxation, for purpose of amendment, and re-referred to committee.

Motion carried.

Bill ordered to second reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 179

Senator Breed moved that Senate Bill No. 179 be withdrawn from Committee on Business and Professions for purpose of amendment, and re-referred to committee.

Motion carried.

Bill ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 279—An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, relating to a franchise tax imposed on banks and corporations, and providing for the use of part of the proceeds of said tax, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 9, of the printed bill, as amended, strike out "278", and insert "9".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 281 - An act to amend Section 5.5 of the Corporation Income Tax Act, relating to income tax imposed on corporations and providing for the use of part of the proceeds of said tax, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 7, of the printed bill, as amended, strike out "278", and insert "9".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 9—An act to amend Sections 17053.5, 19200, 19201, 19202, 19203, 19204, and 19205, of the Revenue and Taxation Code, relating to personal income taxes.

Bill read second time.

Motion to Amend

Senator Ward moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, strike out lines 1, 2, and 3 of the title, and insert "An act to amend Sections 17053.5, 17316, 17319.3, 17319.5, 19200, 19201, 19202, 19203, 19204, and 19205 of, and to add Sections 17108, 17325, 17326, 17327, 17328, 17329, 18135.1, and 18304.1 to the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately."

Amendment No. 2

On page 1 of the printed bill, strike out line 4, and insert "December 31, 1942, and before January 1, 1947, in lieu of".

Amendment No. 3

On page 1 of the printed bill, strike out lines 6 to 12, inclusive, and insert "19200 and 19201 of this code, there shall be levied, collected and paid for each taxable year upon the net income of each individual whose adjusted gross income for such year is less than five thousand dollars ($5,000) and who has elected to pay the tax imposed by this section for such year, the tax shown in the following table:".

Amendment No. 4

On page 3, lines 28 and 29, of the printed bill, strike out "living with husband or wife on July 1 of the taxable year", and insert "on the last day of the taxable year, unless his spouse dies during the taxable year, in which case such determination shall be made as of the date of the spouse's death".

Amendment No. 5

On page 3, lines 30 and 31, of the printed bill, strike out ", on July 1 of the taxable year".

Amendment No. 6

On page 3 of the printed bill, strike out lines 32 and 33, and insert "(3) An individual not a head of a family or a married person shall be".

Amendment No. 7

On page 3 of the printed bill, between lines 34 and 35, insert

"(4) "Head of a family" means a head of family on the last day of the taxable year, unless such person dies during the taxable year, in which case such determination shall be made as of the date of death."

Amendment No. 8

On page 3 of the printed bill, strike out lines 37 to 39, inclusive, and insert "on account of a change in the accounting period, or to a married individual whose spouse files a return".

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 9

On page 3 of the printed bill, between lines 40 and 41, insert

SEC. 2. Section 17108 is added to said code, to read:

17108. As used in this part of the term "adjusted gross income" means the gross income minus—

(a) The deductions allowed by Article 1 of Chapter 4 which are attributable to a trade or business carried on by the taxpayer, if such trade or business does not consist of the performance of services by the taxpayer as an employee;

(b) The deductions allowed by Article 1 of Chapter 4 which consist of expenses of travel, meals, and lodging while away from home, paid or incurred by the taxpayer in connection with the performance by him of services as a employee;

(c) The deductions allowed by Article 1 of Chapter 4 (other than expenses of travel, meals, and lodging while away from home) which consist of expenses paid or incurred by the taxpayer, in connection with the performance by him of services as an employee, under a reimbursement or other expense allowance arrangement with his employer;

(d) The deductions (other than those provided in paragraph (a), (e), or (f)) allowed by Article 1 of Chapter 4 which are attributable to property held for the production of rents or royalties;

(e) The deductions (other than those provided in paragraph (a)) for depreciation and depletion, allowed by Sections 17313 and 17314 to a life tenant of property or to an income beneficiary of property held in trust; and

(f) The deductions (other than those provided in paragraph (a)) allowed by Article 1 of Chapter 4 as losses from the sale or exchange of property.

SEC. 3. Section 17316 of said code is amended to read:

17316. Deductions for contributions or gifts shall be allowed to an amount which in all cases listed in Section 17315 combined does not exceed 15 per centum of the taxpayer's [net income as computed without the benefit of that section or of Sections 17319, 17319.3 and 17319.5] *adjusted gross income*. The contributions or gifts shall be allowed as deductions only if verified under rules and regulations prescribed by the commissioner.

SEC. 4. Section 17319.3 of said code is amended to read:

17319.3. A husband and wife who file a joint return may deduct only those expenses as exceed 5 per cent of the aggregate [net income] *adjusted gross income* of the husband and wife, computed without the benefit of this section, and the maximum deduction for the taxable year shall be not in excess of two thousand five hundred dollars ($2,500) in the case of husband and wife.

SEC. 5. Section 17319.5 of said code is amended to read:

17319.5. An individual who files a separate return may deduct only those expenses as exceed 5 per cent of the [net income] *adjusted gross income* of the taxpayer, computed without the benefit of this section, and the maximum deduction for the taxable year shall be not in excess of two thousand five hundred dollars ($2,500) in the case of the head of a family, and not in excess of one thousand two hundred fifty dollars ($1,250) in the case of all other individuals.

SEC. 6. Section 17325 is added to said code to read:

17325. An individual, at his election, may deduct a standard deduction as follows:

(a) If his adjusted gross income is five thousand dollars ($5,000) or more, the standard deduction shall be three hundred dollars ($300);

(b) If his adjusted gross income is less than five thousand dollars ($5,000), the standard deduction shall be an amount equal to 6 per centum of the adjusted gross income upon the basis of which the tax applicable to the adjusted gross income of the taxpayer is determined under the tax table provided in Section 17053.5.

SEC. 7. Section 17326 is added to said code to read:

17326. The standard deduction provided for in Section 17325 shall be in lieu of all deductions other than those which under Section 17108 are to be subtracted from gross income in computing adjusted gross income.

SEC. 8. Section 17327 is added to said code to read:

17327. (a) If the adjusted gross income shown on the return is five thousand dollars ($5,000) or more, the standard deduction shall be allowed only if the taxpayer so elects in his return, and the commissioner shall by regulations prescribe the manner of signifying such election in the return.

(b) If the adjusted gross income shown on the return is less than five thousand dollars ($5,000), the standard deduction shall be allowed only if the taxpayer elects in the manner prescribed in Section 17053.5 to pay the tax imposed by that section.

(c) If the taxpayer does not signify, in the manner prescribed by paragraphs (a) or (b), his election to take the standard deduction, it shall not be allowed. If he does so signify, such election shall be irrevocable.

(d) If the adjusted gross income shown on the return is five thousand dollars ($5,000) or more, but the correct adjusted gross income is less than five thousand dollars ($5,000), then an election by the taxpayer under paragraph (a) to take the standard deduction shall be considered as an election to pay the tax imposed by Section 17053.5, and his failure to make and a paragraph (a) an election to take the standard deduction shall be considered his election not to pay the tax imposed by Section 17053.5. If the adjusted gross income shown on the return is less than five thousand dollars ($5,000), but the correct adjusted gross income is five thousand dollars ($5,000) or more, then an election by the taxpayer under paragraph (b) to pay the tax imposed by Section 17053.5 shall be considered as his election to take the standard deduction; and his failure to elect under paragraph (b) to pay the tax imposed by Section 17053.5 shall be considered his election not to take the standard deduction.

SEC. 9. Section 17328 is added to said code to read:

17328. In the case of a husband and wife, the standard deduction provided for in Section 17325 shall not be allowed to either if the net income of one of the spouses is determined without regard to the standard deduction. For the purposes of this paragraph the determination of whether an individual is married shall be made as of the last day of the taxable year, unless his spouse dies during the taxable year, in which case such determination shall be made as of the date of such spouse's death.

SEC. 10. Section 17329 is added to said code to read:

17329. The standard deduction provided for by Section 17325 shall not be allowed in the case of a taxable year of less than 12 months on account of a change in the accounting period.

SEC. 11. Section 18135.1 is added to said code to read:

18135.1. The standard deduction provided in Section 17325 shall not be allowed in the case of estates and trusts.

SEC. 12. Section 18304.1 is added to said code to read:

18304.1. In computing the net income of a partnership, the standard deduction provided in Section 17325 shall not be allowed.".

Amendment No. 10

On page 3, line 41, of the printed bill, strike out "Sec. 2.", and insert "Sec. 13."

Amendment No. 11

On page 3 of the printed bill, strike out line 44, and insert "December 31, 1944, and before January 1, 1947, there shall be".

Amendment No. 12

On page 4, line 22, of the printed bill, strike out "Sec. 3.", and insert "Sec. 14."

Amendment No. 13

On page 4 of the printed bill, strike out line 25, and insert "December 31, 1944, and before January 1, 1947, there shall be".

Amendment No. 14

On page 4, line 29, of the printed bill, strike out "living with husband or wife".

Amendment No. 15

On page 4, line 31, of the printed bill, strike out "living together".

Amendment No. 16

On page 4, line 33, of the printed bill, strike out "living together".

Amendment No. 17

On page 4, line 36, of the printed bill, strike out "Sec. 4.", and insert "Sec. 15."

Amendment No. 18

On page 4 of the printed bill, strike out line 39, and insert "December 31, 1944, and before January 1, 1947, there shall be".

Amendment No. 19

On page 4, line 44, of the printed bill, strike out "Sec. 5.", and insert "Sec. 16."

Amendment No. 20

On page 4 of the printed bill, strike out line 47, and insert "December 31, 1944, and before January 1, 1947, every indi-".

Amendment No. 21

On page 5, line 2, of the printed bill, strike out ", or if married and not living with husband or wife".

Amendment No. 22

On page 5, lines 4 and 5, of the printed bill, strike out "and living with husband or wife".

Amendment No. 23

On page 5, line 8, of the printed bill, strike out "Sec. 6.", and insert "Sec. 17.".

Amendment No. 24

On page 5 of the printed bill, strike out lines 11 and 12, and insert "December 31, 1944, and before January 1, 1947, if a husband and wife have for the taxable years an aggre-".

Amendment No. 25

On page 5, line 19, of the printed bill, strike out "gate income.", and insert "gate income. No joint return may be made if husband and wife have different taxable years.".

Amendment No. 26

On page 5, line 20, of the printed bill, strike out "Sec. 7.", and insert "Sec. 18.".

Amendment No. 27

On page 5 of the printed bill, strike out line 23, and insert "December 31, 1944, and before January 1, 1947, every fiduciary".

Amendment No. 28

On page 5, line 25, of the printed bill, after "make" insert "under oath,".

Amendment No. 29

On page 5 of the printed bill, strike out lines 30 and 31, and insert "a year of two thousand dollars ($2,000) or over, if single.".

Amendment No. 30

On page 5, line 34, of the printed bill, strike out "and living with husband or wife".

Amendment No. 31

On page 5 of said bill, after line 39, insert

SEC. 19. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

SEC. 20. This act shall not take effect unless Senate Bills 3, 279 and 281 are enacted by the Fifty-sixth Legislature.

SEC. 21. This act shall become operative upon the taking effect of the Personal Income Tax Law, enacted by Chapter 659 of the Statutes of 1943, as amended, or upon the effective date of this act, whichever is later.".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 3—An act to amend Sections 6051 and 6201 of the Revenue and Taxation Code, relating to the sales and use taxes, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Breed moved the adoption of the following amendment:

Amendment No. 1

On page 3, line 2, of the printed bill, as amended March 7, 1945, strike out "278", and insert "9".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 179—An act to amend Sections 10137, 10162, 10200, 10208, 10213, 10258, 10285, 10320, 10328, 10333, 10386, 10420, 10427, 10432, 10460, 10461, 10525, 10580, 10588, and 10593 of, and to add Sections 10141, 10142, 10143, 10144, 10145, 10146, 10150.5, 10156.5, 10156.6, 10156.7, 10156.8, 10209.5, 10214.5, 10262, 10263, 10264, 10265, 10266, 10267, 10275.5, 10279.5, 10279.6, 10279.7, 10279.8, 10462 and 11011.6 to, and to repeal Section 10455 of, the Business and Professions Code, relating to fees and licensees of the State Division of Real Estate of the Department of Investments.

Bill read second time.

Motion to Amend

Senator Breed moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 8, of the printed bill, after "licensed", insert "real estate".

Amendment No. 2

On page 2 of the printed bill, strike out lines 2 to 8, inclusive, and insert

"10141. Within one month after the closing of a transaction in which title to real property is conveyed from a seller to a purchaser through a licensed real estate broker, such broker shall furnish or cause to be furnished to the seller and purchaser a statement of the transaction containing the selling price of the real property involved. In the exchange of real property the description of the properties involved plus a statement of the financial consideration, if any, is sufficient to comply with this section. If the transaction is closed through escrow, the furnishing of the closing statement of the escrow holder containing the selling price shall be deemed compliance with this section on the part of the broker.".

Amendment No. 3

On page 2 of said bill, strike out lines 10 to 18, inclusive, and insert

"10142. Every exclusive agreement authorizing a real estate broker to purchase or sell real estate for compensation or commission shall contain a definite specified date of final and complete termination. Such agreement may include a provision that if within a stated time after such termination the owner sells such real estate to a purchaser to whom the broker had shown it during the term of such agreement, the broker shall be entitled to his commission, provided that the owner had knowledge or within 10 days after such termination receives notice of such showing.".

Amendment No. 4

On page 2 of said bill, strike out lines 30 to 32, inclusive, and insert

"10145. It is unlawful for a real estate broker to enter into an agreement authorizing or employing such broker to purchase or sell real estate for compensation or a commission unless such agreement provides that the compensation or commission of the broker shall be a specified amount of money, a specified percentage of the selling price, specific property, or in the case of exchange of real property a specified amount or percentage of the agreed value of the property to be exchanged, or any combination of the foregoing.".

Amendment No. 5

On page 4, line 30, of said bill, after "licensed", insert "business opportunity".

Amendment No. 6

On page 4 of said bill, strike out lines 45 to 50, inclusive, and insert

"10262. Within one month after the closing of a transaction, the business opportunity broker handling the transaction shall furnish or cause to be furnished to each party to the transaction a complete financial statement of the transaction. If the transaction involved the sale of property, such statement shall contain the actual selling price. In the exchange of properties the description of the properties involved plus a statement of the financial consideration, if any, is sufficient to comply with this section. If the transaction is closed through escrow, the furnishing of the closing statement of the escrow holder containing the selling price shall be deemed compliance with this section on the part of the broker.".

Amendment No. 7

On page 5 of said bill, strike out lines 2 to 15, inclusive, and insert

"10263. Every exclusive agreement authorizing or employing a broker to sell, or offer for sale, to rent, or offer to rent, or collect rent, or to list or offer to list, or to buy, or to offer to buy, or to lease or offer to lease, or to solicit for prospective tenants or purchasers, or to negotiate the purchase or sale or the renting, leasing or exchanging of a business, business opportunity, or interest therein or the good will of an existing business shall contain a definite specified date of final and complete termination. Such agreement may include a provison that if within a stated time after such termination the client negotiates with a person with whom the broker had previously negotiated, the broker shall be entitled to his commission, provided that the client had knowledge or within 10 days after such termination receives notice of such negotiation."

Amendment No. 8

On page 5 of said bill, strike out lines 38 to 40, inclusive, and insert

"10266. It is unlawful for a business opportunity broker to enter into an agreement authorizing or employing a broker to sell, or offer for sale, to rent, or offer to rent or collect rent, or to list or offer to list, or to buy, or to offer to buy, or to lease or offer to lease, or to solicit for prospective tenants or purchasers, or to negotiate the purchase or sale or the renting, leasing, or exchanging of a business, business opportunity, or interest therein or the good will of an existing business unless such agreement provides that the compensation or commission of the broker shall be a specified amount of money, a specified percentage of a definitely ascertainable amount such as selling price, specific property, or in the case of exchange of property a specified amount or percentage of the agreed value of the property to be exchanged, or any combination of the foregoing."

Amendment No. 9

On page 9 of said bill, strike out lines 32 to 37, inclusive, and insert

"10462. A military licensee shall not be entitled to the privileges of this article if he receives a dishonorable discharge from the military service of the United States or if he voluntarily remains in the military service following termination of the war and does not apply for a discharge immediately upon termination of the war."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

ADJOURNMENT

At 4.20 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10.30 a.m., Friday, March 9, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

TWENTY-FIRST LEGISLATIVE DAY
SIXTY-FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Friday, March 9, 1945

The Senate met at 10.30 a.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Maxter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:
Senator DeLap, on motion of Senator Jespersen, account of illness.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. William Sample, Jr., Traffic Manager, American Airlines, San Diego; and Mr. Robert Apitz, Sacramento Representative, San Diego Chamber of Commerce.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Robert F. Garner, Jr., and Mr. J. T. Gabriel, of San Bernardino.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 9, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 7
Senate Joint Resolution No. 12

And reports the same correctly engrossed.

SEAWELL, Chairman

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 12

Senator Gordon moved that Senate Bill No. 12 be withdrawn from Committee on Revenue and Taxation for purpose of amendment, and re-referred to committee.

Motion carried.

Above reported bill ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 356—An act to amend Section 9141 of the Education Code, relating to vocational rehabilitation.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "or may be".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 661 An act providing for the transfer to the Department of Education exclusive jurisdiction and control over certain lands.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, following line 32, of the printed bill, add the following

"The lands herein described are transferred, subject to the express reservation and condition that the State of California may at any time in the future use said lands, or any portion thereof, for highway purposes without compensation, to the Department of Education or the California Maritime Academy, their successors or assigns, or any person, firm, or public or private corporation, claiming under them, except that in the event improvements have been placed upon the property taken by the State compensation shall be paid to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 662—An act to repeal Sections 20394.3, 20394.4, 20394.5, 20394.6 and 20394.7 of the Education Code and to add Section 20394.3 to said code, relating to the board of appeals established to review the dismissal of employees of State colleges not in State civil service.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "board of appeals shall consist of five persons", and insert "State Board of Education shall be the board of appeals".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 73—An act to add Sections 7 and 8 to an act entitled "An act to provide for the licensing, visitation and supervision of schools teaching foreign languages, and to define and prescribe the powers and duties of the State Board of Education in respect thereto," approved May 31, 1943, relating to license fees, and making an appropriation.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 367—An act to add Section 4231.1 to the Education Code and to amend Section 4232 of said code, relating to junior college districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 457—An act to amend Section 12914 of the Education Code and to add Section 12914.1 to said code, relating to the fees for credentials.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 458—An act to add Sections 322, 368 and 1553 to the Education Code, relating to the destruction of records.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 485—An act to add Section 8821.2 to the Education Code, relating to the admission to junior colleges of persons who have served in active military service.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 788—An act to amend Sections 20451 and 20452 of the Education Code, relating to the State colleges.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 828—An act to amend Section 10605 of the Education Code, to amend the heading of Chapter 1 of Division 4 of said code and to add Article 3 to Chapter 1 of Division 4 of said code, all relating to agreements with agencies of the Federal Government affecting the public schools.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 947—An act to repeal Sections 11001, 11155 to 11157 inclusive, 11181.1 and 11185 to 11187 inclusive of the Education Code; to amend Sections 10055, 11152, 11153, 11181, 11182, 11184, 11241, and 11271 of said code; and to add Sections 11155 to 11164 inclusive to said code, all relating to the State Curriculum Commission and elementary school textbooks.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education.

Amendment No. 1

On page 2, line 12, of the printed bill, strike out "Contracts", and insert "Contract".

Amendment No. 2

On page 2, line 49, of said bill, strike out "and (c)", and insert "(c) fees and traveling expenses paid to members of the committee which compiled it, and (d)".

Amendment No. 3

On page 2, line 50, of said bill, strike out "and (b)" and insert ", (b), and (c)".

Amendment No. 4

On page 3, line 47, of said bill, after "schools.", insert "The State Board of Education shall consult with the committee or committees as to any changes or corrections needed in such textbooks, and when the textbooks have been compiled to the satisfaction of the board, it shall adopt them."

Amendment No. 5

On page 4, line 12, of said bill, after "11162.", insert "The State Board of Education shall not purchase for use in the elementary schools any supplementary books nor any textbooks not compiled, adopted, and printed as provided in this chapter.".

Amendment No. 6

On page 4, line 23, of said bill, after "11164.", insert "Textbooks and teachers' manuals compiled and adopted for use in the public schools of the State shall not contain lists of true or false questions, and examinations and tests containing such questions shall not be given in any public school.
SEC. 20.".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of said State, relating to powers of State Board of Education over elementary school textbooks.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1 of the printed bill, strike out all of lines 28, 29, 30, and 31, inclusive.

Amendment read and adopted.

Resolution ordered printed and re-referred to Committee on Education.

Senate Bill No. 952—An act to add Section 11425 to the Probate Code, relating to the duties of a public administrator.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 2 of the title of the printed bill, after "administrator", insert ", declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 1 of said bill, strike out lines 3 to 16, inclusive, and insert

"1142.5. The assistant public administrator or a deputy public administrator shall in addition to his other powers possess every power and perform all and every duty belonging to the office of the public administrator, or required in the administration of the estates in which the public administrator is acting, when the public administrator, or in the case of his sickness, absence or other disability, a judge of the superior court acting as probate judge, shall designate and authorize the assistant or deputy so to act, such designation and authority to be duly filed in the office of the county clerk of the county. Such authority to the assistant public administrator or deputy public administrator shall cease and determine upon the written direction of the public administrator or of the judge of the superior court to that effect filed in the office of the county clerk.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Under provisions of Section 7 of the Government Code, deputies may exercise the powers and perform the duties of all county officers in their absence, and as a result the work of practically all officers is carried on at all times. In the single instance of the public administrator, however, due to the requirements of Probate Law at present for the personal performance by any administrator of certain functions, such as allowing or rejecting creditors' claims and the execution of conveyances, assignments and transfers of title, a widespread belief has grown up that the deputy of a public administrator may not perform many of the functions of that office in the administration of estates and in consequence the work of the office is handicapped and even substantially stops when the public administrator is not present. Due to the manpower shortage and the extra work cast upon all public officers under present conditions serious illness may interrupt the work of any public administrator or of several administrators throughout the State of California at any time, and public administrators are occasionally necessarily absent from the State on business; that in order to provide for the continuance of the business of the public administrator's office during his inability to act provision should be made for the performance of his functions by assistant or deputy.".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 188 —An act to amend Section 738 of the Code of Civil Procedure, relating to actions to determine conflicting claims to property.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "; provided, however, that whenever in an action", and insert ", and when such adverse claimant is the State of California, it may be sued in such action. When the State of California is named as a party defendant, the complaint must be verified and must contain an allegation that the plaintiff, by himself, or by himself and his predecessors in interest, was, at the date of filing the complaint, and for the period of 10 years prior thereto, in the actual, exclusive, and adverse possession of such property, claiming to own the same in fee against the whole world, and that the plaintiff, by himself, or by himself and his predecessors in interest, has paid all taxes of every kind levied or assessed against the property during said period of 10 years continuously next preceding the filing of the complaint. When the complaint names the State of California as a party defendant, such complaint shall contain a statement of the origin of the claim of the State in or to the property sufficient to identify the asserted claim or interest of the State. Insofar

as the State is concerned in any such action only such identified asserted claim or interest may be determined. Service of process upon the State of California shall be made by serving a copy of the complaint and summons upon the Attorney General or any of his deputies.

Whenever in an action".

Amendment No. 2

On page 1, line 15, of said bill, strike out "; provided, that", and insert ", but".

Amendment No. 3

On page 1, line 17, of said bill, strike out "which", and insert "and such".

Amendment No. 4

On page 1, line 20, of said bill, strike out "section; and provided, how-", and insert "section."

Amendment No. 5

On page 1, of said bill, strike out lines 21 to 26, inclusive, and insert

"Nothing herein contained shall be construed to deprive a party of the right to a jury trial in any cases where, by the law, such right is now given."

Amendment No. 6

On page 2, of said bill, strike out lines 1 to 17, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 415—An act to amend an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and adopted and approved by the electors of the State of California, November 2, 1920, as amended, by amending Section 7.5, relating to the proceeds of sales of real property by the State.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, after "amend", insert "Section 7.5 of".

Amendment No. 2

In line 9 of the title of said bill, strike out "the".

Amendment No. 3

In line 11 of the title of said bill, strike out "by amending Section 7.5,".

Amendment No. 4

Strike out line 12 of the title of said bill, and insert "sales of real property by the State and the reimbursement of counties for costs and expenses expended."

Amendment No. 5

On page 2, line 4, of said bill, strike out "The net"; and strike out lines 5 to 15, inclusive, and insert

"Upon receipt of the proceeds of any sale made pursuant to this section or upon the recovery of any money resulting from an escheat proceeding, the State Controller shall pay therefrom all reasonable costs and expenses expended by the county in which the escheat proceeding was brought in preparing, filing and prosecuting such escheat cause. Such payment shall be made to the county treasurer of such county, upon a verified claim filed with the State Controller by the district attorney of said county and approved by a judge of the superior court therein. This provision for the reimbursement of counties for costs and expenses incurred shall apply to the proceeds of any sale or any recovery of money resulting from escheat proceedings

had at any time subsequent to January 1, 1942. In the event the State Controller shall not immediately sell such real property but shall rent, lease or operate the same until an advantageous sale can be made, as above provided, such reimbursement shall be made from the first proceeds of such renting, leasing or operation."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 829—An act to amend Section 340 of the Code of Civil Procedure, relating to the time of commencing civil actions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, strike out lines 21, 22, and 23, and insert

"6. An action to recover or to require restitution of wages or over-time compensation or payment of liquidated damages or to obtain allowance of attorney fees under the Federal Fair Labor Standards Act of 1938, approved June 25, 1938, as amended."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 689—An act to amend Sections 823 and 987.2 of the Military and Veterans Code, relating to the rate of interest on veterans' farm and home loans.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 691—An act to amend Section 3515.5 of the Revenue and Taxation Code, relating to transfer to the Veterans' Welfare Board of tax-deeded property.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 692—An act to amend Sections 985 and 987 of the Military and Veterans Code, relating to initial payments.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 693—An act to amend Section 2 of an act entitled "An act to add Article 3, comprising Sections 985 to 988.3, inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, relating to farm and home aid for veterans and defining the powers and duties of the Veterans' Welfare Board in respect thereto, and making an appropriation therefor," approved June 7, 1943, relating to veterans' farm and home purchase funds.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 690—An act to add Section 986.10 to the Military and Veterans Code, relating to contracts with veterans under 21 years of age.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 12—An act to add Section 6365 to Part 1 of Division 2 of the Revenue and Taxation Code, relating to exemption from taxation under the Sales and Use Tax Law.

Bill read second time.

Motion to Amend

Senator Gordon moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 6, of the printed bill, after "is", strike out "applied to or".

Amendment No. 2

On page 1, line 6, of the printed bill, after "by", insert "or incorporated into".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

THIRD READING OF SENATE BILLS

Senate Bill No. 7—An act to add Section 162 to the Agricultural Code, relating to the destruction of predatory animals and the use of methods and devices intended for that purpose.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 191—An act to amend Section 1029 of the Code of Civil Procedure, relating to award of costs against counties, cities, districts and other public agencies or entities.

Bill read third time.

Motion to Amend

Senator Carter moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out line 3, and insert "1029. When".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, March 8, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 649

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; noes 1; absent 2.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 8, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 27	Senate Bill No. 152
Senate Bill No. 135	Senate Bill No. 467
Senate Bill No. 150	Senate Bill No. 477
Senate Bill No. 151	Senate Bill No. 1032

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 8, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 180

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; noes 1; absent 2.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 8, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 193

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 8, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 149
Senate Bill No. 203

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 11.05 a.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Monday, March 12, 1945.

JOHN F. LEA, Minute Clerk.

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

TWENTY-SECOND LEGISLATIVE DAY

SIXTY-FOURTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Monday, March 12, 1945

The Senate met at 2.00 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Burns, on motion of Senator Tenney, account of illness.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. E. George Luckey of Brawley, Imperial County, California, former Member of the Senate.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Don Cleary, wife of the Legal Representative of San Francisco.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 9, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 356
Senate Bill No. 661
Senate Bill No. 662
Senate Bill No. 952

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 9, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 73
Senate Bill No. 367
Senate Bill No. 457
Senate Bill No. 458
Senate Bill No. 485
Senate Bill No. 689
Senate Bill No. 690
Senate Bill No. 691
Senate Bill No. 692
Senate Bill No. 693
Senate Bill No. 788
Senate Bill No. 828

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 9, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 191

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 12, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 31—Relative to the passing of Lucas E. Kilkenny.

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the twelfth day of March, 1945, at 11 a.m.

SEAWELL, Chairman

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, March 12, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 418
Senate Bill No. 663
Senate Bill No. 903

Has had the same under consideration and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 12, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Joint Resolution No. 6

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 8; absent 1.

JESPERSEN, Chairman

Above reported resolution ordered to third reading.

Committee on Elections

SENATE CHAMBER, SACRAMENTO, March 9, 1945

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 945

Has had the same underconsideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

BIGGAR, Chairman

Above reported bill ordered to third reading.

MOTION TO APPROVE SENATE JOURNALS

Senator Seawell moved that the Senate Journals of Monday, March 5, 1945; Tuesday, March 6, 1945; Wednesday, March 7, 1945; Thursday, March 8, 1945; Friday, March 9, 1945; be approved as corrected by the Journal Clerk and Minute Clerk.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 32: By Senators Dilworth and McBride—Relative to the designation and appointment of Frank D. Felt as Poet Laureate of California.

Referred to Committee on Rules.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 649—An act to amend Section 21.30 of, and to add Section 21.35 to, the Municipal Utility District Act, relating to municipal utility districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 27: An act to amend Section 4263 of the Political Code, relating to compensation for public service in counties of the thirty-fourth class.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 2, lines 2 and 3, of the printed bill, strike out "each day's attendance", and insert "the first day's attendance and six dollars ($6) per diem for each day's service thereafter".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 135—An act to amend Section 4252 of the Political Code, relating to compensation for public services in counties of the twenty-third class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1 of the printed bill, strike out line 7, and insert "four thousand five hundred dollars ($4,500) per annum."

Amendment No. 2

On page 1 of said bill, strike out line 9, and insert "four thousand eight hundred dollars ($4,800) per annum."

Amendment No. 3

On page 1 of said bill, strike out line 11, and insert "two thousand four hundred dollars ($2,400) per annum."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 150—An act to amend Section 4262 of the Political Code, relating to compensation for public service in counties of the thirty-third class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1 of the printed bill, strike out line 7, and insert "three thousand three hundred dollars ($3,300) per annum."

Amendment No. 2

On page 1 of said bill, strike out line 9, and insert "three thousand dollars ($3,000) per annum."

Amendment No. 3

On page 1, line 11, of said bill, strike out the blank, and insert "two thousand four hundred dollars ($2,400)".

Amendment No. 4

On page 1, lines 20 and 21, of said bill, strike out "three dollars ($3)", and insert "six dollars ($6)".

Amendment No. 5

On page 1, line 22, of said bill, strike out "twenty-five cents ($0.25)", and insert "thirty-five cents ($0.35)".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 151—An act to amend Section 4266 of the Political Code, relating to compensation for public service in counties of the thirty-seventh class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out the blank, and insert "one thousand two hundred dollars ($1,200)".

Amendment No. 2

On page 1, line 9, of said bill, strike out the blank, and insert "two thousand eight hundred dollars ($2,800)".

Amendment No. 3

On page 1, line 11, of said bill, strike out the blank, and insert "two thousand two hundred dollars ($2,200)".

Amendment No. 4

On page 1, lines 20 and 21, of said bill, strike out "three dollars ($3)", and insert "six dollars ($6)".

Amendment No. 5

On page 1, lines 25 and 26, of said bill, strike out ", provided, that no one mileage shall exceed the sum of fifteen dollars ($15)".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 152 -An act to amend Section 4285 of the Political Code, relating to compensation for public service in counties of the fifty-sixth class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out the blank, and insert "seven hundred dollars ($700)".

Amendment No. 2

On page 1, line 9, of said bill, strike out the blank, and insert "two thousand two hundred dollars ($2,200)".

Amendment No. 3

On page 1, line 11, of said bill, strike out the blank, and insert "one thousand five hundred dollars ($1,500)".

Amendment No. 4

On page 1, line 22, of said bill, strike out "three dollars ($3)", and insert "six dollars ($6)".

Amendment No. 5

On page 1, line 25, of said bill, strike out "twenty-five cents ($0.25)", and insert "thirty-five cents ($0.35)".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 467—An act to amend Section 4250 of the Political Code, relating to compensation for public services in counties of the twenty-first class.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 2 of the printed bill, after line 26, insert

"SEC. 2. The compensation provided for in Section 4250 of the Political Code shall be paid to incumbent officers."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 477—An act to amend Section 4255 of the Political Code, relating to compensation for public service in counties of the twenty-sixth class.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 9, of the printed bill, before "per annum", insert "three thousand three hundred dollars ($3,300)".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 1032—An act to amend Section 4243 of the Political Code, relating to compensation for public services in counties of the fourteenth class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 4, of the printed bill, after "as", insert "full".

Amendment No. 2

On page 1, line 22, of said bill, strike out ", payable in monthly installments,".

Amendment No. 3

On page 1, line 23, of said bill, after "and", insert "his".

Amendment No. 4

On page 1, line 24, of said bill, after "seat", insert "when attending meetings thereof".

Amendment No. 5

On page 2, line 18, of said bill, strike out "officials", and insert "officers".

Amendment No. 6

On page 2, line 35, of said bill, strike out "two dollars ($2)", and insert "three dollars ($3)".

Amendment No. 7

On page 2, line 36, of said bill, strike out "court", and insert "county seat,".

Amendment No. 8

On page 2 of said bill, between lines 38 and 39, insert

"Trial jurors in justices' courts, shall receive for each day's required attendance in court the sum of two dollars ($2), and for each mile from their residence to and from the court the sum of ten cents ($0.10) per mile, such mileage to be allowed only for each day such jurors are required to and do attend."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 180—An act to add Section 12.16 to the County Water District Act, relating to the powers of county water districts as to recreational facilities.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 15, of the printed bill, after "district.", insert ", subject to the provisions of Section 531, of the Fish and Game Code."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 193—An act to add Section 4278.1 to the Political Code, relating to court reporters in counties of the forty-ninth class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 203—An act to amend Sections 4237 and 4237.1 and to repeal Section 4237.9 of the Political Code, relating to compensation for public service in counties of the eighth class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 4, line 5, of the printed bill, after the comma following "supervisors", insert "six thousand six hundred".

Amendment No. 2

On page 4, line 6, of the printed bill, after the dollar sign, insert "6,600".

Amendment No. 3

On page 4, line 14, of the printed bill, after the word "compensation", strike out "and mileage".

Amendment No. 4

On page 4, line 15, of the printed bill, after "to", insert "the Chairman and to".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 149—An act to amend Sections 737ee, 737ee, and 737tt of the Political Code, relating to salaries of judges of the superior court.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1 of the printed bill, strike out lines 4 and 5, and insert "in and for the county of Nevada is seven thousand two hundred dollars ($7,200)".

Amendment No. 2

On page 1 of said bill, strike out line 9, and insert "eight thousand dollars ($8,000)".

Amendment No. 3

On page 1 of said bill, strike out line 13, and insert "six thousand five hundred dollars ($6,500)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

REMARKS BY SENATOR SWING

The following remarks by Senator Swing were ordered printed in the Journal:

The oranges now being placed upon your desks are from Mr. C. M. Brown, Jr., of Redlands, son of the late Charles M. Brown, who for so many years has remembered the Legislature by sending boxes of luscious oranges for your consumption. In sending these to you he wishes me to say that he is perpetuating the family tradition, and with the hope that they will bring to you a bit of pleasure and pleasant memories.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill No. 191—An act to amend Section 1029 of the Code of Civil Procedure, relating to award of costs against counties, cities, districts and other public agencies or entities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mixter, Powers, Rich, Salsman, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 624—An act to add Section 6060.7 to the Business and Professions Code, relating to admission to the practice of law.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 572—An act to amend Section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—36.

NOES—Senator Sutton—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1182—An act to amend Section 108 of the Civil Code, relating to insanity as a ground for divorce.

Bill read third time.

Motion to Amend

Senator Ward moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 23, of the printed bill, after the period, insert "If the spouse against whom the divorce is granted is restored to competency subsequent to the date on which such decree becomes final, the court may, upon motion of such spouse, modify such order, or, if no order for support has theretofore been made, make such order for support as the circumstances justify.".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 356—An act to amend Section 9141 of the Education Code, relating to vocational rehabilitation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Kuchel, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the assembly.

Senate Bill No. 662—An act to repeal Sections 20394.3, 20394.4, 20394.5, 20394.6 and 20394.7 of the Education Code and to add Section 20394.3 to said code, relating to the board of appeals established to review the dismissal of employees of State colleges not in State civil service.

Bill read third time.

MOTION TO RE-REFER SENATE BILL NO. 662

Senator Shelley moved that Senate Bill No. 662 be re-referred to Committee on Education.

Motion carried.

Senate Bill No. 662 ordered re-referred to Committee on Education.

Senate Bill No. 367—An act to add Section 4231.1 to the Education Code and to amend Section 4232 of said code, relating to junior college districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 457—An act to amend Section 12914 of the Education Code and to add Section 12914.1 to said code, relating to the fees for credentials.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 458—An act to add Sections 322, 368 and 1553 to the Education Code, relating to the destruction of records.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—29.

NOES—Senators Desmond, Judah, McBride, Shelley, and Sutton—5.

Bill ordered transmitted to the Assembly.

Senate Bill No. 485—An act to add Section 8821.2 to the Education Code, relating to the admission to junior colleges of persons who have served in active military service.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 828—An act to amend Section 13605 of the Education Code, to amend the heading of Chapter 1 of Division 4 of said code and to add Article 3 to Chapter 1 of Division 4 of said code, all relating to agreements with agencies of the Federal Government affecting the public schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Maxter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 952—An act to add Section 11425 to the Probate Code, relating to the duties of a public administrator, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Maxter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Maxter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 689—An act to amend Sections 823 and 987.2 of the Military and Veterans Code, relating to the rate of interest on veterans' farm and home loans.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.
NOES—None.

Motion to Amend

Senator Quinn moved the adoption of the following amendment to the title of Senate Bill No. 689:

Amendment No. 1

On line 1 of the title of the printed bill, strike out "987.2", and insert "987.3".

Amendment read and adopted.

Senate Bill No. 689 ordered reprinted, and transmitted to the Assembly.

Senate Bill No. 692 —An act to amend Sections 985 and 987 of the Military and Veterans Code, relating to initial payments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 693—An act to amend Section 2 of an act entitled "An act to add Article 3, comprising Sections 985 to 988.3, inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, relating to farm and home aid for veterans and defining the powers and duties of the Veterans' Welfare Board in respect thereto, and making an appropriation therefor," approved June 7, 1943, relating to veterans' farm and home purchase funds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 690—An act to add Section 986.10 to the Military and Veterans Code, relating to contracts with veterans under 21 years of age.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—37.

NOES—Senator Sutton—1.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 24

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Joint Resolution No. 24—Relative to the United Nations Conference in San Francisco.

Request for Unanimous Consent

Senator Shelley asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 24, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 24

Assembly Joint Resolution No. 24—Relative to the United Nations Conference in San Francisco.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Minter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 56	Assembly Bill No. 1583
Assembly Bill No. 100	Assembly Bill No. 1584
Assembly Bill No. 246	Assembly Bill No. 1587
Assembly Bill No. 399	Assembly Bill No. 1589
Assembly Bill No. 470	Assembly Bill No. 1590
Assembly Bill No. 482	Assembly Bill No. 1591
Assembly Bill No. 499	Assembly Bill No. 1592
Assembly Bill No. 526	Assembly Bill No. 1593
Assembly Bill No. 694	Assembly Bill No. 1600
Assembly Bill No. 894	Assembly Bill No. 1601
Assembly Bill No. 1115	Assembly Bill No. 1602
Assembly Bill No. 1186	Assembly Bill No. 1603
Assembly Bill No. 1225	Assembly Bill No. 1746
Assembly Bill No. 1280	Assembly Bill No. 1878
Assembly Bill No. 1284	Assembly Bill No. 1985

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 56—An act to amend Section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property.

Referred to Committee on Judiciary.

Assembly Bill No. 100—An act to amend Section 1143 of the Penal Code, relating to justices' courts of Class A.

Referred to Committee on Judiciary.

Assembly Bill No. 246—An act to amend Sections 261, 261a, and 1744 of the Code of Civil Procedure, relating to the appointment, compensation, and expenses of superior court employees in counties, or cities and counties, having a population of 900,000 inhabitants and over.

Referred to Committee on Local Government.

Assembly Bill No. 399—An act to amend Section 199 of the Civil Code, relating to actions for the control and support of children.

Referred to Committee on Judiciary.

Assembly Bill No. 470—An act to amend Section 1290.5 of the Fish and Game Code, relating to sale or gift of deer hides.

Referred to Committee on Fish and Game.

Assembly Bill No. 482—An act to amend Sections 595 and 1054 of the Code of Civil Procedure, relating to extensions of time and continuances in any civil or criminal action or proceeding in a court, or in any administrative proceeding before a State board, commission or officer.

Referred to Committee on Judiciary.

Assembly Bill No. 499—An act to amend Section 7968 of the Elections Code, relating to the record of votes cast.

Referred to Committee on Elections.

Assembly Bill No. 526—An act to repeal Section 1077 of the Agricultural Code, relating to products for treating domestic animals.

Referred to Committee on Agriculture.

Assembly Bill No. 694—An act to amend Section 1066.5 of the Agricultural Code, relating to the possession or selling of thallium.

Referred to Committee on Agriculture.

Assembly Bill No. 894—An act to repeal Section 1046 of, and to add a new Section 1046 to, the Military and Veterans Code, relating to estates of incompetent veterans.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 1115—An act to amend Section 758 of the Political Code, relating to officers and employees of the District Courts of Appeal.

Referred to Committee on Government Efficiency.

Assembly Bill No. 1186—An act to add Section 1401 to the Fish and Game Code, relating to diamond-back terrapin.

Referred to Committee on Fish and Game.

Assembly Bill No. 1225—An act to amend Section 3056 of the Business and Professions Code, relating to admission to practice optometry.

Referred to Committee on Business and Professions.

Assembly Bill No. 1280—An act to amend the chapter heading of Chapter 4 of Division 6 of the Agricultural Code, to amend Sections 1193, 1194, 1195, 1196, 1199, 1206 and 1217 of the Agricultural Code, to add Section 1217.6 to the Agricultural Code, and to repeal Sections 653dd, 653hh(1) and 653hh(2) of the Civil Code, relating to nonprofit cooperative associations.

Referred to Committee on Agriculture.

Assembly Bill No. 1284—An act to amend Section 781 of the Fish and Game Code, relating to lobsters.

Referred to Committee on Fish and Game.

Assembly Bill No. 1583—An act to amend Section 380.54 of the Agricultural Code, relating to horse, mule and burro slaughter and penalties.

Referred to Committee on Agriculture.

Assembly Bill No. 1584—An act to add Section 380.66 to the Agricultural Code, relating to estray and sale of estray horses, mules and burros.

Referred to Committee on Agriculture.

Assembly Bill No. 1587—An act to amend Section 380.60 of the Agricultural Code, relating to horse bill of sale.

Referred to Committee on Agriculture.

Assembly Bill No. 1589—An act to amend Section 400 of the Agricultural Code, relating to bovine animals, horses, mules and burros.

Referred to Committee on Agriculture.

Assembly Bill No. 1590—An act to amend Section 415 of the Agricultural Code, exempting bovine animals, horses, mules and burros.

Referred to Committee on Agriculture.

Assembly Bill No. 1591—An act to amend Section 369 of the Agricultural Code, relating to estray and sale of estray bovine animals.

Referred to Committee on Agriculture.

Assembly Bill No. 1592—An act to amend Section 3341 of the Civil Code, relating to animals.

Referred to Committee on Agriculture.

Assembly Bill No. 1593—An act to amend Section 392 of the Agricultural Code, relating to estray procedure.

Referred to Committee on Agriculture.

Assembly Bill No. 1600—An act to amend Section 380.59 of the Agricultural Code, relating to horse, mule and burro hides.

Referred to Committee on Agriculture.

Assembly Bill No. 1601—An act to amend Section 380.57 of the Agricultural Code, relating to horse, mule and burro slaughterer reports.

Referred to Committee on Agriculture.

Assembly Bill No. 1602—An act to amend Section 402 of the Agricultural Code, requiring animals to be examined for brands prior to being offered for sale.

Referred to Committee on Agriculture.

Assembly Bill No. 1603—An act to amend Section 380.55 of the Agricultural Code, relating to inspection of horses, mules and burros.

Referred to Committee on Agriculture.

Assembly Bill No. 1746—An act to amend Sections 422 and 423 of the Probate Code, relating to nomination and priority of administrators.

Referred to Committee on Judiciary.

Assembly Bill No. 1878—An act authorizing a suit or suits against the State of California to quiet title against it to certain real property in the County of Sacramento, State of California.

Referred to Committee on Judiciary.

Assembly Bill No. 1985—An act to amend Section 751a of the Code of Civil Procedure, relating to the adjudication of the identity of persons executing instruments to real property by a name other than that by which they acquired title.

Referred to Committee on Judiciary.

MOTION TO HOLD COMMITTEE MEETING

At 3.56 p.m., Senator Fletcher moved that the members of the Senate Committee on Natural Resources be excused for the purpose of holding a committee meeting.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 19	Assembly Bill No. 233
Assembly Bill No. 107	Assembly Bill No. 683
Assembly Bill No. 158	Assembly Bill No. 888

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 19—An act to amend Section 204e of the Code of Civil Procedure, relating to the duties and compensation of the secretary and jury commissioner of the superior court, and assistants.

Referred to Committee on Local Government.

Assembly Bill No. 107—An act to amend Section 104 of the Business and Professions Code, relating to the organization of the Department of Professional and Vocational Standards.

Referred to Committee on Business and Professions.

Assembly Bill No. 158—An act to amend Section 7308 of the Revenue and Taxation Code, relating to brokers of petroleum products.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 233—An act to amend Section 10505 of the Business and Professions Code, relating to persons exempt from the provisions regulating mineral, oil and gas brokers and salesmen.

Referred to Committee on Business and Professions.

Assembly Bill No. 683—An act to amend Section 820 of the Streets and Highways Code, relating to assent to the provisions of the Federal Highway Act.

Referred to Committee on Transportation.

Assembly Bill No. 888—An act to amend Section 186.5 of the Streets and Highways Code, to extend the effective date thereof.

Referred to Committee on Transportation.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 429
Assembly Bill No. 706
Assembly Bill No. 1527
Assembly Bill No. 1545
Assembly Bill No. 2054
Assembly Bill No. 25
Assembly Bill No. 28
Assembly Bill No. 115
Assembly Bill No. 490
Assembly Bill No. 584
Assembly Bill No. 959

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 429—An act to add Section 5630 to the Streets and Highways Code, relating to the maintenance and repair of sidewalks and the collection of the cost of such repairs.

Referred to Committee on Transportation.

Assembly Bill No. 706—An act to add Article 7.6, comprising Sections 14495 to 14497, inclusive, to Chapter 2 of Part 3 of Division 12 of the Health and Safety Code, relating to firehouses in county fire districts.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1527—An act to amend Section 44 of the County Employees Retirement Act, relating to county retirement systems in respect to the inclusion of elective officers therein.

Referred to Committee on Local Government.

Assembly Bill No. 1545—An act to amend Section 4245 of the Political Code, relating to compensation for public service in counties of the sixteenth class.

Referred to Committee on Local Government.

Assembly Bill No. 2054—An act to amend Section 4248 of the Political Code, relating to compensation of public officers in counties of the nineteenth class.

Referred to Committee on Local Government.

Assembly Bill No. 25—An act to add Section 18060 to the Education Code, relating to the purchase by the governing boards of school districts of materials, supplies or equipment from the Federal Government or its agencies, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 28—An act to amend Section 18059 of the Education Code, relating to the letting of contracts, extending the period within which the section is to remain in effect.

Referred to Committee on Education.

Assembly Bill No. 115—An act to add Article 3.5, comprising Sections 18661 to 18663, inclusive, to Chapter 5 of Division 9 of the Education Code, relating to the sale or lease of real property belonging to school districts.

Referred to Committee on Education.

Assembly Bill No. 490—An act to amend Sections 19302, 19304 and 19307 of the Education Code, all relating to school cafeterias.

Referred to Committee on Education.

Assembly Bill No. 584—An act to amend Section 9485 of the Education Code, relating to real and personal property of emergency schools maintained by county superintendent of schools.

Referred to Committee on Education.

Assembly Bill No. 959—An act to repeal Chapter 1127 of the Statutes of 1943; to repeal Section 13842.1 of the Education Code to amend Section 13842 of said code, all relating to the salaries of persons employed by school districts in positions requiring certification qualifications.

Referred to Committee on Education.

WITHDRAWAL FROM COMMITEE OF SENATE BILL NO. 378

Senator Brown moved that Senate Bill No. 378 be withdrawn from Committee on Fish and Game for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 378

Senate Bill No. 378—An act to add Section 1348 to the Fish and Game Code, relating to tule elk.

Bill read second time.

Motion to Amend

Senator Brown moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "tule", and insert "dwarf elk (cervus nannodes) commonly known as "tule" ".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 676

Senator Biggar moved that Senate Bill No. 676 be withdrawn from Committee on Military and Veterans Affairs for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 676

Senate Bill No. 676—An act to provide for the construction of urban and suburban dwelling accommodations for and acquisition for occupancy of farms and aid in establishing businesses for veterans of World War II at costs within their ability to pay, and provide means

of employment for such veterans, including authority for the Veterans Welfare Board in the Department of Military and Veterans' Affairs to put into operation such facilities as may become necessary to guarantee mortgage loans financed by any chartered institution, having right of succession, in respect of construction of homes, acquisition occupancy of farms and creation of means of employment for veterans of World War II, declaring the urgency thereof to take effect immediately.

Bill read second time.

Motion to Amend

Senator Biggar moved the adoption of the following amendments:

Amendment No. 1

In line 12 of the title of the printed bill, after "II," insert "to add Sections 67.3 and 80.3 to the Bank Act, to add Section 9.20 to the Building and Loan Association Act, to add Sections 1176.7, 1176.8 and 1244.3 to the Insurance Code, all of these additions being in aid of the aforesaid purposes,".

Amendment No. 2

On page 1, line 7, of said bill, after "farms", insert ", secure businesses for gainful occupation, particularly disabled veterans,".

Amendment No. 3

On page 2, line 12, of said bill, after "occupancy", insert "and businesses for gainful occupation".

Amendment No. 4

On page 2, line 45, of said bill, after "farms", insert "or businesses".

Amendment No. 5

On page 2 of said bill, strike out lines 51 and 52, and insert "or business, not exceeding approximately 25 per cent of income or earnings."

Amendment No. 6

On page 3, line 20, of said bill, strike out "or", and insert "nor".

Amendment No. 7

On page 3, line 21, of said bill, strike out "500 to"; strike out lines 22 and 23; and in line 24, strike out "1767)" and insert "501 and 502 of Title III of Public Law 346 enacted by the Seventy-eighth Congress".

Amendment No. 8

On page 3, lines 37 and 38, of said bill, strike out "No security for the guaranty of a loan shall be required except", and insert "The security for the guaranty of a loan shall be".

Amendment No. 9

On page 3, line 47, of said bill, between "available", and the period, insert "; except that the board shall make a charge of, and the borrower (mortgagor) shall pay, a guaranty rate or premium in an amount not to exceed the equivalent of one-half of 1 per cent on unpaid principal of that part of any loan guaranteed by the board".

Amendment No. 10

On page 3, lines 51 and 52, of said bill, strike out "and taxes and insurance premiums may be estimated annually in advance and", and insert "except farm loans, and taxes and credit guaranty and insurance premiums shall be estimated by the board annually in advance, and the first year's such premiums shall be paid in advance, and thereafter, including taxes,".

Amendment No. 11

On page 4, line 4, of said bill, strike out "liability", and insert "amount".

Amendment No. 12

On page 4, line 8, of said bill, strike out "five and"; strike out line 9 to 11, inclusive; and in line 12, strike out "per annum on unpaid principal of such guaranteed loans", and insert "four and one-half per centum (4½%) per annum".

Amendment No. 13

On page 4, line 19, of said bill, strike out "twenty five (25)", and insert "twenty (20)".

Amendment No. 14

On page 4 of said bill, strike out lines 32 to 51, inclusive; and on page 5, strike out lines 1 to 29, inclusive.

Amendment No. 15

On page 5, line 46, of said bill, strike out "303", and insert "304".

Amendment No. 16

On page 6, line 2, of said bill, after "thereof", insert ", including appraisal fee, escrow and title charges, credit guaranty and insurance premiums and taxes payable in advance and other like charges".

Amendment No. 17

On page 6, line 9, of said bill, after "shall", insert "be".

Amendment No. 18

On page 6, line 31, of said bill, strike out "normal".

Amendment No. 19

On page 6, line 32, of said bill, after "thereof", insert ", including appraisal fee, escrow and title charges, credit guaranty and insurance premiums and taxes payable in advance and other like charges,".

Amendment No. 20

On page 7, line 5, of said bill, after "pation", insert "and that such real and personal property is situate in the State".

Amendment No. 21

On page 7 of said bill, between lines 5 and 6, insert "(3) That the purchase price paid or to be paid by the veteran for such property does not exceed the reasonable value thereof, including appraisal fee, escrow and title charges, credit guaranty and insurance premiums and taxes payable in advance and other like charges, as determined by proper appraisal; and,".

Amendment No. 22

On page 7, line 6, of said bill, strike out "(3)", and insert "(4)".

Amendment No. 23

On page 7 of said bill, strike out lines 10 to 12, inclusive.

Amendment No. 24

On page 7, line 16, of said bill, strike out "peruse", and insert "pursue".

Amendment No. 25

On page 7, line 41, of said bill, after the first "of", insert "subsection (c) of".

Amendment No. 26

On page 7, line 44, of said bill, strike out "both loans", and insert "all loans, including, but not limited thereto, the collection, from the borrower (mortgagor) to be paid to the board, without charge therefor, of the guaranty rate or premium specified in subsection (b) of Section 300 of this act,".

Amendment No. 27

On page 8, line 16, of said bill, strike out "(a)".

Amendment No. 28

On page 8, line 47, of said bill, strike out "to pay guaranteed loans losses", and insert "for guaranty contingencies".

Amendment No. 29

On page 8, line 48, of said bill, strike out "(b)", and insert "Sec. 501."

Amendment No. 30

On page 9, line 3, of said bill, strike out "(c)", and insert "Sec. 502."

Amendment No. 31

On page 9 of said bill, between lines 15 and 16, insert

"SEC. 503. For the purposes of any provision of the Military and Veterans Code and of this act any veteran who is under the age of 21 years shall be deemed to be of the age of majority and to be an adult person for the purposes of contracting for, holding title to, owning and otherwise as provided under the provisions of the Military and Veterans Code and of this act acquiring a home, farm or business and of pledging any such property as security for loans pursuant to the provisions of the Military and Veterans Code and of this act.

SEC. 550. Irrespective of any other provision of law any personal finance company, mortgage company, trust company, or any executor, administrator, guardian, trustee or other fiduciary may make, invest in or purchase, with moneys belonging to or in its control, including but not being restricted to, all trust funds or funds the investment of which is regulated by law, evidences of indebtedness guaranteed by the State of California or any department or agency thereof (Veterans Welfare Board in the

Department of Military and Veterans Affairs) and an admitted mortgage insurer qualified under Section 12443 of the Insurance Code or any agency of the United States authorized to insure the payment of mortgage loans pursuant to the provisions of the "Veterans' Home Construction, Farm Acquisition and Employment Act of 1944" or any act of the Legislature supplementary or amendatory thereof, provided that the portion of any such loan, secured by real property, guaranteed by the State or any department or agency thereof shall not be less than ten per centum (10%) of any amount not in excess of six thousand dollars ($6,000) and not less than twenty per centum (20%) of any amount in excess of six thousand dollars ($6,000) and not in excess of ten thousand dollars ($10,000); and in any case in which payment of a portion of any loan is guaranteed by the State or any department or agency thereof, provided that such portion so guaranteed shall not be less than ten per centum (10%) of any such loan, whether or not any portion is guaranteed by an admitted mortgage insurer or agency of the United States, pursuant to the provisions of the "Veterans' Home Construction, Farm Acquisition and Employment Act of 1944" or any act of the Legislature supplementary or amendatory thereof, the portion of such loan, payment of which is so guaranteed, shall not be deemed to be a part of said loan for the purposes of any law regulating such funds or moneys either in amount or term of any such loan."

Amendment No. 32

On page 9 of said bill, between lines 44 and 45, insert

"SEC. 750. Section 67.3 is added to the Bank Act, to read:

SEC. 67.3. None of the provisions of the Bank Act limiting or restricting loans by savings banks or by savings departments of banks or prescribing the security therefor or the maximum term thereof shall apply to any loans which are fully guaranteed by the State of California or any department or agency thereof (Veterans' Welfare Board in the Department of Military and Veterans Affairs) and an admitted mortgage insurer qualified under Section 12443 of the Insurance Code or any agency of the United States authorized to insure the payment of mortgage loans secured by real property pursuant to the provisions of the "Veterans' Home Construction, Farm Acquisition and Employment Act of 1945" or any act of the Legislature supplementary or amendatory thereof, provided that the portion of any such loan guaranteed by the State or any department or agency thereof shall not be less than ten per centum (10%) of an amount not in excess of six thousand dollars ($6,000) and not less than twenty per centum (20%) of any amount in excess of six thousand dollars ($6,000) and not in excess of ten thousand dollars ($10,000); and in any case in which payment of a portion of any loan secured by real property is guaranteed by the State or any department or agency thereof, whether or not any portion of any such loan is guaranteed by an admitted mortgage insurer qualified under the provisions of Section 12443 of the Insurance Code or any agency of the United States authorized to insure payment of mortgage loans secured by real property, pursuant to the provisions of the "Veterans' Home Construction, Farm Acquisition and Employment Act of 1945" or any act of the Legislature supplementary or amendatory thereof, the portion of such loan, payment of which is so guaranteed, shall not be deemed to be part of said loan for the purposes of Section 67 of the Bank Act or any other provision of law limiting the amount which may be loaned by any savings bank or savings department of any bank upon the security of the real property, and none of the provisions of Section 67 of the Bank Act limiting the term, nor any other provision of law limiting the term, for which loans may be made by savings banks or savings departments of banks, shall be applicable to any such loan.

SEC. 751. Section 80.3 is added to the Bank Act, to read:

SEC. 80.3. None of the provisions of the Bank Act limiting or restricting loans by commercial banks or by the commercial departments of banks or prescribing the security therefor or the maximum term thereof shall apply to any loans which are fully guaranteed by the State of California or any department or agency thereof (Veterans' Welfare Board in the Department of Military and Veterans Affairs) and an admitted mortgage insurer qualified under Section 12443 of the Insurance Code or an agency of the United States authorized to insure the payment of mortgage loans pursuant to the "Veterans' Home Construction, Farm Acquisition and Employment Act of 1945" or any act of the Legislature supplementary or amendatory thereof, provided that the portion of any such loan secured by real property guaranteed by the State or any department or agency thereof shall not be less than ten per centum (10%) of an amount not in excess of six thousand dollars ($6,000) and not less than twenty per centum (20%) of any amount in excess of six thousand dollars ($6,000) and not in excess of ten thousand dollars ($10,000); and in any case in which payment of a portion of any loan is guaranteed by the State or any department or agency thereof pursuant to the provisions of the "Veterans' Home Construction, Farm Acquisition and Employment Act of 1945" or any act of the Legislature supplementary or amendatory thereof, the portion of such loan, payment of which is so guaranteed, shall not be deemed to be a part of said loan for the purposes of Section 80 of the Bank Act or any other provision of law limiting the amount of individual loans, secured or unsecured, which may be made by any commercial bank or commercial department of any bank, and none of the provisions of the Bank Act limiting the term, nor any

other provision of law limiting the term, for which loans may be made by commercial banks or by commercial departments of banks shall be applicable to any such loan.

SEC. 752. Section 9.20 is added to the Building and Loan Association Act, to read:

Sec. 9.20. Irrespective of any other provision of this act, (a) if a portion of a loan secured by real property is guaranteed by the Veterans' Welfare Board in the Department of Military and Veterans Affairs of the State of California under provisions of the "Veterans' Home Construction, Farm Acquisition and Employment Act of 1945" or any act of the Legislature supplementary or amendatory thereof, such loan may be for any term and in an amount not in excess of the sum of (1) the amount otherwise permissible under this act plus (2) the portion of such loan so guaranteed, and (b) an association may make any such loan irrespective of the term or percentage of loan to value if the portion guaranteed by the Veterans' Welfare Board in the Department of Military and Veterans Affairs of the State is not less than ten per centum (10%) of an amount not in excess of six thousand dollars ($6,000) and not less than twenty per centum (20%) of any amount in excess of six thousand dollars ($6,000) and not in excess of ten thousand dollars ($10,000) and the remaining portion of any such loan is guaranteed or insured as to payment by an admitted mortgage insurer qualified under Section 12443 of the Insurance Code or any agency of the United States authorized to insure the payment of mortgage loans secured by real property pursuant to the provisions of the "Veterans' Home Construction, Farm Acquisition and Employment Act of 1945" or any act of the Legislature supplementary or amendatory thereof; and (c) if the portion of a loan guaranteed by the Veterans' Welfare Board in the Department of Military and Veterans Affairs of the State is not less than ten per centum (10%) of the loan, whether or not any portion is guaranteed by an admitted insurer qualified under Section 12443 of the Insurance Code or an agency of the United States authorized to insure the payment of mortgage loans, and the same is made pursuant to the provisions of the "Veterans' Home Construction, Farm Acquisition and Employment Act of 1945" or any act of the Legislature supplementary or amendatory thereof, such loan may be made on any terms, practices or procedures now or hereafter required by the Veterans' Welfare Board in the Department of Military and Veterans Affairs, provided such terms, practices or procedures are approved by the commissioner.

SEC. 753. Section 1176.7 is added to the Insurance Code to read:

Sec. 1176.7. None of the provisions of the Insurance Code limiting or restricting loans by insurers or prescribing the security therefor, or the terms thereof, shall apply to any loans which are fully guaranteed by the State of California or any department or agency thereof (Veterans' Welfare Board in the Department of Military and Veterans Affairs) and an admitted mortgage insurer qualified under Section 12443 of the Insurance Code or an agency of the United States authorized to insure the payment of mortgage loans pursuant to the provisions of the "Veterans' Home Construction, Farm Acquisition and Employment Act of 1945" or any act of the Legislature supplementary or amendatory thereof, provided that the portion of any such loan so guaranteed by the State or any department or agency thereof shall not be less than ten per centum (10%) of an amount not in excess of six thousand dollars ($6,000) and not less than twenty per centum (20%) of any amount in excess of six thousand dollars ($6,000) and not in excess of ten thousand dollars ($10,000); and in any case in which payment of a portion of any loan secured by real property is guaranteed by the State or any department or agency thereof, whether or not any portion of any such loan is guaranteed by an admitted mortgage insurer qualified under Section 12443 of the Insurance Code or an agency of the United States authorized to insure the payment of mortgage loans, pursuant to the provisions of the "Veterans' Home Construction, Farm Acquisition and Employment Act of 1945" or any act of the Legislature supplementary or amendatory thereof, the portion of such loan, payment of which is so guaranteed, shall not be deemed to be part of said loan for the purposes of any provision of the Insurance Code limiting the amount which may be loaned by an insurer upon the security of real property and improvements thereon, and none of the provisions of the Insurance Code limiting the term, nor any other provision of law limiting the term, for which loans may be made, shall be applicable to any such loan.

SEC. 754. Section 1176.8 is added to the Insurance Code, to read:

Sec. 1176.8. Such insurers may make, invest in or purchase loans which are guaranteed by the State of California or any department or agency thereof (Veterans' Welfare Board in the Department of Military and Veterans Affairs) and an admitted mortgage insurer qualified under Section 12443 or an agency of the United States authorized to insure the payment of mortgage loans pursuant to the provisions of the "Veterans' Home Construction, Farm Acquisition and Employment Act of 1945" or any act of the Legislature supplementary or amendatory thereof, provided that ratio of such guaranty and such insurance of any such loan shall be made pursuant to the provisions of Section 1176.7 of the Insurance Code.

SEC. 755. Section 12443 is added to Article 2, Chapter 2, Part 6, Division 2, of the Insurance Code, to read:

Sec. 12443. None of the provisions of Sections 12422 and 12442 and Articles 5, 6 and 7 of this chapter shall be applicable to any admitted mortgage insurer, or any

such insurer hereafter admitted, which may insure and guarantee the payment of any security ("Security" as defined in Section 12421 of this chapter) pursuant to the provisions of the "Veterans' Home Construction, Farm Acquisition and Employment Act of 1945," or the "Postwar Housing and Reemployment Act," or any act of the Legislature supplementary or amendatory thereof; provided, that:

(1) Not less than 50 per cent of all premiums collected from writing such insurance, less premium returns, shall be maintained and known as the "Surplus Premium Fund" for the protection of policyholders in addition to the provisions of Section 12461 of this chapter. The funds in such "Surplus Premium Fund" may be used to make, invest in or purchase the securities prescribed for investment on part of any mortgage insurer by the Insurance Code, including any security guaranteed pursuant to this section;

(2) The premium rate for such insurance shall not be less than an amount equivalent to one-half of 1 per cent per annum nor more than an amount of the principal obligation of such mortgage security outstanding at any time, without taking into account delinquent or prepaid premiums, provided that the mortgage insurer may require prepayment of the first year's premium on any insured loan and annually fix the premium in advance for each succeeding year to be paid in equal installments cotemporaneously with the payment of principal and interest.

(3) Appraisals made pursuant to the provisions of the "Veterans' Home Construction, Farm Acquisition and Employment Act of 1945," or the "Postwar Housing and Reemployment Act," or any act of the Legislature supplementary or amendatory thereof shall be sufficient for the purpose of writing mortgage insurance pursuant to the provisions of this section.

(4) No single family dwelling or farm mortgage shall be insured for an amount in excess of fifteen thousand dollars ($15,000).

(5) Upon the payment of accrued interest, taxes and insurance premiums pursuant to default or foreclosure of any insured security, or repossession of the real property securing any such security, any mortgage insurer may, with the prior approval of the mortgagee, refinance by any available means or pay the then due principal, together with interest thereon at the rate specified in the original insured security, in five equal annual payments."

Amendment No. 33

On page 10 of said bill, strike out lines 4 to 12, inclusive, and insert

"As a result of World War II, upwards of 800,000 residents of California will have entered the armed services of the Nation, of which some 60,000 have already been discharged and about 5,000 are being returned monthly to civil life as veterans. In consequence thereof an emergency has arisen, and one that will continue to grow worse if the State does not forthwith assume its responsibility to those veterans and provide workable and quick, sound economic ways and means of alleviating and preventing a vast majority of these veterans, and those of the future, living with their families in crowded shelters, insanitary, filthy, and unhealthy shacks, trailers, rooms or substandard housing units so that they can, without initial payments, because few will have accumulated money at all, secure new homes, farms, businesses and be given an opportunity for employment; and further, it now appears that in so far as homes, farms and businesses are concerned the "Servicemen's Readjustment Act of 1944" and the multiplicity of Federal centralized bureaucracies processing the same are wholly inadequate, if not stymied. The permission to make investments and write mortgage insurance pursuant to this act on part of State regulated lenders and mortgage insurers is inadequate, and not sufficiently comprehensive, if not obsolete in relation to long term amortized loans, to permit such lenders to make, invest in or purchase mortgage loans or for mortgage insurers to write mortgage insurance authorized by this act, and since thousands of veterans have returned, are constantly returning and will in great numbers continue to return for adjustment to civilian life, with some 30 wanting a suburban or urban home to one desiring a farm according to reported experience of the California Veterans' Welfare Board, it is necessary that this act take effect immediately."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 230

Senator Tenney moved that Senate Bill No. 230 be withdrawn from Committee on Judiciary for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 230

Senate Bill No. 230—An act to amend Section 7 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "an act entitled "An act authoriz-"; and strike out lines 2 to 7, inclusive, and insert "the Municipal Court Act of 1925, relat-".

Amendment No. 2

On page 1, line 13, of said bill, strike out "eight thousand five hundred dollars ($8,500)", and insert "ten thousand dollars ($10,000)".

Amendment No. 3

On page 1, line 15, of said bill, strike out "five", and insert "six".

Amendment No. 4

On page 1, line 16, of said bill, strike out "575", and insert "675".

Amendment No. 5

On page 1, line 17, of said bill, strike out "five", and insert "six".

Amendment No. 6

On page 1, line 18, of said bill, strike out "575", and insert "675".

Amendment No. 7

On page 1, line 19, of said bill, strike out "three"; and strike out line 20, and insert "four hundred dollars ($400) per month."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 514

Senator Tenney moved that Senate Bill No. 514 be withdrawn from Committee on Transportation for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 514

Senate Bill No. 514—An act to amend Section 2808 of the Streets and Highways Code, relating to the exemption of proceedings for the construction or acquisition of sanitary sewers and sewage disposal works from the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendment:

Amendment No. 1

[illegible]

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 522

[illegible]

Motion carried.

CONSIDERATION OF SENATE BILL NO. 522

Senate Bill No. 522—[illegible]

Bill read second time.

Motion to Amend

[illegible]

Amendment No. 1

[illegible]

Amendment No. 2

[illegible]

Amendment No. 3

[illegible]

Amendment No. 4

[illegible]

Amendment No. 5

[illegible]

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 10

Senator Ward moved that Senate Bill No. 10 be withdrawn from Committee on Local Government for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 10

Senate Bill No. 10—An act to amend Section 4151 of the Political Code, relating to duties of county recorders.

Bill read second time.

Motion to Amend

Senator Ward moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 4131 of", and insert "add Section 4131.5 to".

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert
"SECTION 1. Section 4131.5 is added to the Political Code".

Amendment No. 3

On page 1 of said bill, strike out lines 3 to 28, inclusive, and insert
"4131.5. In counties or cities and counties having a population of 450,000 or more inhabitants, the recorder may record any of the documents enumerated in Section 4131, by photography or other reproduction process, in books of the kind described in said section."

Amendment No. 4

On page 2 of said bill, strike out lines 1 to 12, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

RESOLUTIONS

The following resolution was offered:

By Senator Powers:

Senate Resolution No. 62

Resolved, That the position of Ada Reinhold heretofore established at $8 per diem be and the same is hereby increased to $12 per diem, beginning March 11, 1945, as per resolution of the Rules Committee effecting compensation for this position and the Controller is hereby directed to draw his warrants in favor of the respective person for the respective amount, and the Treasurer is hereby directed to pay the same.

Ada Reinhold, Assistant Minute Clerk.....$12 per day

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—26.

NOES—None.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 73—An act to add Sections 7 and 8 to an act entitled "An act to provide for the licensing, visitation and supervision of schools teaching foreign languages, and to define and prescribe the powers and duties of the State Board of Education in respect thereto," approved May 31, 1943, relating to license fees, and making an appropriation.

Bill read third time.

MOTION TO RE-REFER SENATE BILL NO. 73

Senator Donnelly moved that Senate Bill No. 73 be re-referred to Committee on Finance.

Motion carried.

Senate Bill No. 73 ordered re-referred to Committee on Finance.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolutions were offered:

Senate Concurrent Resolution No. 33: By Senator Ward—Relative to the creation of a Joint Committee designated "The United Nations Conference Committee."

Referred to Committee on Rules.

Senate Joint Resolution No. 13: By Senator Dorsey—Relative to claim of ownership of lands by the sovereign State of California.

Referred to Committee on Transportation.

Senate Concurrent Resolution No. 34: By Committee on Rules—Relative to publishing Appendices to the Legislative Journals.

Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 34, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 34

Senate Concurrent Resolution No. 34—Relative to publishing Appendices to the Legislative Journals.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward and Weybret—24.

NOES—None.

Resolution ordered transmitted to the Assembly.

ADJOURNMENT

At 4.12 p. m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Tuesday, March 13, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

TWENTY-THIRD LEGISLATIVE DAY

SIXTY-FIFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Tuesday, March 13, 1945

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dilliger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Knebel, Meeo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day: Senator Rich, on motion of Senator Seawell account of illness.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Frederick F. Houser, Mrs. Glynn Tucher, and Mrs. Carl Underkum, Sacramento.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Walter B. Hogan.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. May E. Snow of Vista, California.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Lena Marie Hampton of South Pasadena.

On request of Senator Dilliger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. John E. Keller and Henry Lawson of Bijou, California.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Paul Edwards, Publisher of the San Francisco News; and member of Board of Governors, Commonwealth Club of California.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1945

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 282
Assembly Bill No. 360
Assembly Bill No. 361
Assembly Bill No. 362
Assembly Bill No. 428
Assembly Bill No. 447
Assembly Bill No. 676
Assembly Bill No. 971
Assembly Bill No. 1244

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 282—An act to repeal Section 222 of the Welfare and Institutions Code, relating to warrants for public assistance.

Referred to Committee on Social Welfare.

Assembly Bill No. 360—An act to add Section 5709 to the Welfare and Institutions Code, relating to private institutions for the care, custody or treatment of the insane.

Referred to Committee on Social Welfare.

Assembly Bill No. 361—An act to add Section 2311 to the Welfare and Institutions Code, relating to institutions providing housing for aged persons.

Referred to Committee on Social Welfare.

Assembly Bill No. 362—An act to add Section 1631 to the Welfare and Institutions Code, relating to institutions for child care.

Referred to Committee on Social Welfare.

Assembly Bill No. 428—An act to amend Section 7305 of the Education Code, relating to average daily attendance.

Referred to Committee on Education.

Assembly Bill No. 447—An act to add Section 18706 to the Education Code, relating to the sale of personal property by school districts to pupils.

Referred to Committee on Education.

Assembly Bill No. 676—An act to amend Section 372 of the Vehicle Code, relating to weight fees for commercial vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 971—An act to amend Section 20005 of the Education Code, relating to residence of students at the University of California.

Referred to Committee on Education.

Assembly Bill No. 1244—An act to add Section 22023 to the Education Code, relating to libraries.

Referred to Committee on Education.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 12, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 193
Senate Bill No. 649
Senate Joint Resolution No. 6

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 12, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 149
Senate Bill No. 180
Senate Bill No. 203
Senate Concurrent Resolution No. 34

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 12, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1182

And reports the same correctly re-engrossed.

SEAWELL, Chairman

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, March 12, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 973
Senate Bill No. 974
Senate Bill No. 975
Senate Bill No. 82
Senate Bill No. 133
Senate Bill No. 637

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 12, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 972
Senate Bill No. 556
Senate Bill No. 1067

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 12, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 560

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; noes 1.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 557

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to Committee on Finance.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 181

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; noes 3; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 103

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; noes 1; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 494

Senate Bill No. 496

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 10; absent 2.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 492

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 9; noes 1; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 493

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; noes 2; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 487
Senate Bill No. 488
Senate Bill No. 489
Senate Bill No. 490
Senate Bill No. 495
Senate Bill No. 497
Senate Bill No. 498

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 10; absent 2.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 499
Senate Bill No. 547
Senate Bill No. 963

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 10; absent 2.

KEATING, Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Concurrent Resolution No. 25

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 437
Senate Bill No. 442
Senate Bill No. 446
Senate Bill No. 454
Senate Bill No. 469
Senate Bill No. 472
Assembly Bill No. 68
Assembly Bill No. 69

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 837

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 308
Senate Bill No. 1014
Senate Bill No. 1015

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

COLLIER, Chairman

Above reported bills ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 418—An act to add Section 1241.5 to the Water Code, relating to the forfeiture of water rights, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 663—An act to create a flood control district to be called Humboldt County Flood Control District and dividing said district into zones; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 903—An act to amend Section 5 of the County Water Authority Act, relating to water authorities.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 945—An act to add Section 220.5 to the Elections Code, relating to registration of electors.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "add Section 220.5 to", and insert "amend Sections 127, 129, and 130, of".

PRINTER'S NOTE—These items are 7 point sentence type [illegible], the material which should appear in 8 point type in the [illegible] amendment is indicated by items enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 7, inclusive, and insert

"SECTION 1. Section 127 of the Elections Code is amended to read:

127. A person may prove he is a naturalized citizen [,] by the production of his certificate of naturalization or *a certified copy thereof* [by the production of a certificate of registration in the county of his last residence in the State, showing the month, day and year, and place of naturalization].

SEC. 2. Section 129 of said code is amended to read:

129. A person may prove he is a citizen by virtue of the naturalization of his parent by his affidavit:

(a) Showing that fact.

(b) Naming the parent.

(c) Showing that the naturalization took place during his minority.

(d) Showing that he began to reside permanently in the United States during his minority.

This statement need not be noted in full upon the affidavit, but the words "I acquired citizenship by my father's (or mother's) naturalization," naming him, is sufficient.

If the naturalization relied upon took place within 15 years prior to the date of registration the fact of naturalization shall be proved by the production of the certificate of naturalization or a certified copy thereof.

SEC. 3. Section 130 of said code is amended to read:

130. A woman may prove she is a citizen by virtue of marriage to a citizen, by stating the month, day and year, and place of her marriage and name of her husband. The county clerk shall enter these facts upon the affidavit of registration. *If the marriage relied upon took place within 15 years prior to the date of registration, the marriage shall be proved by the production of a marriage certificate or other documentary evidence of the marriage.*".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Elections.

THIRD READING OF SENATE BILLS

Senate Bill No. 661—An act providing for the transfer to the Department of Education exclusive jurisdiction and control over certain lands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Kuchel, Mayo, McCormack, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 691—An act to amend Section 3515.5 of the Revenue and Taxation Code, relating to transfer to the Veterans' Welfare Board of tax-deeded property.

Bill read third time.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 7, of the printed bill, after "Code", insert "and that the property was prior to the first Monday of March preceding its acquisition by the Veterans' Welfare Board free and clear of all tax liens".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 180 An act to add Section 12.16 to the County Water District Act, relating to the powers of county water districts as to recreational facilities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dilfinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 203 An act to amend Sections 4237 and 4237.1 and to repeal Section 4237.9 of the Political Code, relating to compensation for public service in counties of the eighth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dilfinger, Dilworth, Donnelly, Dorsey, Fletcher, Gibson, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 149 An act to amend Sections 737ee, 737ee, and 737ff of the Political Code, relating to the salaries of judges of the superior court.

Motion to Refer Bill to Inactive File

Senator Seawell moved that Senate Bill No. 149 be placed on the inactive file.

Motion carried.

Senate Joint Resolution No. 6 Relative to making available to the Palo Verde Mesa lands certain waters of the Colorado River.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dilfinger, Dilworth, Donnelly, Dorsey, Fletcher, Gibson, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 1182 An act to amend Section 108 of the Civil Code, relating to insanity as a ground for divorce.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Critten, Cunningham, DeLap, Denel, Dilfinger, Dilworth, Dorsey, Fletcher, Hatfield, Hulse, Judah, Kuchel, Mayo, McBaine, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Swing, Tenney, Ward, and Weybret—28.

NOES—Senators Desmond, Donnelly, Jespersen, Keating, Quinn, Shelley, Slater, and Sutton—8.

Bill ordered transmitted to the Assembly.

Senate Bill No. 788—An act to amend Sections 20451 and 20452 of the Education Code, relating to the State colleges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Denel, Dilliger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Knebel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 193—An act to add Section 4278.1 to the Political Code, relating to court reporters in counties of the forty-ninth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Denel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Knebel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 265

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Constitutional Amendment No. 10

Has had the same under consideration, and reports the same back with the recommendation: That it be re-referred to Committee on Governmental Efficiency.

Committee membership 5; committee vote: Ayes 4; absent 1.

SEAWELL, Chairman

Above reported resolution ordered re-referred to Committee on Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Bill No. 222

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes 4; absent 1.

SEAWELL, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 33

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; absent 1.

SEAWELL, Chairman

Above reported resolution ordered to third reading.

RESOLUTIONS

The following resolution was offered:

By Senator Mayo:

Senate Resolution No. 63

In Memory of George Philip Morgan

WHEREAS, In Sonora, on February 20, 1945, George Philip Morgan, veteran California educator and one of Tuolumne's most beloved native sons, passed on to his eternal reward.

Of pioneer parentage, he was born in the historic mining town of Columbia, Tuolumne County. But for the brief interlude of his higher education, it was in that county, which he loved so well, that he was destined to spend the next 85 years—in fact, his life span—and to become, with the years, a proud tradition of the community to which he had dedicated his life.

Obtaining in 1877 his teacher's certificate from the San Jose Normal School, then the only school of its kind in California, he began his teaching career in the Sullivan's Creek School, later teaching in Confidence, in Soulsbyville, in his native Columbia, and in Jamestown. Elected in 1885 to the office of County Superintendent of Schools of Tuolumne County, he held this position until 1943, thereby coming to be known as the "Dean of California County School Superintendents." It was George Morgan's fortune to view the growth and development of California from a new-born, lusty mining State to its present commanding place among the States of the Nation. Indeed his life may be regarded as a link between these two eras; and

WHEREAS, This beloved Californian's record of public service is unequalled in the annals of our Public School System, and it is fitting that his memory be perpetuated in the official records of our State; now, therefore, be it

Resolved by the Senate of the State of California, That when we adjourn this day we do so out of respect for the memory of George Philip Morgan; and be it further

Resolved, That the Secretary of the Senate is directed to convey to the daughters of George Philip Morgan, the Miss Edith and Gertrude Morgan of Oakland, California, this expression of our tribute.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Holse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

REQUEST FOR UNANIMOUS CONSENT

Senator Ward asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 33, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 33

Senate Concurrent Resolution No. 33—Relating to the creation of a Joint Committee designated "The United Nations Conference Committee."

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield,

Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 35: By Senator Ward—Relative to the ownership by the State of California of all tidelands and submerged lands within the boundaries of the State.

Referred to Committee on Judiciary.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 30

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 58
Assembly Bill No. 467
Assembly Bill No. 899
Assembly Bill No. 901
Assembly Bill No. 1340
Assembly Bill No. 1378
Assembly Bill No. 920
Assembly Bill No. 921
Assembly Bill No. 375
Assembly Bill No. 819

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 58—An act to add Section 1197.5 to the Labor Code, relating to wages for women.

Referred to Committee on Labor.

Assembly Bill No. 467—An act to repeal Chapter 2 of Division 20 of the Health and Safety Code, and to reenact the provisions thereof as Part 6 of Division 5 of the Labor Code, relating to tanks and boilers.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 899—An act to amend Sections 130 and 140 of, and to add Sections 146.1 and 146.2 to, the Vehicle Code, relating to the registration and records of the department.

Referred to Committee on Transportation.

Assembly Bill No. 901—An act to amend Sections 231, 234 and 237 of the Vehicle Code, relating to motor vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 1340—An act to add Section 41.1 to the Vehicle Code and to amend Section 145 thereof, relating to assembled vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 1378—An act to amend Section 383 of the Vehicle Code, relating to the return of fees.

Referred to Committee on Transportation.

Assembly Bill No. 920—An act to amend Section 1352 of the Labor Code, relating to working hours for women.

Referred to Committee on Labor.

Assembly Bill No. 921—An act to amend Section 1944.1 of the Labor Code, relating to the employment of certain aliens.

Referred to Committee on Labor.

Assembly Bill No. 375—An act to amend Sections 78a and 78b of the State Employees' Retirement Act and Section 21000 and 21001 of the Government Code, relating to the State Employees' Retirement System, and extending the period during which persons who have attained the age of compulsory retirement may be retained in State service or reinstated in State service from retirement, upon conditions specified therein.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 819—An act to add Section 417.1 to the Vehicle Code, relating to financial responsibility.

Referred to Committee on Transportation.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 27

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read.

Assembly Concurrent Resolution No. 27—Relative to the long overdue and glorious return to the United States of the heroes of Bataan.

Request for Unanimous Consent

Senator Shelley asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 27, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 27

Assembly Concurrent Resolution No. 27—Relative to the long overdue and glorious return to the United States of the heroes of Bataan.

Resolution read, and presented by Senator Shelley.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon,

Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

MOTION TO EXCUSE COMMITTEE

At 3.17 p.m., Senator Seawell moved that the members of the Committee on Revenue and Taxation be excused for the purpose of holding a committee meeting.

Motion carried.

MOTION TO EXCUSE COMMITTEE

At 3.19 p.m., Senator Hatfield moved that the members of the Fact Finding Committee on Japanese Resettlement be excused for the purpose of holding a committee meeting.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 96

Senator Fletcher moved that Senate Bill No. 96 be withdrawn from Committee on Judiciary for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 96

Senate Bill No. 96 An act to amend Section 1237 of, and to add Section 1238.5 to, the Code of Civil Procedure, relating to the exercise of the right of eminent domain.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

Strike out line 1 of the title of the printed bill, and insert "An act to add Section 1238.5 to".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 8, inclusive, and insert

"SECTION 1. Section 1238.5 is added to the Code of Civil Procedure to read:

1238.5. Subject to the provisions of this title, an owner,".

Amendment No. 3

On page 1, line 11, of said bill, strike out "private".

Amendment No. 4

On page 1, line 14, of said bill, strike out "private".

Amendment No. 5

On page 1, line 15, of said bill, strike out "private".

Amendment No. 6

On page 1 of said bill, strike out lines 22 to 25, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

WITHDRAWAL FROM COMMITTEE OF SENATE CONSTITUTIONAL AMENDMENT NO. 3

Senator Fletcher moved that Senate Constitutional Amendment No. 3 be withdrawn from Committee on Judiciary, for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT NO. 3

Senate Constitutional Amendment No. 3 A resolution to propose to the people of the State of California to amend Section 14 of Article I of the Constitution of said State, relating to eminent domain.

Resolution read.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 3, of the printed measure, strike out the blank, and insert "eighth".

Amendment No. 2

On page 1, lines 8 and 9, of said measure, strike out "Private property shall not be taken for private use, except for private ways of necessity."

Amendment No. 3

On page 1, line 10, of said measure, strike out "or private".

Amendment No. 4

On page 2, line 24, of said measure, after the period, insert "The taking of private property for a way of necessity as a means of ingress and egress for property which is cut off from access to the public streets or highways shall be deemed a taking for a public use."

Amendments read and adopted.

Resolution ordered printed, and re-referred to Committee on Judiciary.

ADJOURNMENT

At 3.20 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Wednesday, March 14, 1945, out of respect to the memory of the late George Philip Morgan.

JOHN F. LEA, Minute Clerk.

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

TWENTY-FOURTH LEGISLATIVE DAY

SIXTY-SIXTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Wednesday, March 14, 1945

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator McCormack, on motion of Senator Parkman, account of illness.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Biggar, the privilege of the floor of the Senate for this day was unanimously extended to Judge Lilburn Gibson, Superior Judge of Mendocino County, Ukiah.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. E. J. Bernardo, Half Moon Bay; Ed. Kaufman, San Mateo; and Alvin Hatch, Supervisor of San Mateo County.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Andrew Sheveland, of Vallejo.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. Champ Clark Butler and Jack Bates, both of Beverly Hills.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

BUREAU OF PRINTING
SACRAMENTO 14, March 12, 1945

Senator J. L. Seawell
State Senate, Sacramento, California

DEAR SENATOR: Because of the shortage of skilled labor in the State Printing Plant, and an anticipated further cut in our staff due to the new Draft Board rules, it will be impossible to give the accustomed service on amended bills.

I respectfully request that you notify members when they seek quick delivery of amended bills, that it will be impossible to return such bills short of 24 hours, unless the measure is a very short one.

In former sessions the State Plant could always rely on a sufficiently large force of printers and pressmen to accommodate final out passes. Because of the great shortage of these skilled workers, we find that for this session less than 20 per cent of them have been attracted to Sacramento, although the pay is very high and there is a large amount of overtime work at very high rates of pay.

I trust that this request is in order, and that we shall receive the same kind of kindly consideration that has always marked our relations with the Legislature.

A copy of this letter goes to Assemblyman Charles W. Lyon.

Respectfully submitted.

GEORGE H. MOORE, State Printer

CC: Joseph A. Beek.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 430
Assembly Bill No. 431
Assembly Bill No. 432
Assembly Bill No. 436
Assembly Bill No. 437
Assembly Bill No. 502
Assembly Bill No. 551
Assembly Bill No. 668
Assembly Bill No. 900
Assembly Bill No. 1266
Assembly Bill No. 1330
Assembly Bill No. 1373
Assembly Bill No. 1374
Assembly Bill No. 1382
Assembly Bill No. 1487

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 430—An act to repeal Section 522 of the Agricultural Code, relating to the marking of butter.

Referred to Committee on Agriculture.

Assembly Bill No. 431—An act to amend Section 580 of the Agricultural Code, relating to labeling of oleomargarine.

Referred to Committee on Agriculture.

Assembly Bill No. 432—An act to amend Section 552 of the Agricultural Code, relating to skim milk.

Referred to Committee on Agriculture.

Assembly Bill No. 436—An act to amend Section 595 of the Agricultural Code, relating to the labeling of imitation milk.

Referred to Committee on Agriculture.

Assembly Bill No. 437—An act to amend Section 506 of the Agricultural Code, relating to ice cream.

Referred to Committee on Agriculture.

Assembly Bill No. 502—An act to amend Sections 251 and 254 of, and to add Sections 214 and 259.5 to, the Revenue and Taxation Code, relating to exemptions from taxation.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 551—An act to amend Section 483 of the Agricultural Code, relating to guaranteed milk.

Referred to Committee on Agriculture.

Assembly Bill No. 668—An act to amend Section 582, to repeal Section 585 and to add Sections 584.1, 585 and 585.1 to the Vehicle Code, relating to the parking or leaving of vehicles on highways and the authority of officers to remove the same for safekeeping, for notices to be given before lien may be claimed for the cost of storage.

Referred to Committee on Transportation.

Assembly Bill No. 900—An act to amend Sections 205, 206, 208 and 225 of the Vehicle Code, relating to special plates.

Referred to Committee on Transportation.

Assembly Bill No. 1266—An act to amend Sections 622, 637, 639, 645, 650.6 and 655 of, and to add Section 657 to, the Vehicle Code, relating to lamps and other devices.

Referred to Committee on Transportation.

Assembly Bill No. 1330—An act to amend the heading of Article 1, Chapter 2, Part 2, Division 1, of the Insurance Code, and to add Section 1141 to said code, relating to insurance, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1373—An act to amend Section 9701 of the Elections Code, relating to municipal elections and notice thereof.

Referred to Committee on Elections.

Assembly Bill No. 1374—An act to amend Section 7461 of the Education Code, relating to bond maturities and the redemption of school bonds before maturity.

Referred to Committee on Education.

Assembly Bill No. 1382—An act to add Section 352.5 to the Political Code, relating to traveling expenses.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1487—An act to add Section 7 to an act entitled "An act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water-mains, and other conduits therein, also to construct and maintain sewers, water-mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes," extending the act to sanitary and sanitation districts and relating to the construction and ownership of sewage treatment and disposal works for the use of two or more municipal corporations, sanitary or sanitation districts; the making of contracts for such construction, ownership or use and the

issuance of bonds by municipal corporations, sanitary and sanitation districts to pay the cost of construction or for any property or rights acquired under such contracts; and declaring the urgency of this act to take effect immediately.

Referred to Committee on Local Government.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 418
Senate Bill No. 903
Senate Bill No. 663
Senate Concurrent Resolution No. 33
Senate Concurrent Resolution No. 25

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 14, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 691

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 14, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 30 Relative to the continuance of the Joint Committee on Water Problems created by Resolutions Chapter 130 of the 1941 Regular Session.

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the fourteenth day of March, 1945, at 12 m.

SEAWELL, Chairman

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 656
Senate Bill No. 593

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 758
Senate Bill No. 983
Senate Bill No. 352
Senate Bill No. 654
Senate Bill No. 655

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

GORDON, Chairman

Above reported bills ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 48
Senate Bill No. 251

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 11.

CRITTENDEN, Chairman

Above reported bills ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 153
Senate Bill No. 835

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 391

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; noes 2.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 392
Senate Bill No. 394
Senate Bill No. 400

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 250
Senate Bill No. 388
Senate Bill No. 389
Senate Bill No. 390
Senate Bill No. 393
Senate Bill No. 395
Senate Bill No. 397
Senate Bill No. 398
Senate Bill No. 399
Senate Bill No. 404

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 76
Senate Bill No. 77
Senate Bill No. 453
Senate Bill No. 513

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 834

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 3
Senate Bill No. 9
Senate Bill No. 279
Senate Bill No. 281

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 621

Senator Deuel moved that Senate Bill No. 621 be withdrawn from Committee on Judiciary, and referred to Committee on Institutions.

Motion carried.

MOTION TO PRINT REPORT

Senator Fletcher moved that the following Preliminary Report of the Forestry Committee of the Council of State Governments be printed in the Journal:

Motion carried.

SENATE CHAMBER, MARCH 13, 1945

President and Members of the California State Senate

You honored Senator Mayo and myself, and the Assembly, Assemblymen Harrison Call and Ralph Dills, by sending us as your representatives to the Sixth General Assembly of the Council of State Governments at Baltimore in January, 1943.

I introduced a resolution on reforestration—whether public or private ownership; taxation; fires and insects; utilization; Federal approach to private forestry; what the Federal Government should do; State approach to private forestry; what the State should do, etc.—all in the interests of protecting and developing one of our most vital assets, which was unanimously passed.

Subsequently, I was appointed a member of the National Forestry Committee of the Council of State Governments in relation thereto. The members of the committee are: Governor Earl Snell of Oregon, Chairman; Hon. D. Hale Brake, State Treasurer of Michigan; Sen. William T. Dean of Georgia; Hon. Perry H. Merrill, State Forester of Vermont, and myself.

We held several interesting meetings throughout the United States, ascertaining the facts.

The result of the activities of this committee is the following report, which I submit to the Legislature of the State of California at the request of the Council of State Governments, and ask that it be printed in the Journal of the Senate and the Assembly.

ED FLETCHER
State Senator, Fortieth District

DEVELOPING FOREST RESOURCES

Tentative and Preliminary Report of the Forestry Committee of the Council of State Governments

The forests of America have been extensively used, and in some cases extensively exploited, since Colonial Days. Nevertheless, those forests under the pressing demands of a war emergency are today furnishing more timber than at any other period in our National history. However, the excessive wartime demands, the serious drain caused by the ravages of fire, insects, and disease, and the lack of controlled cutting

practices emphasize the fact that the drain on our forests exceeds current forest growth. This situation further emphasizes the urgent need for the adoption of modern forestry practices, including selective and controlled cutting.

Early Exploitation

In Colonial Times, the forest was a menace which harbored enemies and encumbered the land needed for crops. These conditions no longer obtain, and more forest land now reverts to forest use annually than is cleared for fresh agricultural use. Secondly, there was an enormous demand for a cheap, universal construction material during the period of rapid National expansion. As the Nation matured and construction became more stable, and there developed the use of materials other than wood, the urgent need for lumber declined, and the use of timber products became more stabilized. Although wartime demands for forest products have temporarily thrown the picture out of balance, it is hoped that after the war a relatively steady use of forest products may obtain. Accordingly, in normal times plans should be made for the orderly harvesting of timber as a crop.

The crop concept seems to be challenged by the fact that current drain on the forests exceeds current forest growth. That is one of the problems to be solved by the adoption of modern forestry practices. The barriers to successful forest management are well known. Forthright action by individual States to surmount these barriers locally will keep local forest lands productive, and in the aggregate will protect and enhance the National forest resources.

The public policy of one of the forward-looking forested States is declared to be "* * * the preservation of the forest and the conservation of forest resources for the equal and guaranteed use of future generations * * * the protection of forest and water resources and the continuous growth of timber on lands suitable therefor * * *"[1] If this policy is implemented with intelligence and integrity in State legislation and administration, with proper Federal State relations, there need be no concern for the future of forestry in America.

The Situation Now

There are today about 630 million acres[2] of forest land in the United States available for the production of timber and forage, and for such accessory forest values as watershed protection, wildlife habitats, and recreation. Of the nearly 500 million acres[2] of commercial forest land, there are 214 million acres[2] in saw-timber. *Given adequate management, this area will produce annually more timber than has ever been cut in the United States in a single year.*

The Federal Government owns or manages 60,000,000 acres[2] of saw-timber; States, counties, and municipalities, 4,000,000 acres;[2] and there are some 150,000,000 acres[2] in private ownership. It is with the latter two classes of ownership that State Forestry Programs are particularly concerned. There are no figures available on the present status of State-, county-, and municipally owned lands, but a recent survey of privately-owned industrial forest land discloses these facts:[3] (1) 16.6 per cent is managed in line with modern forest practices and is 80-100 per cent stocked; (2) 29.6 per cent is managed for continuous production and is 40-80 per cent stocked; (3) 47.5 per cent is less than adequately managed and is less than 40 per cent stocked; and (4) 6.3 per cent is non-productive.

This is pretty largely the balance sheet of the forest industry as a whole, because publicly-owned forests have made but a negligible contribution to forest production thus far. For the Decade 1933-42, the cut of saw-timber on National forests averaged slightly over a billion board feet,[4] while the total cut for the industry averaged over 25,000,000,000 board feet.[5] Production on public forests must of necessity become more important as private forests are increasingly cut over, but it is still the private forest land which produces the bulk of America's lumber.

The timber industry in normal times has provided as much as 50 per cent of the industrial employment in some States, and the value of forest products at the mill nationally has exceeded $1,000,000,000[5] annually in recent years. Thus the continued productivity of the private forest will remain a significant factor in the economy of many States, and a matter of concern to all States. For these reasons, the problems of private forestry must engage the whole-hearted attention of the Council of State Governments.

Ownership

In a sense, the ownership of forest lands is relatively unimportant if they are all properly managed and conserved and the benefits are available to the citizenry in general. It is important that minimum forest practices be required on all ownerships in order to protect the stability of the industry.

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[1] Oregon Forest Conservation Act.
[2] U. S. Forest Service, *Forest Survey*, 1936-38 revision.
[3] National Lumber Manufacturers Association Survey, 1943.
[4] U. S. Forest Service.
[5] Bureau of the Census.

There are two legitimate fields of public forest ownership: (1) non-commercial lands of greater service for other uses than for forest products, and not necessarily self sustaining (in this category would fall watershed forests, research and demonstration forests, recreational areas, and wildlife refuges); (2) lands bearing commercial timber in certain quantities for demonstration or industry stability, on poor sites, or on inaccessible or fire-denuded areas. In general, private ownership should be encouraged when and where it is possible to carry on long term operations at a profit and in such a manner as will insure sustained production on the area.

Taxation

The problem of forest taxation is one which deserves special consideration because of the long period required to produce merchantable timber. Property taxation has been the principal source of revenue for local government in rural America and is based on the annual cropping of agricultural lands. The annual taxing of a crop which requires many years to produce has done much to discourage sound forest management on private lands. In Western States, the tax problem is also very much complicated by the vast public ownership of forest lands. At least a partial solution can be found by giving consideration to the following:

(1) Privately-owned lands should bear their fair share of the cost of local government. The valuation for property tax purposes might well be based on the "productive capacity" of the forest land.

(2) Taxes—Federal and State—should be applied in such a manner as to equalize the payments between the operator who grows trees and the one who purchases mature timber. Progress along this line has been made.

(3) Equitable and reasonable payments in lieu of taxes should be made on publicly-owned forest lands.

(4) State and Federal inheritance or estate tax laws should be so amended as to give one liable for the payment of an inheritance tax the option of either (a) paying immediately or (b) arranging for payment through a series of deferred payments over a period of years or upon the harvest of the crop.

Fires and Insects

In recent years we have multiplied public opportunity to set fire without equally multiplying public responsibility for such fires. Improved transportation and roads have made private forest lands available to the public, with a resultant increase in fire hazards. In some sections of the Country, smokers and incendiarists set more than 50 per cent of the forest fires. The attention of the public should be called to this critical condition to the end that more adequate measures may be put into effect by our State and local governments.

Forests are at times extremely vulnerable to both insects and disease, attacks of which may completely liquidate private holdings. It is not feasible for private forest land owners unaided to undertake sanitation measures for the prevention of epidemic diseases or infestations. This is, however, largely a province of public forest agencies—a project in the general public interest akin to flood control work and similar public works.

Forestry is a long-time enterprise, subject to unusual hazards, yielding only modest returns on the investment. Commercial credit rates present some difficulty for operators who prefer to work on a sustained production basis. Because of prevailing hazards, insurance premium rates are disproportionately high for the coverage obtained, and financial risks are added to the physical difficulties of private forestry.

Utilization

Present standards of utilization do not permit full realization of all timber values and impose severe restrictions on the development of private forestry. Present limited markets for wood and long-established practices force logging and sawmill operators to leave 30 per cent of the wood in the forest and 43 per cent of the log in the mill. Wood technology has not kept pace with the advance in the utilization of metals, plastics, and other wood substitutes.

Federal Approach to Private Forestry

Any National forest policy, in order to be successful, should be based on the cooperation of the Federal, State, and local governments, as well as on that of individual owners and operators.

The history of Federal action in respect to forestry in the States is about as follows:

(1) Development of a National Forest System, beginning in 1891, set aside unappropriated areas of the public domain within the States as Federal forests.

(2) The Weeks Act, in 1911, initiated programs of Federal land purchases and cooperation with the States in forest fire control.

(3) The Clarke-McNary Act of 1924, among other things, authorized Federal financial aid to the States on a matching basis for organized forest fire protection on state and private forest lands.

(4) The Norris-Doxey Act of 1937 authorized Federal expenditures for farm forestry in cooperation with the States.

(5) Amendment to the Internal Revenue Act in 1944 provided tax relief by classifying some forest revenues as long term capital gains rather than annual income.

What the Federal Government Should Do

(1) Recognize that private ownership of forest land is a keystone in the economy of many forest areas; and aid in the development of sound and permanent private ownership, (a) through the operation of the Sustained Yield Act of 1944; (b) by the release from Federal ownership, through exchanges or other means of conveyance, of such forest lands as can and will be successfully operated under sound forest management principles by private owners.

(2) Recognize the very great public responsibility in the occurrence of forest fires, and provide a fair share of public funds for fire control in each State. Forest fires do not respect State boundaries.

(3) Forest insects and diseases also respect no State boundaries and National efforts at control are logical. Adequate continuing appropriations should be made so that the gains of one year are not lost by inadequate appropriations in following years.

(4) Problems of forest utilization likewise transcend State lines and forest products research should continue on a National scale, particularly as it pertains to products of National scope. This will require continued support of the Federal Forest Products Laboratory at Madison, Wisconsin.

(5) As part of the Post-war program, the Federal Government should provide cooperative funds with which State forestry departments could rehabilitate State, local, and private forest lands. Provision of such funds should be contingent upon (a) the proven technical ability of the State department, and (b) financial backing of that department by the State Government adequate to assure success of the program.

(6) Federal forestry agencies should correlate their activities.

(7) It is recommended that State approval be first obtained before extension of Federal ownership within the State of lands of any character.

(8) Congress should give immediate consideration to forestry measures designed to promote the National welfare. Particular attention is called to pending legislation providing for an annual payment in lieu of taxes on Federally-owned lands.

State Approach to Private Forestry

What the States Have Done. Compared to the needs, the States have done relatively little in the protection, development, and utilization of the forest resources.

In general, the States have not made adequate appropriations for forestry. Chiefly by default, this important field of State responsibility has largely drifted into Federal ownership and under Federal jurisdiction; and what was not acquired by default in the past seems certain to be acquired by other means in the future, *unless* prompt and effective measures are undertaken to counteract this movement.

A few States have been active in one or more phases of forestry, but by no means have the forested States met their forestry responsibilities. No State has a comprehensive, entirely satisfactory, adequately-financed Forestry Program. The greatest advances have been made in forest protection, generally in cooperation with the Federal Government under the Clarke-McNary Act; but even in this instance there is a wide disparity in the standards of protection prevailing in different States.

What the States Should Do

(1) The States should finance their Forestry Departments on a basis which will permit the competent performance of essential forestry functions.

(2) Enact legislation adopting modern forestry practices. If the States do not do so, the Federal Government will. A model Forestry Bill recommended by the committee deserves serious consideration by the States.[6]

(3) Revise taxation inequities which restrain private forestry.

(4) Support research in local forestry problems not covered by the Federal forest experiment stations.

(5) Improve personnel standards and provide compensation adequate to attract able men to State forestry.

(6) Acquire forest lands where and when available. Rehabilitate forest areas. Retain certain State forest lands for demonstration, research, recreation, watershed forests, and other essential uses.

(7) All forestry States should consider the forest resources in all plans for the development of the State as a whole, particularly in respect to public works postwar planning.

MOTION TO PRINT COPIES

Senator Fletcher moved that 500 copies of the Preliminary Report of the Forestry Committee of the Council of State Governments, be printed.

Motion carried.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 973—An act to add Article 2, comprising Sections 8551 to 8557, inclusive, to Chapter 4, Part 4, Division 6, of the Public Resources Code, to add Section 10018 to said code, and to repeal Chapter 640 of the Statutes of 1935, relating to public lands, providing for State cooperation with Federal agencies regarding grazing lands, and providing for the distribution of money deposited in the State Treasury in connection therewith.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 974—An act to add Sections 7971 to 7974, inclusive, and Section 10017 to the Public Resources Code, and to repeal Sections 3571 and 3572 of the Political Code relating to public lands, and providing for the refunding of payments in cases where public lands are improperly sold.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 975—An act to amend Section 7423 of the Public Resources Code, relating to public lands, and providing for payment of refunds upon surrender of certificates of indemnity or scrip and certificates of purchase.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 82—An act to amend Section 1 of an act entitled "An act relating to the relief of gold and silver mining operators, permitting postponement of sales under certain chattel mortgages, mortgages, deeds of trust or contracts of purchase on gold and silver mines and gold and silver mining machinery and equipment, or postponement of forfeitures and terminations under gold and silver mining contracts and leases, regulating appointment of receivers in certain cases, extending the time in which the purchase price may be paid and extending the statute of limitations, declaring the urgency thereof, to take effect immediately," approved April 24, 1943, relating to the gold and silver mining moratorium.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 133—An act to amend Section 6872 of the Public Resources Code, relating to oil and gas leases by the State Lands Commission of tide and submerged lands and beds of navigable rivers and lakes.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 637—An act to provide for forest practices which will promote the maximum sustained productivity of the forest lands of California.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 972—An act to amend Section 7729 of the Public Resources Code, relative to the issuance of patents for State lands, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

Amendment No. 1

On page 1, line 15, of the printed bill, strike out "may", and insert "shall".

Amendment No. 2

On page 1, line 16, of said bill, after "it", insert ", together with such other documentary evidence of his ownership of the land as the commission may require".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 556—An act to amend Section 505 of Division 1 of the Public Resources Code, relating to the administration of the Division of Forestry.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 1

On page 1 of the printed bill, as amended in the Senate on March 8th, strike out all of lines 18, 19, and 20, inclusive.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1067—An act to add Section 3606 to the Public Resources Code, relating to the spacing of oil wells.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "which was in production", and insert "in which drilling was commenced".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 560—An act to add Article 6, comprising Sections 4421 to 4435, inclusive, to Chapter 2 of Division 4 of the Public Resources Code, relating to the acquisition, their management as State forests and administration, protection and reforestation of forest lands, the management for demonstration purposes and sale of forest products therefrom.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 1

On page 2, line 41, of the printed bill, as amended in the Senate on March 8th, 1945, strike out "the head of the department"; and in line 42, strike out "or school of forestry at the University of California,".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 557—An act to amend Section 4015 of the Public Resources Code, relating to money received by this State pursuant to the Clarke-McNary Act or under cooperative agreements or contracts, creating the Clarke-McNary Fund, and making an appropriation, to take effect July 1, 1945.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 1

On page 1, line 16, of the printed bill, strike out "The moneys", and insert "Moneys from State sources".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 181—An act to amend Section 631 of the Welfare and Institutions Code, relating to nomination and appointment of probation officers.

Bill read second time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title in the printed bill, strike out "Section 631", and insert "Sections 631 and 634".

Amendment No. 2

On page 1 of said bill, after line 10, insert

"SEC. 2. Section 634 of said code is amended to read:

634. In counties having charters which provide a method of appointment and tenure of office for probation officers, such charter provisions shall control as to such matters; *but in all other counties, the methods of nomination, selection, appointment and removal, and the tenure of office, of all probation officers, deputy probation officers, and of the superintendents, matrons and other employees of the detention home, shall be controlled exclusively by the provision of this code.*"

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 103—An act to amend Section 578.1 of the Welfare and Institutions Code, relating to appointment of a referee in juvenile court matters.

Bill read second time.

Motion to Amend

Senator Swing moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 1, of the printed bill, after "Welfare", insert "and".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 494 An act to add Section 5006 to the Penal Code, relating to an Inmate Welfare Fund, and transferring thereto the balances of certain other funds enumerated therein.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 2, of the printed bill, strike out "and", and insert "including that".

Amendment No. 2

On page 1 of the printed bill, strike out line 16, and insert "sonnel for, and purchase of items for sale to inmates at, canteens".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 496 An act to add to the Penal Code Section 5005, relating to canteens at State prisons and other institutions under the jurisdiction of the Department of Corrections.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 6, of the printed bill, after "equipment", insert a comma.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 492 An act to add Section 2714 to and repeal Sections 2710, 2710.1, 2710.2, 2713, 2720, and 2746 of the Penal Code, relating to revolving funds for the maintenance of the work program in prisons and institutions under the jurisdiction of the Department of Corrections.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 5 of the title of the printed bill, after "Corrections", insert ", declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 1, line 15, of the printed bill, strike out "manufactured".

Amendment No. 3

On page 2 of the printed bill, after line 8, insert

"SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The facts constituting such necessity are as follows:

The changes made by this act will affect the financing of the Prison Work Program. All State financing is upon a fiscal year basis, and it is essential therefore that this act take effect prior to the beginning of the Ninety-seventh Fiscal Year."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 493—An act to amend Sections 1202a and 2900 of the Penal Code, relating to persons convicted of crimes, and providing for their delivery to State prisons and the time of commencement of their terms of imprisonment.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 487—An act to amend Sections 2699, 5057, 5079, 5080, 6025, and 6050, and to repeal Sections 2521, 2521.5 and 6051 of the Penal Code, relating to the Department of Corrections, and providing for the appointment and salaries of officers and employees of the department and the respective powers and duties of the officers and agencies thereof.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 488—An act to amend Section 1554.2 of the Penal Code, relating to proceedings against fugitives from justice, and authorizing the California Institution for Women to apply to the Governor for requisitions for the return of persons committed thereto.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 489—An act to amend Section 817 of the Penal Code, relating to peace officers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 490—An act to amend Section 2701 of the Penal Code, relating to the employment of prisoners in State prisons, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 495—An act to repeal Sections 2690, 2703, and 2704 of, and to add a new Section 2690 to, the Penal Code, relating to the temporary removal of persons from prisons and other institutions under the jurisdiction of the Department of Corrections.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 497—An act to amend Section 2781 of the Penal Code, relating to the employment of prisoners in camps.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 498—An act to amend Section 2761 of the Penal Code, relating to the employment of prisoners upon work in the construction, improvement and maintenance of State highways.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 499—An act to provide for the employment of prisoners in State prisons in the production and harvesting of crops and the fighting of forest and range fires, to permit their removal for such work, to provide the conditions and regulations for the governance of such work, to authorize the establishment of camps for their housing in such work, to provide for the financing of such work from prisoners' earnings and public funds by creating a Prisoners' Harvest Fund and appropriating said fund, by repealing Section 2715 of the Penal Code and by adding Article 6 to Chapter 5 of Title 1 of Part 3 of the Penal Code, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 3 of the printed bill, after line 9, insert

"Of the balance credited to any prisoner, there shall be paid to him, while he is confined in a penal institution, such amounts as may be determined by the Director of Corrections, upon his release on parole, such amount as may be determined by the Adult Authority, and upon his discharge from custody, the entire balance credited to him."

Amendment No. 2

On page 3, line 38, of the printed bill, strike out "2807", and insert "2806."

Amendment No. 3

On page 3, line 42, of the printed bill, strike out "be", and insert "remain".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 547—An act amending Sections 3017, 3018, 3019, 3020 and 3021 of the Civil Code, relating to the giving of notice of assignment of accounts receivable.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "and", and insert a comma.

Amendment No. 2

In line 1 of the title of the printed bill, following the numeral 1, last appearing in said line, insert ", 3022 and 3024".

Amendment No. 3

On page 1, line 23, of the printed bill, following "State", insert "then the county recorder of the county in which the assignor resides, or if the assignor has no place of business nor of residence within this State,".

Amendment No. 4

On page 2, line 6, of the printed bill, strike out "for record".

Amendment No. 5

On page 2, line 8, of the printed bill, strike out "for record".

Amendment No. 6

On page 2, line 10, of the printed bill, strike out "for record".

Amendment No. 7

On page 2, line 16, of the printed bill, following "against", insert "the assignee".

Amendment No. 8

On page 2, line 21, of the printed bill, before "future", insert "present or".

Amendment No. 9

On page 2, line 27, of the printed bill, following the second "the", insert "general".

Amendment No. 10

On page 2, line 30, of the printed bill, strike out "record", and insert "file".

Amendment No. 11

On page 2, line 39, of the printed bill, following "his", insert "residence or".

Amendment No. 12

On page 2, line 40, of the printed bill, following the second "the", insert "general".

Amendment No. 13

On page 3, line 10, of the printed bill, strike out "record", and insert "file".

Amendment No. 14

On page 3, line 13, of the printed bill, strike out "for record".

Amendment No. 15

On page 3, line 16, of the printed bill, strike out "for record".

Amendment No. 16

On page 3, line 18, of the printed bill, strike out "record", and insert "file".

Amendment No. 17

On page 3, line 21, of the printed bill, strike out "for record".

Amendment No. 18

On page 3, line 23, of the printed bill, strike out "record", and insert "file".

Amendment No. 19

On page 3, line 24, of the printed bill, strike out "recording", and insert "filing".

Amendment No. 20

On page 3, line 26, of the printed bill, strike out "recording", and insert "filing".

Amendment No. 21

On page 3, line 29, of the printed bill, strike out "record", and insert "file".

Amendment No. 22

On page 3, line 34, of the printed bill, strike out "recording", and insert "filing".

Amendment No. 23

On page 3, line 35, of the printed bill, strike out "recording", and insert "filing".

Amendment No. 24

On page 3, line 37, of the printed bill, strike out "recorded", and insert "filed".

PRINTER'S NOTE There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 25

On page 3 of the printed bill, following line 37, insert

"SEC. 6. Section 3022 of said code is amended to read:

3022. Any such notice shall be ineffective, except as to accounts theretofore assigned while such notice was in effect, after three years from the date of filing. At any time before expiration of the effectiveness of the original or any subsequent filing, a like statement, signed by the assignor and the assignee, or an affidavit by the assignee alone, setting out the information required by Section 3019, may be filed in like manner as the original filing. Any filing of such further notice or affidavit shall be effective in like manner and for a like period as an original filing. It shall be the duty of the filing officer to mark, file and index the further statement or affidavit in like manner as the original. *At any time after seven years from the date when any notice has become ineffective the recorder may destroy the same provided that at least 10 days before doing so he mails a notice of his intention to do so to the assignee named in such notice at his address set forth therein.*

SEC. 6. Section 3024 of said code is amended to read:

3024. (a) [If a notice filed pursuant to the provisions of this chapter contains a declaration that an account or accounts listed therein are to be assigned as collateral security for a specific obligation,] *If an account or accounts are assigned pursuant to any notice filed under the provisions of this chapter as collateral security for any obligation,* then upon payment or satisfaction of such obligation, and upon written demand, delivered personally or by registered mail by the assignor, the assignee shall execute and acknowledge and deliver to the assignor a certificate

reciting (1) the date of the notice, (2) the date of the filing thereof, (3) the names of the parties thereto, and (4) a statement that the obligation described in the notice has been paid or otherwise satisfied and discharged.

(b) If for 10 days after such demand, the assignee fails to mail or deliver such a statement of satisfaction, he shall be liable to the assignor for all actual direct damages suffered by him as a result of such failure and, if the failure is in bad faith, for a penalty of one hundred dollars ($100). Upon presentation of such statement of satisfaction or cancellation, it shall be the duty of the filing officer to file the same and note the cancellation of the notice, and the date thereof on the margin of the page where the notice has been indexed."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 963—An act to amend Section 4290 of the Streets and Highways Code, relating to liens under the "Street Opening Act of 1903."

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 6, of the printed bill, after "such", insert "assessment roll shall become due and payable, and each of such".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 437—An act to amend Section 661½ of the Political Code, and Section 13923 of the Government Code, relating to revolving funds.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 442—An act to authorize the Director of Finance to sell and convey certain real property in the County of Sacramento, known as Camp Christiansen.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 446—An act to provide for the reversion to the General Fund of any unexpended balance in the appropriation made by Chapter 556, Statutes of 1919.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 454—An act to repeal Article 3, comprising Sections 13140 to 13148, inclusive, of Chapter 2 of Part 3 of Division 3 of Title 2 of the Government Code and to add a new Article 3, comprising Sections 13140 to 13144, inclusive, to Chapter 2 of Part 3 of Division 3 of Title 2 of the Government Code, relating to the refund by State agencies of fees.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 469—An act to add Section 11009 to the Government Code, relating to investments of funds and the sale or exchange of securities by State agencies and the powers of the Department of Finance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 472—An act to amend Section 356 and 356a of the Political Code, and Sections 11253, 11310 and 11314 of the Government Code, relating to State departments.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 837—An act to add Section 433.4 to the Political Code and to add Section 12423 to the Government Code, relating to the duties of the Controller.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In lines 2 and 3 of the title of the printed bill, strike out "the duties of", and insert "meetings of county tax collectors and redemption officers or authorized representatives thereof with".

Amendment No. 2

On page 1 of said bill, strike out lines 3 to 14, inclusive, and insert

"433.4. It is the duty of the Controller to summon county tax collectors and redemption officers or the authorized representative of any county tax collector or redemption officer to meet with the Controller or his duly authorized representatives in such groups and at such place or places within the State as may be designated by the Controller for the purpose of discussion of tax collection, enforcement of taxes, and problems relating thereto, in order to promote uniformity of procedure in the collection of taxes on real and personal property throughout the State. The actual and necessary expenses of any such officer or authorized representative incurred while traveling to and from and while attending the meeting shall be a charge against the county."

Amendment No. 3

On page 1, line 15, of said bill, strike out "said", and insert "the Government".

Amendment No. 4

On page 1 of said bill, strike out lines 16 and 17, and insert

"12423. The Controller shall summon county tax collectors and redemption officers or the authorized representative of any county tax collector or redemption officer to meet with the Controller or his duly authorized representatives in such groups and at such place or places within the State as may be designated by the Controller for the purpose of discussion of tax collection, enforcement of taxes, and problems relating thereto, in order to promote uniformity of procedure in the collection of taxes on real and personal property throughout the State. The actual and necessary expenses of any such officer or authorized representative incurred while traveling to and from and while attending the meeting shall be a charge against the county.

SEC. 3. Section 12423 of the Government Code added by this act becomes operative only if Part 2, Division 3 of the Government Code is enacted by the Legislature at its Fifty-sixth Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 433.4 of the Political Code added by this act is hereby repealed."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 308—An act to add Section 2559.5 to the Health and Safety Code, relating to functions of health officers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1014—An act to add Section 271 to, and amend Section 254 of, the Health and Safety Code, relating to physically handicapped children.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1015—An act to amend Sections 254 and 270 of the Health and Safety Code, relating to physically handicapped children.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 265—An act to authorize the Director of Finance to sell and convey certain real property in the County of Sacramento.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency.

Amendment No. 1

On page 1 of the printed bill, delete lines 1 to 8, inclusive, and insert

"SECTION 1. The Director of Finance is hereby authorized to sell upon such terms and conditions as in his opinion may be for the best interests of the State any or all of the following real property:

Parcel 1. That certain real property located in the County of Sacramento, State of California, and acquired by the State of California by deed dated July 7, 1943, from Libby, McNeill & Libby, a corporation, to the State of California, recorded in Book 1018, Page 182, of Official Records of Sacramento County, State of California.

Parcel 2. That certain real property located in the County of Yolo, State of California, and acquired by the State of California by deed dated October 19, 1917, from River Farms Company of California, a corporation, to the State of California, recorded in Volume 93 of deeds at Page 265, of Official Records of Yolo County, State of California."

Amendment No. 2

On page 1 of the printed bill, following line 27, insert

"SEC. 4. Any moneys received by the State from the sale of Parcel 1 shall be paid into the State Treasury in augmentation of the appropriation in Chapter 1, Second Extraordinary Session, 1943. Any moneys received from the sale of Parcel 2 shall be paid into the State Treasury and deposited in the General Fund."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 222—An act to add Section 9322 to the Government Code, relating to compensation of Legislative Committee reporters.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 68—An act to amend Section 1a of an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the Chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council.

Bill read second time, and ordered to third reading.

Assembly Bill No. 69—An act to amend Sections 1 and 3, and to repeal Section 1a of an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the Chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council.

Bill read second time, and ordered to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 875

Senator Hatfield moved that Senate Bill No. 875 be withdrawn from Committee on Public Health and Safety for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 875

Senate Bill No. 875—An act to add a new article heading to Chapter 1, Part 1, Division 12 of the Health and Safety Code, to amend Sections 13101, 13104, 13108, 13109, 13111, 13316 and 13654 thereof, and to add Sections 13111.1, 13111.2, 13105 and Article 2, comprising Sections 13140 to 13145, inclusive, to Chapter 1, Part 2, Division 12 thereof, relating to the State Fire Marshal.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill, after "13104," insert "13107,".

Amendment No. 2

Strike out lines 4 and 5 of the title of said bill, and insert "and to add Sections 13100.1, 13111.1 and 13111.2, and Article 2, comprising Sections 13140 to 13146, inclusive, to Chapter 1,".

Amendment No. 3

On page 1 of said bill, between lines 5 and 6, insert

"SEC. 1.5. Section 13100.1 is added to said code, to read:

13100.1. The functions of the office shall be to foster, promote and develop ways and means of protecting life and liberty against fire and panic."

Amendment No. 4

On page 1, line 9, of said bill, after "Governor." insert "In order to be eligible for such appointment, he shall have had not less than eight years experience in a regularly organized fire department in the State of California."

Amendment No. 5

On page 1, line 10, of said bill, strike out "four thousand eight hundred dollars ($4,800)" and insert "seven thousand two hundred dollars ($7,200)".

Amendment No. 6

On page 1, after line 23, of said bill, insert

"SEC. 3.5. Section 13107 of said code is amended to read:

13107. If there is reason to believe that any fire has resulted from crime or that crime has been committed in connection with any fire, the State Fire Marshal shall report that fact in writing to the district attorney of the county in which the fire occurred. *If the fire occurred in a city, city and county or county having a regularly organized fire department, such investigations and reports shall be made in conjunction with the fire official of that area.*"

Amendment No. 7

On page 2, line 9, of said bill, after "institution", strike out the comma; and strike out line 10, and insert a period.

Amendment No. 8

On page 2 of said bill, strike out line 31, and insert "shall be discontinued on the first day of the month following the effective date of this act. The unexpended".

Amendment No. 9

On page 2, line 37, of said bill, after "chapter", insert "and any other laws in which the State Fire Marshal is designated as the enforcing officer or agent".

Amendment No. 10

On page 3 of said bill, strike out lines 1 to 4, inclusive.

Amendment No. 11

On page 3, line 5, of said bill, strike out "Sec. 10.", and insert "Sec. 9."

Amendment No. 12

On page 3, line 11, of said bill, strike out "seven", and insert "eleven".

Amendment No. 13

On page 3 of said bill, between lines 16 and 17, insert

"13140.5. No person shall be appointed to or retain membership on the board who is not a regular member of a regularly organized governmental fire department or agency.

13140.6. A quorum of the board shall consist of not less than six regular members of the board.

13140.7. The State Fire Marshal shall act as chairman of the board."

Amendment No. 14

On page 3, lines 18 and 19, of said bill, strike out "fifteen dollars ($15) per day for each day the committee is in session and".

Amendment No. 15

On page 3 of said bill, between lines 37 and 38, insert

"13146. The division of authority for enforcement of such rules and regulations shall be as follows:

(a) The chief of any city, city and county, or county fire department or fire protection district, and their authorized representatives, shall have the authority to enforce the rules and regulations in their respective areas.

(b) The State Fire Marshal shall have authority to enforce the rules and regulations in areas outside of corporate cities and county fire protection districts.

(c) The State Fire Marshal shall have authority to enforce the rules and regulations in corporate cities and county fire protection districts upon request of the chief fire official or the governing body."

Amendment No. 16

On page 3, line 38, of said bill, strike out "Sec. 11.", and insert "Sec. 10."

Amendment No. 17

On page 3, line 41, of said bill, strike out "Sec. 12.", and insert "Sec. 11."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill No. 418—An act to add Section 1241.5 to the Water Code, relating to the forfeiture of water rights, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 663—An act to create a flood control district to be called Humboldt County Flood Control District and dividing said

district into zones; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

Bill read third time.

Motion to Amend

Senator Quinn moved the adoption of the following amendments:

Amendment No. 1

On page 2, lines 2 and 3, of the printed bill, strike out "George Herrick", and insert "Joe Toste".

Amendment No. 2

On page 4, line 48, of said bill, after "mile", insert " , thence west one-half mile".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 903—An act to amend Section 5 of the County Water Authority Act, relating to water authorities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swing, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 691—An act to amend Section 3515.5 of the Revenue and Taxation Code, relating to transfer to the Veterans' Welfare Board of tax-deeded property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 435	Assembly Bill No. 719
Assembly Bill No. 517	Assembly Bill No. 1801

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWBRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 435—An act to amend Section 501 of the Agricultural Code, relating to market milk inspection fees.

Referred to Committee on Agriculture.

Assembly Bill No. 517—An act to amend Section 786.5 and to repeal Section 786.6 of the Fish and Game Code, relating to lobsters.

Referred to Committee on Fish and Game.

Assembly Bill No. 719—An act to amend Section 723 of the Agricultural Code, relating to revocation of licenses.

Referred to Committee on Agriculture.

Assembly Bill No. 1801—An act to add Section 822.5 to the Streets and Highways Code, relating to Federal aid highway work.

Referred to Committee on Transportation.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 5
Assembly Joint Resolution No. 6
Assembly Joint Resolution No. 15
Assembly Joint Resolution No. 23
Assembly Concurrent Resolution No. 14
Assembly Concurrent Resolution No. 21
Assembly Concurrent Resolution No. 26

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Joint Resolution No. 5—Relative to memorializing the Congress of the United States to encourage small business and to make the fullest possible provision for jobs in private enterprise to returning veterans.

Referred to Committee on Military and Veterans Affairs.

Assembly Joint Resolution No. 6—Relative to memorializing the Congress of the United States, to give full consideration to giving preference rights to returning veterans in sales rights to surplus commodities.

Referred to Committee on Military and Veterans Affairs.

Assembly Joint Resolution No. 15—Relative to memorializing Congress to enact legislation regulating the sale of transportation to minors.

Referred to Committee on Military and Veterans Affairs.

Assembly Joint Resolution No. 23—Relative to memorializing Congress to provide a wage readjustment for Postal Service employees.

Referred to Committee on Governmental Efficiency.

Assembly Concurrent Resolution No. 14—Relative to recognition of small business and the encouragement in private enterprise of returning veterans.

Referred to Committee on Military and Veterans Affairs.

Assembly Concurrent Resolution No. 21—Relative to job preference for returning veterans on all public works in the State of California.

Referred to Committee on Military and Veterans Affairs.

Assembly Concurrent Resolution No. 26—Relative to proclamation of The United Nations Conference Week.

Without reference to committee.

Assembly Concurrent Resolution No. 26 ordered placed on third reading file.

REPORTS OF STANDING COMMITTEES

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, March 14, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Assembly Bill No. 1330

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

McBRIDE, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 3.12 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Thursday, March 15, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

TWENTY-FIFTH LEGISLATIVE DAY

SIXTY-SEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Thursday, March 15, 1945

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Dilworth, on motion of Senator Slater, due death in family.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. Robert S. Romeis of Sacramento.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Frank Costa, Roseville.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor George Cole, Eureka; Supervisor Lea McLeod, Humboldt County.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor Lloyd Cullen, Santa Rosa; Mr. Lee Murphy, Guerneville; Supervisor E. J. Guidotti, Guerneville; Mr. M. Goldman, Petaluma; Hon. Robert Madison, Mayor of Santa Rosa; City Manager Joseph Laddner, Mr. W. Finlaw Geary, Frank P. Doyal, Sheriff Harry L. Patteson and Undersheriff Thomas Money, all of Santa Rosa.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Rose Rostron, Santa Cruz.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE, SACRAMENTO 14, March 12, 1945

To the Senate of the State of California

At the request of the State Reconstruction and Reemployment Commission, I have the honor to present to your honorable body a supplemental report on the study provided for by Chapter 36, Statutes, 1944 (Fourth Extraordinary Session), on postwar objectives of public education in California.

Respectfully,

EARL WARREN, Governor

Message read.

FILING OF REPORT

Report of the State Reconstruction and Reemployment Commission, ordered filed with Secretary of the Senate.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 8

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Joint Resolution No. 8—Relative to memorializing Congress to enact legislation similar to S. 1100 of the Seventy-eighth Congress, Second Session regarding promotion of officers on the retired list of the Army after specified years of service on active duty.

Referred to Committee on Military and Veterans Affairs.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 80
Assembly Bill No. 552
Assembly Bill No. 553
Assembly Bill No. 554
Assembly Bill No. 556
Assembly Bill No. 557
Assembly Bill No. 558
Assembly Bill No. 572
Assembly Bill No. 667
Assembly Bill No. 823
Assembly Bill No. 852
Assembly Bill No. 853
Assembly Bill No. 854
Assembly Bill No. 857
Assembly Bill No. 858
Assembly Bill No. 862
Assembly Bill No. 864
Assembly Bill No. 865
Assembly Bill No. 868
Assembly Bill No. 936
Assembly Bill No. 979
Assembly Bill No. 976
Assembly Bill No. 981
Assembly Bill No. 1289
Assembly Bill No. 1396
Assembly Bill No. 1586
Assembly Bill No. 1766

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 80—An act to amend Section 1183.5 of the Civil Code, relating to the proof or acknowledgment of instruments.

Referred to Committee on Judiciary.

Assembly Bill No. 552—An act to amend Section 484 of the Agricultural Code, relating to Grade A raw milk.

Referred to Committee on Agriculture.

Assembly Bill No. 553—An act to amend Section 485 of the Agricultural Code, relating to the sale of milk.

Referred to Committee on Agriculture.

Assembly Bill No. 554—An act to add a new section to the Agricultural Code, to be numbered 207.8, relating to dourine.

Referred to Committee on Agriculture.

Assembly Bill No. 556—An act to amend Section 500.5 of the Agricultural Code, relating to dairy farm permits.

Referred to Committee on Agriculture.

Assembly Bill No. 557—An act to amend Section 181 of the Agricultural Code, relating to diseased animals.

Referred to Committee on Agriculture.

Assembly Bill No. 558—An act to amend Section 690 of the Agricultural Code, relating to disposition of moneys.

Referred to Committee on Agriculture.

Assembly Bill No. 572—An act to amend Section 7c of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to commissioners in municipal courts.

Referred to Committee on Local Government.

Assembly Bill No. 667—An act to amend Section 7a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Referred to Committee on Local Government.

Assembly Bill No. 823—An act to amend Section 10203.5 of the Insurance Code, relating to group life insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 852—An act to amend Section 27 of the Corporate Securities Act, relating to the abolishment of the Corporation Commission Appraisal Fund and providing for reports of experts.

Referred to Committee on Financial Institutions.

Assembly Bill No. 853—An act to amend Section 23 of the California Small Loan Act, Chapters 953 and 1045 of the Statutes of 1939, relating to review of acts of the commissioner.

Referred to Committee on Financial Institutions.

Assembly Bill No. 854—An act to amend Section 22.5 of the Personal Property Brokers Act as revised by Chapter 952 of the Statutes of 1939 and Section 23 of the Personal Property Brokers Act as revised by Chapter 1044 of the Statutes of 1939, relating to review of acts of the commissioner.

Referred to Committee on Financial Institutions.

Assembly Bill No. 857—An act to amend Section 8 of "An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof," approved July 1, 1937, relating to review of acts of the commissioner.

Referred to Committee on Financial Institutions.

Assembly Bill No. 858—An act to amend Section 7 of the Industrial Loan Act, relating to surplus.

Referred to Committee on Financial Institutions.

Assembly Bill No. 862—An act to add Section 21.2 to the Personal Property Brokers Act as revised by Chapters 952 and 1044 of the Statutes of 1939, relating to the issuance of injunctions.

Referred to Committee on Financial Institutions.

Assembly Bill No. 864—An act to add Section 20.2 to the California Small Loan Act, Chapters 953 and 1045 of the Statutes of 1939, relating to the issuance of injunctions.

Referred to Committee on Financial Institutions.

Assembly Bill No. 865—An act to amend Section 15 of the Corporate Securities Act, relating to review of orders, decisions, permits and other official acts of the Commissioner of Corporations.

Referred to Committee on Financial Institutions.

Assembly Bill No. 868—An act to amend Section 21 of the Corporate Securities Act, relating to the payment of salary to the Commissioner of Corporations out of the General Fund.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 936—An act to add Section 32a to the State Employees' Retirement Act, and Section 20336 to the Government Code, relating to a retirement system for public officers and employees, providing for the exclusion of aliens employed under authorization of Section 1944.1 of the Labor Code.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 979—An act and Section 18976 of the Government Code to amend Section 224 of the State Civil Service Act, relating to the filing of requests for veterans' preference in civil service examinations.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 976—An act and Section 18975 of the Government Code to amend Section 223 of the State Civil Service Act, relating to veterans' credit for journeyman experience gained while in military service.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 981—An act and Section 18804 of the Government Code to amend Section 64 of the State Civil Service Act, relating to status and salary of persons whose positions have been reclassfied or reallocated.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1289—An act and Section 19536 of the Government Code to amend Section 172 of the State Civil Service Act, relating to replacement by demotion.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1396—An act and Section 19398 to the Government Code to add Section 152.7 to the State Civil Service Act, relating to employees returning from military service.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1586—An act to amend Section 380.61 of the Agricultural Code, relating to horse transportation penalty.

Referred to Committee on Agriculture.

Assembly Bill No. 1766—An act and Section 19573.5 to the Government Code to add Section 202.2 to the State Civil Service Act, relating to citizenship.

Referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 103
Senate Bill No. 181
Senate Bill No. 492
Senate Bill No. 494
Senate Bill No. 496
Senate Bill No. 556
Senate Bill No. 837
Senate Bill No. 972
Senate Bill No. 1067

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 14, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 82
Senate Bill No. 133
Senate Bill No. 222
Senate Bill No. 308
Senate Bill No. 437
Senate Bill No. 442
Senate Bill No. 446
Senate Bill No. 454
Senate Bill No. 469
Senate Bill No. 472
Senate Bill No. 487
Senate Bill No. 488
Senate Bill No. 489
Senate Bill No. 490
Senate Bill No. 493
Senate Bill No. 495
Senate Bill No. 497
Senate Bill No. 498
Senate Bill No. 637
Senate Bill No. 973
Senate Bill No. 974
Senate Bill No. 975
Senate Bill No. 1014
Senate Bill No. 1015

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Education

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 365
Senate Bill No. 574
Assembly Bill No. 115

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 249
Senate Bill No. 840
Assembly Bill No. 959

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 1031

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; absent 3.

SLATER, Chairman

Above reported bill ordered re-referred to Committee on Finance.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, March 14, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 846
Senate Bill No. 127

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 9.

McBRIDE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 14, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 274
Senate Bill No. 664
Senate Bill No. 163
Senate Bill No. 162

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

McBRIDE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 14, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 273

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

McBRIDE, Chairman

Above reported bill ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 947
Senate Constitutional Amendment No. 12

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

SLATER, Chairman

Above reported bills ordered to second reading.

Committee on Institutions

SENATE CHAMBER, SACRAMENTO, March 14, 1945

MR. PRESIDENT: Your Committee on Institutions, to which was referred:

Senate Bill No. 510

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 14, 1945

MR. PRESIDENT: Your Committee on Institutions, to which was referred:

Senate Bill No. 509

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bill ordered re-referred to Committee on Finance.

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Senate Bill No. 620
Senate Bill No. 419
Senate Bill No. 1104
Senate Bill No. 1105
Senate Bill No. 1106
Senate Bill No. 1110
Senate Bill No. 1111
Senate Bill No. 1112
Senate Bill No. 1114
Senate Bill No. 1115
Senate Bill No. 1117
Senate Bill No. 1118
Senate Bill No. 1119
Senate Bill No. 1120
Senate Bill No. 1121
Senate Bill No. 1122

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Senate Bill No. 1123
Senate Bill No. 1124
Senate Bill No. 1125
Senate Bill No. 1126
Senate Bill No. 1127
Senate Bill No. 1129
Senate Bill No. 1130
Senate Bill No. 1132
Senate Bill No. 1133
Senate Bill No. 1134
Senate Bill No. 1135

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Senate Bill No. 1103	Senate Bill No. 1113
Senate Bill No. 1107	Senate Bill No. 1128
Senate Bill No. 1108	Senate Bill No. 1136
Senate Bill No. 1109	Senate Bill No. 1137

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported bills ordered to second reading.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Donnelly:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 2011 and 2181 of, and to repeal Section 2224 of the Welfare and Institutions Code, relating to aged aid and contribution by responsible relatives of aged persons.

Respectfully submitted.

SENATOR HUGH P. DONNELLY

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 15, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dilliuger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 1254: By Senator Donnelly—An act to amend Sections 2011 and 2181 of, and to repeal Section 2224 of the Welfare and Institutions Code, relating to aged aid and contribution by responsible relatives of aged persons.

Referred to Committee on Social Welfare.

Senate Joint Resolution No. 14: By Senator Weybret—Relative to memorializing Congress to enact H. R. 2347, Seventy-ninth Congress, First Session, relating to guayule rubber.

Referred to Committee on Agriculture.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Deuel:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 4852.06, 4852.07, 4852.14, 4852.15 and 4852.18 of the Penal Code relating to the pardoning and rehabilitation of persons convicted of felonies.

Respectfully submitted.

SENATOR CHARLES H. DEUEL

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 15, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1255: By Senator Deuel—An act to amend Sections 4852.06, 4852.07, 4852.14, 4852.15 and 4852.18 of the Penal Code, relating to the pardoning and rehabilitation of persons convicted of felonies.

Referred to Committee on Judiciary.

RECESS

At 2.25 p.m., on motion of Senator Seawell, the Senate recessed to permit the President of the Senate to introduce the following officials of the Veterans of Foreign Wars to the Senate: Jean A. Brunner, Commander-in-Chief, Forest Hills, New York; O. T. Mahanay, National Council of Administration, Berkeley, California; and Rolla R. McFall, Department Commander, Los Angeles, California; and Darold DeCoe, Post Commander-in-Chief, of Sacramento, California, and to hear the remarks of Jean A. Brunner, Commander-in-Chief.

REASSEMBLED

At 2.30 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Joint Resolution No. 15: By Senators Dorsey and Ward—Relative to claim of ownership of lands by the Sovereign State of California.

Request for Unanimous Consent

Senator Dorsey asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 15, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 15

Senate Joint Resolution No. 15—Relative to claim of ownership of lands by the Sovereign State of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—Senator Jespersen—1.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Concurrent Resolution No. 35

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 12; committee vote: Ayes 11; absent 1.

KEATING, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 35
Senate Bill No. 702
Assembly Bill No. 513

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 10; absent 2.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 575

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 554

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 10; noes 1; absent 1.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 302

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; noes 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 482

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 71

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 7; noes 3; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 503

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 7; noes 1; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 491
Senate Bill No. 143
Senate Bill No. 504
Senate Bill No. 72
Senate Bill No. 696

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 11; absent 1.

KEATING, Chairman

Above reported bills ordered to second reading.

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, March 14, 1945

MR. PRESIDENT: Your Committee on Military and Veterans' Affairs, to which were referred:

Senate Bill No. 266
Senate Bill No. 267
Senate Bill No. 379

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

QUINN, Chairman

Above reported bills ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 233

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

DE LAP, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 117
Senate Bill No. 366
Assembly Bill No. 1225

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

DE LAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 116

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9; absent 2.

DE LAP, Chairman

Above reported bill ordered to second reading.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 36: By Senator Burns—Relative to the "Women's Army Corps Hospital Enlistment Month" and urging participation in such program.

Request for Unanimous Consent

Senator Burns asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 36, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 36

Senate Concurrent Resolution No. 36—Relative to the "Women's Army Corps Hospital Enlistment Month" and urging participation in such program.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—31.

NOES—None.

RESOLUTIONS

The following resolution was offered:

By Senators Shelley, Desmond, and Tenney:

Senate Resolution No. 64

Relative to salary increases

Resolved by the Senate of the State of California, That this house hereby declares as its policy that none of the bills increasing the salaries of public officers shall be acted upon until after a bill to provide for an increase of the salaries of State employees for the next biennium has been acted upon by this house, and presented to the Governor.

Resolution read, and referred to Committee on Governmental Efficiency.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 656—An act to amend Section 883 of the Fish and Game Code, relating to nets.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 883 of", and insert "add Section 904 to".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 12, inclusive, and insert

"SECTION 1. Section 904 is added to the Fish and Game Code to read:

904. "In District 17, trammel nets may be used." In District 17, meshes of the trammel nets must be at least eight inches in length."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 593—An act to amend Sections 101 and 480.5 of the Fish and Game Code, relating to District 101.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game.

Amendment No. 1

On page 2 of the printed bill, strike out lines 26 to 31, inclusive.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 758—An act to amend Section 63 of the Fish and Game Code, relating to District 1½.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 983—An act to amend Section 62 of the Fish and Game Code, relating to District 1.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 352—An act to amend Section 103.7 of the Fish and Game Code, relating to District 103.7.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 654—An act to amend Section 103.6 of the Fish and Game Code, relating to District 103.6.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 655—An act to amend Section 103.5 of the Fish and Game Code, relating to District 103.5.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 153—An act to amend Sections 451, 455, 483, 484, 485, 486, 489, 496, 500 and 500.5 of the Agricultural Code, relating to inspection of milk and milk products.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture.

Amendment No. 1

In line 2 of the title of printed bill, after "500.5," insert "and to repeal Section 501".

Amendment No. 2

On page 6, line 19, of the printed bill, strike out "all".

Amendment No. 3

On page 6, line 23, of the printed bill, strike out "all".

Amendment No. 4

On page 7 of the printed bill, following line 7, insert
"SEC. 11. Sec. 501 of the Agricultural Code is hereby repealed."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 835—An act to amend Section 736.3 and to repeal Chapter 11, consisting of Sections 740, 741, 743 to 750, inclusive, and 750.5, of Division 4, and to add Chapter 11 to Division 4, of the Agricultural Code, relating to milk and milk products, including provisions for the investigation of the uses of milk and milk products, programs for stimulating the use of milk and milk products by educational and advertising programs, providing for a California Dairy Industry Board, prescribing its powers and duties and the duties of the Director of Agriculture under this act, and providing for the financing of the provisions of this act.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 9, line 24, of the printed bill, after "chapter", insert ", except as hereinafter otherwise provided,".

Amendment No. 2

On page 10, line 16, of said bill, after "form", insert ", and a summarization of the provisions of this chapter and its intent and purposes".

Amendment No. 3

On page 10, line 21, of said bill, after the period insert "For the purpose of ascertaining assents or dissents of handlers, each person who is licensed under the provisions of Section 671 shall be entitled to one vote; provided, however, that any person who does not operate a milk products plant shall not be entitled to vote as a handler."

Amendment No. 4

On page 11, lines 1 and 2, of said bill, strike out "effective date of this enactment, the director shall call", and insert "determination of the ballot as provided in Section 743.1, the director shall call and hold".

Amendment No. 5

On page 11, line 51, of said bill, strike out "Vacancies occurring during"; and strike out line 52, and insert "Any vacancy occurring during the unexpired term shall be filled by the Governor for the unexpired term from the list of eligible nominees furnished him by the director from the nominations received by the director. The".

Amendment No. 6

On page 12, line 3, of said bill, after "filled", insert "in the manner as hereinbefore provided".

Amendment No. 7

On page 13 of said bill, strike out lines 13 to 15, inclusive.

Amendment No. 8

On page 13, line 16, of said bill, strike out "(j)", and insert "(i)".

Amendment No. 9

On page 13, line 20, of said bill, strike out "(k)", and insert "(j)".

Amendment No. 10

On page 13, line 30, of said bill, strike out "(l)", and insert "(k)".

Amendment No. 11

On page 13, line 33, of said bill, strike out "(m)", and insert "(l)".

Amendment No. 12

On page 16, lines 13 and 14, of said bill, strike out "the State Treasury to the credit of the "Department of Agricultural Fund.",", and insert "a bank or banks or other depository approved by the Director of Finance, allocated to the California Dairy Industry Board and disbursed by the director only for the necessary expenditures incurred by the board and the director to carry out the puposes of this act. Funds so collected shall be deposited and disbursed in conformity with appropriate rules and regulations prescribed by the director. The expenditure of such funds shall be exempt from the provisions of Section 669 of the Political Code."

Amendment No. 14

On page 16, line 18, of said bill, strike out "Said budget shall be subject"; and strike out all of lines 19 and 20.

Amendment No. 15

On page 17, line 12, of said bill, after "Any", insert "ballot filed or".

Amendment No. 16

On page 17, line 16, of said bill, strike out "board", and insert "director".

Amendment No. 17

On page 17, of said bill, between lines 29 and 30, insert

"747.2. The director may receive funds in such amounts as he may deem necessary to defray the expenses of making effective this chapter. The director shall reimburse those persons from whom said funds are received in the amounts received from any funds received by the director pursuant to Section 746."

Amendment No. 18

On page 17, line 34, of said bill, strike out "director", and insert "Governor,".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 391—An act to amend Section 28.5 of the Agricultural Code, relating to refunds.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture.

Amendment No. 1

On page 1 of the printed bill, between lines 8 and 9, insert
"Any such refund shall be covered by a voucher prepared by the director or his authorized representative setting forth the facts pertaining to the refund and authorizing payment thereof, whereupon payment of such refund shall be made by the accounting officer of the department. In the event the moneys received or collected, for which refund is to be made, have been deposited in the State Treasury, the State Controller shall draw his warrant thereupon, from the fund to which said moneys were credited, upon receipt of claim filed by the department."

Amendment read and adopted.
Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 392 —An act to amend Section 28 of the Agricultural Code, relating to funds.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "pro rata" and insert "proportionate".

Amendment No. 2

On page 1, line 9, of the printed bill, strike out "pro rata" and insert "proportionate".

Amendment No. 3

On page 1 of the printed bill, immediately following line 11, insert
"On and after July 1, 1947, all moneys received by the department from charges made in accordance with this section shall be remitted to the State treasury for credit to the General Fund of the State."

Amendments read and adopted.
Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 394—An act to amend Section 106 of the Agricultural Code, relating to plant quarantine regulations.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 18, of the printed bill, strike out "fail or".

Amendment read and adopted.
Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 400—An act to amend Section 123 of the Agricultural Code, relating to nursery stock shipments.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, strike out all of line 25, and insert "when sold at retail for planting within said same county".

Amendment No. 2

On page 1, line 26, of the printed bill, strike out "retail".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 250—An act to amend Section 5 of the California Food and Fiber Production Act, relating to the period said act shall remain in effect.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 388—An act to amend Section 23 of the Agricultural Code, relating to organization of the Department of Agriculture.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 389—An act to add a new section, to be numbered 1044, to the Agricultural Code, relating to rules and regulations.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 390—An act to amend Section 28.6 of the Agricultural Code, relating to collections.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 393—An act to amend Section 102 of the Agricultural Code, relating to pest certificates.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 395—An act to add a new section, to be numbered 1030.5, to the Agricultural Code, relating to auxiliary plant chemicals.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 397—An act to amend Section 1038 of the Agricultural Code, relating to tonnage license tax.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 398—An act to add a new section, to be numbered 1064.5, to the Agricultural Code, relating to economic poisons.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 399—An act to amend Section 1066.5 of the Agricultural Code, relating to economic poisons.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 404—An act to amend Section 281.5 of the Agricultural Code, relating to wax salvage plants.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 76—An act making an appropriation to the Salary Emergency Fund, providing salary and wage increases for State employees who are compensated at monthly rates of pay, and providing that this act take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, strike out lines 1 to 27, inclusive, and insert

"SECTION 1. Out of any money in the State treasury not otherwise appropriated, the sum of ten million, seven hundred sixty-three thousand two hundred fifty dollars ($10,763,250) is hereby appropriated to the Salary Emergency Fund, in addition to all other sums otherwise appropriated to said fund, to be allocated therefrom by the Department of Finance solely for the purposes and in the manner provided by this act, provided that not more than two million one hundred fifty-two thousand six hundred fifty dollars ($2,152,650) of this appropriation may be expended during the Ninety-sixth Fiscal Year.

SEC. 2. Such of the amount hereby appropriated shall be allocated to the several State officers, departments, boards, bureaus, commissions, The Regents of the University of California, and other State agencies in augmentation of their respective appropriations for support for the Ninety-sixth Fiscal Year and for the Ninety-seventh and Ninety-eighth Fiscal Years, in such amounts as will make sufficient money available during said fiscal years to pay to each State employee in the State service whose salary or wages, or a portion thereof, is payable from the General Fund an increase in salary or wage of twenty-five dollars ($25) per month, in addition to any other increases heretofore granted, provided that during the months of May and June, 1945, the increase in salary or wage of each State employee in the State service, in addition to any other increases heretofore granted, shall be based on the following schedule:

To such officer or employee who, on the effective date of this act has, for a period of not less than the time shown in the following schedule occupied a position in the State service, an increase each month as herein specified:

For not less than four months	$75 00
For not less than three months	62 50
For not less than two months	50 00
For not less than one month	37 50
For less than one month	25 00

In order to make sufficient money available during said fiscal year to pay each employee in the State service whose salary or wage, or a portion thereof, is payable from special funds, the increase as provided by this section for other employees, the Governor and Director of Finance shall make funds available from such special funds under the provisions of Section 661 of the Political Code.

SEC. 3. This act does not apply to employees whose compensation is fixed at or is based upon prevailing rates of wages."

Amendment No. 2

On page 2 of the printed bill, strike out all of lines 1 to 52, inclusive.

Amendment No. 3

On page 3 of the printed bill, strike out all of lines 1 to 30, inclusive.

Amendment No. 4

On page 3, line 31, of the printed bill, strike out the number "7", and add "4".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 77—An act making an appropriation to the Salary Emergency Fund, providing wage increases for State employees who are compensated at daily or hourly rates of pay, and providing that this act take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, strike out all of lines 2 to 8, inclusive, and insert "otherwise appropriated, the sum of six hundred sixty thousand dollars ($660,000) is hereby appropriated to the Salary Emergency Fund, in addition to all other sums otherwise appropriated to said fund, to be allocated therefrom by the Department of

Finance solely for the purposes and in the manner provided by this act, provided that not more than one hundred thirty-two thousand dollars ($132,000) of this appropriation may be expended during the Ninety-sixth Fiscal year."

Amendment No. 2

On page 1 of the printed bill, strike out lines 9 to 27, inclusive, and insert

"Sec. 2. Such of the amount hereby appropriated shall be allocated to the several State officers, departments, boards, bureaus, commissions, The Regents of the University of California, and other State agencies in augmentation of their respective appropriations for support for the Ninety-sixth Fiscal Year and for the Ninety-seventh and Ninety-eighth Fiscal Years, in such amounts as will make sufficient money available during said fiscal years to pay to each State employee in the State service, who is compensated at daily or hourly rates of pay and whose salary or wages, or a portion thereof, is payable from the General Fund, an increase in salary or wage of 10 cents per hour, in addition to any other increases heretofore granted, provided, that during the months of May and June, 1945, the increase in salary or wage of each State employee in the State service, in addition to any other increases heretofore granted, shall be based on the following schedule:

To such officer or employee who, on the effective date of this act has, for a period of not less than the time shown in the following schedule occupied a position in the State service, an increase each month as herein specified:

For not less than four months	30c
For not less than three months	25c
For not less than two months	20c
For not less than one month	15c
For less than one month	10c

In order to make sufficient money available during said fiscal year to pay each employee in the State service whose salary or wage, or a portion thereof, is payable from special funds, the increase as provided by this section for other employees, the Governor and the Director of Finance shall make funds available from such special funds under the provisions of Section 661 of the Political Code."

Amendment No. 3

On page 2 of the printed bill, strike out all of lines 1 to 28, inclusive.

Amendment No. 4

On page 2, line 29, of the printed bill, strike out "5", and insert "3".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 453—An act to increase the statutory salary and the statutory compensation of State officers and State employees.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency.

Amendment No. 1

In line 2 of the title of the printed bill, after "employees", insert a comma, and "and making an appropriation".

Amendment No. 2

On page 1 of the printed bill, strike out all of lines 17 to 20, inclusive, and insert

"For not less than nine months	$150.00
For not less than eight months	141.66
For not less than seven months	133.33
For not less than six months	125.00
For not less than five months	116.67
For not less than four months	108.33
For not less than three months	100.00
For not less than two months	83.33
For not less than one month	66.67
For less than one month	50.00".

Amendment No. 3

On page 2 of the printed bill, strike out all of lines 3 to 6, inclusive, and insert

"For not less than nine months	$140.00
For not less than eight months	131.66
For not less than seven months	123.33
For not less than six months	115.00
For not less than five months	106.66
For not less than four months	98.33
For not less than three months	90.00
For not less than two months	75.00
For not less than one month	60.00
For less than one month	45.00".

Amendment No. 4

On page 2, line 11, of the printed bill, strike out "twenty-five dollars ($25)", and insert "fifty dollars ($50)".

Amendment No. 5

On page 2, line 16, of the printed bill, strike out "twenty dollars ($20)", and insert "forty-five dollars ($45)".

Amendment No. 6

On page 2 of the printed bill, after line 20, insert

"SEC. 3. Out of any money in the State treasury not otherwise appropriated there is hereby appropriated the sum of twenty thousand, two hundred and fifty dollars ($20,250) in addition to, and in augmentation of, Item 275 in Section 2 of the "Budget Act of 1945" to carry out the provisions of this act."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 513—An act making an appropriation to the Salary Emergency Fund, providing salary and wage increases for State employees who are compensated at monthly rates of pay, and providing that this act take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, strike out all of lines 1 to 26, inclusive, and insert

"SECTION 1. Out of any money in the State Treasury not otherwise appropriated, the sum of ten million seven hundred sixty-three thousand two hundred fifty dollars ($10,763,250) is hereby appropriated to the Salary Emergency Fund, in addition to all other sums otherwise appropriated to said fund, to be allocated therefrom by the Department of Finance solely for the purposes and in the manner provided by this act, provided that not more than two million one hundred fifty-two thousand six hundred fifty dollars ($2,152,650) of this appropriation may be expended during the Ninety-sixth Fiscal Year.

SEC. 2. Such of the amount hereby appropriated shall be allocated to the several State officers, departments, boards, bureaus, commissions, The Regents of the University of California and other State agencies in augmentation of their respective appropriations for support for the Ninety-sixth Fiscal Year and for the Ninety-seventh and Ninety-eighth Fiscal Years, in such amounts as will make sufficient money available during said fiscal years to pay to each State employee in the State service whose salary or wages, or a portion thereof, is payable from the General Fund an increase in salary or wage of twenty-five dollars ($25) per month, in addition to any other increases heretofore granted, provided, that during the months of May and June, 1945, the increase in salary or wage of each State employee in the State service, in addition to any other increases heretofore granted, shall be based on the following schedule:

To such officer or employee who, on the effective date of this act has, for a period of not less than the time shown in the following schedule occupied a position in the State service, an increase each month as herein specified:

For not less than four months	$75.00
For not less than three months	62.50
For not less than two months	50.00
For not less than one month	37.50
For less than one month	25.00

In order to make sufficient money available during said fiscal year to pay each employee in the State service whose salary or wage, or a portion thereof, is payable from special funds, the increase as provided by this section for other employees, the Governor and the Director of Finance shall make funds available from such special funds under the provisions of Section 661 of the Political Code."

Amendment No. 2

On page 2 of the printed bill, strike out all of lines 1 to 4, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 834—An act to amend Sections 2605, 2606, 2607, 2617, 2618, 2621 and 2624 of the Revenue and Taxation Code, relating to property taxation, including installment payments of property taxes, delinquent penalties, cost of publishing delinquent roll and preparation of delinquent roll, and declaring this act to be an emergency measure to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

Strike out all of line 1 of the title of the printed bill; and in line 2 of the title of said bill, strike out "2624", and insert

"An act to add Chapter 2.1, comprising Sections 2700 to 2707, inclusive, to Part 5, Division 1".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 24, inclusive; and on page 2, strike out lines 1 to 29, inclusive, and insert

"SECTION 1. Chapter 2.1, comprising Sections 2700 to 2707, inclusive, is hereby added to Part 5, Division 1, of the Revenue and Taxation Code, to read as follows:

CHAPTER 2.1. COLLECTION IN EQUAL INSTALLMENTS

2700. Notwithstanding the provisions of Sections 2605, 2606, 2607, 2617, 2618, 2621 and 2624 of Chapter 1, Part 5, Division 1, of this code, if so ordered by a resolution of the board of supervisors of any county, the provisions of this chapter shall be applicable to such county, provided that such resolution must be adopted prior to the time the county auditor is required to compute and enter on the secured roll the respective amounts due in installments as taxes for the assessment year in which such resolution shall become effective. The provisions of this chapter shall apply only to such a county and shall then apply until otherwise ordered by a resolution of the board of supervisors.

2701. Half the taxes on real and personal property on the secured roll are due November 1st, and if the amount is not evenly divisible by two, the odd cent is also due.

2702. The second half of taxes on real and personal property on the secured roll is due January 20th.

2703. The entire tax on the secured roll may be paid when the first half is due. The second half may be paid separately only if the first half has been paid.

2704. All taxes due November 1st, if unpaid, are delinquent December 5th at 5 p.m., and thereafter a delinquent penalty of 6 per cent attaches to them. If these taxes are not paid before the second half of taxes on the secured roll is delinquent, an additional delinquent penalty of 3 per cent attaches to them.

2705. The second half of taxes on the secured roll, if unpaid, is delinquent April 20th at 5 p.m., and thereafter a delinquent penalty of 3 per cent attaches to it.

2706. After the second half of taxes on the secured roll is delinquent, the tax collector shall collect a cost of fifty cents ($0.50) for preparing the delinquent roll and published delinquent list on each separate valuation on the secured roll of:

(a) Real property, except possessory interests.
(b) Possessory interests.
(c) Personal property.

The cost shall be collected even though the property appears on the roll due to a special assessment and no valuation of the property is given.

2707. After the second half of taxes on the secured roll is delinquent, the tax collector shall prepare a delinquent roll. In numerical or alphabetical order, the delin-

quent roll shall show all information on the secured roll relating to property the taxes on which are delinquent."

Amendment No. 3

On page 2, line 30, of said bill, strike out "Sec. 8", and insert "Sec. 2".

Amendments read and adopted.

Bill ordered printed and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 3—An act to amend Sections 6051 and 6201 of the Revenue and Taxation Code, relating to the sales and use taxes, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 9—An act to amend Sections 17053.5, 17316, 17319.3, 17319.5, 19200, 19201, 19202, 19203, 19204, and 19205 of, and to add Sections 17108, 17325, 17326, 17327, 17328, 17329, 18135.1, and 18304.1 to the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 279—An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, relating to a franchise tax imposed on banks and corporations, and providing for the use of part of the proceeds of said tax, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 281—An act to amend Section 5.5 of the Corporation Income Tax Act, relating to income tax imposed on corporations and providing for the use of part of the proceeds of said tax, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1330—An act to amend the heading of Article 1, Chapter 2, Part 2, Division 1, of the Insurance Code, and to add Section 1141 to said code, relating to insurance, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Assembly Bill No. 1330, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 1330

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

Resolved, That Assembly Bill No. 1330 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley Slater, Sutton, Swing, Tenney, and Weybret—33.
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 1330—An act to amend the heading of Article 1, Chapter 2, Part 2, Division 1, of the Insurance Code, and to add Section 1141 to said code, relating to insurance, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—34.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

COMMUNICATIONS

The following communication was received, read, and, on motion of Senator Shelley, ordered printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF JUSTICE
LIBRARY AND COURTS BLDG., SACRAMENTO (14), CALIFORNIA, March 14, 1945

Honorable John R. Shelley, State Senator
State Capitol, Sacramento, California

DEAR SENATOR SHELLEY: In your communication of February 28, 1945, you request the opinion of this office as to the power of the California Highway Commission, without additional legislation, to realign that portion of State Highway Route 1, commonly known as the Redwood Highway, so as to substitute for the existing "Waldo Approach" a new location extending from the northerly end of Golden Gate Bridge through the town of Sausalito and thence northerly.

You state in your letter that the existing highway involves grades up to 6 per cent, passes through a tunnel, and is subject to dense fogs and high winds, and that trucks experience great difficulty in negotiating the existing grades.

The highway involved is defined in Section 301 of the Streets and Highways Code as "from a point in Marin County opposite San Francisco to the Oregon State line via Crescent City and the Smith River."

Sections 71-73 of the Streets and Highways Code read as follows:

"71. The commission may alter or change the location of any State highway if in the opinion of the commission such alteration or change is for the best interest of the State.

"72. The commission may abandon any easement or portion thereof which has been acquired for State highway purposes, and which by reason of change in location of a State highway, is no longer necessary for such purposes.

"73. The commission may relinquish to any county or city any portion of any State highway within such county or city which has been superseded by relocation, for use as a county highway or city street, as the case may be. Relinquishment shall be by resolution, a certified copy of which shall be filed with the board of supervisors or the city clerk, as the case may be."

Section 75 of the same code reads in part as follows:

"Except as otherwise provided by law, the commission at any time and from time to time may:

(a) Select, adopt, and determine the location for State highways on routes authorized by law."

Section 100 of the Streets and Highway Code contains the following language:

"The department (of Public Works) is authorized and directed to lay out and construct all State highways between the termini designated by law and on the most direct and practicable locations as determined by the commission, * * *"

It is apparent from the statutes quoted above that the Legislature has delegated to the commission the authority to determine routings of State highways in the exercise of a wise but not unlimited discretion. Section 71 of the Streets and Highways Code authorizes the alteration of the location of a highway when in the opinion of the commission "such alteration or change is for the best interest of the State." Section 100 provides an additional standard for the guidance of the commission in the exercise of its discretion by providing that the locations to be determined by the commission shall be the "most direct and practicable."

It is obvious that the words "direct" and "practicable" must be construed together, as an airline route for a highway in most instances would be most impracticable. In determining whether a proposed routing would be the most direct and practicable, and for the best interest of the State, the commission must of necessity take into account a great number of factors. These would include distance, grades, curvature, costs, including initial outlay for rights of way and construction and continuing maintenance charges, the areas of the State to be served, and the amount and type of traffic using the particular highway. All of these factors, and probably others, would go into a determination of which route would be the most direct and practicable.

We are cognizant of the fact that the existing Waldo Approach was itself a realignment of this same State highway route, made some eight or nine years ago at a construction cost of approximately $2,000,000.

We are also advised that the proposed relocation would actually be longer than the existing Waldo Approach but that it would be possible on the longer alignment to provide easier grades than exist on the Waldo Approach.

It is clear from the authorities in this State that determinations made as to the location of highways or the abandonment of portions thereof are legislative in character and that where an administrative body has been delegated authority to make such determinations, its findings are not subject to review by the courts so long as they are exercised in accordance with the delegation of authority and no claim of fraud, bad faith, arbitrary or capricious action is proved.

County of Los Angeles vs. *Rindge Co.*, 53 Cal. App. 166.
Symons vs. *San Francisco*, 115 Cal. 555.
People vs. *Broome*, 120 Cal. App. 267.

Where, as here, the statute reposes a discretion in an administrative body, to be exercised on the basis of facts to be found by it, it is the duty of the agency to ascertain the facts in each case.

Bank of Italy vs. *Johnson*, 200 Cal. 1, 16
People vs. *Globe Grain & Mill Company*, 211 Cal. 121

There is no question but that Section 75 of the Streets and Highways Code authorizes realignments from time to time so that the fact that the existing Waldo Approach is itself a realignment would not be a bar to further action in connection with that highway by the Highway Commission.

The function of this office, of course, is not to determine the facts as to the particular highway in question, but is confined to the legal aspects of the problem. It is our opinion that under the statutes above quoted and the authorities in this State, the California Highway Commission has the authority to provide for the realignment of the existing highway if, after considering all of the facts involved, it can make a finding that the new location is the most direct and practicable one, having in mind the best interests of the State.

We believe it should be made clear that if the California Highway Commission should determine that a realignment of a portion of the highway is advisable, its authority with reference to the existing highway would be limited to either abandoning it or relinquishing it to the local governmental agencies. As indicated in our opinion NS345 to Honorable A. E. Bagshaw, District Attorney of Marin County, dated May 14, 1937, the California Highway Commission does not have authority to maintain two highways between two points where only one State highway route has been designated by the Legislature.

Very truly yours,

ROBERT W. KENNY, Attorney General
ROBERT E. REED, Deputy Attorney General

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill No. 649—An act to amend Section 21.30 of, and to add Section 21.35 to, the Municipal Utility District Act, relating to municipal utility districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 663—An act to create a flood control district to be called Humboldt County Flood Control District and dividing said district into zones; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Concurrent Resolution No. 25—Relative to purchase of an airplane for Division of Fish and Game, Department of Natural Resources.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—35.

NOES—Sutton—1.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 973—An act to add Article 2, comprising Sections 8551 to 8557, inclusive, to Chapter 4, Part 4, Division 6, of the Public

Resources Code, to add Section 10018 to said code, and to repeal Chapter 640 of the Statutes of 1935, relating to public lands, providing for State cooperation with Federal agencies regarding grazing lands, and providing for the distribution of money deposited in the State Treasury in connection therewith.

Motion to Refer Bill to Inactive File

Senator Collier moved that Senate Bill No. 973 be placed on the inactive file.

Motion carried.

Senate Bill No. 974—An act to add Sections 7971 to 7974, inclusive, and Section 10017 to the Public Resources Code, and to repeal Sections 3571 and 3572 of the Political Code, relating to public lands, and providing for the refunding of payments in cases where public lands are improperly sold.

Motion to Refer Bill to Inactive File

Senator Collier moved that Senate Bill No. 974 be placed on the inactive file.

Motion carried.

Senate Bill No. 975—An act to amend Section 7423 of the Public Resources Code, relating to public lands, and providing for payment of refunds upon surrender of certificates of indemnity or script and certificates of purchase.

Motion to Refer Bill to Inactive File

Senator Collier moved that Senate Bill No. 975 be placed on the inactive file.

Motion carried.

Senate Bill No. 82—An act to amend Section 1 of an act entitled "An act relating to the relief of gold and silver mining operators, permitting postponement of sales under certain chattel mortgages, mortgages, deeds of trust or contracts of purchase on gold and silver mines and gold and silver mining machinery and equipment, or postponement of forfeitures and terminations under gold and silver mining contracts and leases, regulating appointment of receivers in certain cases, extending the time in which the purchase price may be paid and extending the statute of limitations, declaring the urgency thereof, to take effect immediately," approved April 24, 1943, relating to the gold and silver mining moratorium.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 4.05 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Senate Bill No. 556—An act to amend Section 505 of Division 1 of the Public Resources Code, relating to the administration of the Division of Forestry.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Salsman Presiding

At 4.14 p.m., Senator Salsman of the Eighteenth District, presiding.

Senate Bill No. 637—An act to provide for forest practices which will promote the maximum sustained productivity of the forest lands of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

COMMUNICATIONS

The following communication was received, and read, and, on motion of Senator Seawell, ordered printed in the Journal:

ASSEMBLY CHAMBER, SACRAMENTO 14, CALIFORNIA, March 15, 1945

Mr. Joseph A. Beek, Secretary of the Senate
Senate Chamber, State Capitol, Sacramento 14, California

DEAR MR. BEEK: May we respectfully request you to return Assembly Bill No. 868 to the Assembly for further action.

This bill passed the Assembly, but subsequent to its passage, a notice of reconsideration was given by Mr. Evans. Therefore, it is necessary that the bill be returned to the Assembly for further action.

Sincerely yours,

ARTHUR A. OHNIMUS

MOTION TO RETURN ASSEMBLY BILL

Senator Seawell moved that the Senate comply with the request of the Assembly, and return Assembly Bill No. 868 to the Assembly.

Motion carried.

Assembly Bill No. 868 ordered returned to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senators Desmond, Seawell, Slater, McCormack, Rich, Deuel, and DeLap:

Senate Resolution No. 65
In memory of Charles W. Paine

WHEREAS, Sorrow fills our hearts today as we record the passing of this kindly and beloved public servant who yesterday, in his sleep and with the naturalness which ever marked his life, gave himself unto his Maker.

Born at the old Paine home on Capitol Avenue near the site of the original State Fair Grounds, with which he was to become so long associated, Charles W. Paine from the first loved horses. Perhaps this was in his blood, for it was his father who was operator of the Paine Livery Stables, founded in Sacramento in 1852. As a youth, Charlie became foreman of the stables at Del Monte, then the only resort of its kind in the West. By horse team he daily traveled the famed 17-mile drive. In the nineties he became bookkeeper and paymaster for Senator James G. Fair at the latter's large holding at Knight's Landing. Back in Sacramento at the turn of the century, he served as a member of the City Council and chairman of the Parks and Streets Committee. At this time Hiram Johnson was City Attorney of Sacramento. Together these two had attended the old Mary J. Watson Grammar School on the present site of the Memorial Auditorium. Governor Gage appointed him a director of the State Fair Board, and from 1914 until his retirement in 1937 he was Secretary of the State Fair. It was largely through Paine's efforts that the State Horse Show became one of the outstanding events of its kind in the Nation, and it was natural that he was selected in 1939 to manage the horse show at the Golden Gate International Exposition.

So long and ably and devotedly did he serve as Secretary of the State Fair that to California *like* the Fair and *with* the Fair, he became, as it were, a tradition rather than a person. Now, therefore, be it

Resolved by the Senate of the State of California, That when the Senate adjourns this day it do so in respect for the memory of Charles W. Paine; and, be it further

Resolved, That the Secretary of the Senate is directed to convey to the bereaved family of Charles W. Paine this expression of our tribute.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Mayo:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to provide for the acquisition of the townsite and buildings of the old mining town of Columbia, in Tuolumne County, as part of the State Park System, and making an appropriation therefor.

Respectfully submitted.

SENATOR MAYO

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 15, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—33.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1256: By Senator Mayo—An act to provide for the acquisition of the townsite and buildings of the old mining town of Columbia, in Tuolumne County, as part of the State Park System, and making an appropriation therefor.

Referred to Committee on Natural Resources.

MOTION TO EXCUSE COMMITTEE

At 4.27 p.m., Senator Seawell moved that the members of the Senate Committee on Local Government be excused for the purpose of holding a committee meeting.

Motion carried.

President Pro Tempore of the Senate Presiding

At 4:30 p.m., Hon. Jerrold L. Seawell, president pro tempore of the Senate, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1694	Assembly Bill No. 1757
Assembly Bill No. 44	Assembly Bill No. 1760
Assembly Bill No. 415	Assembly Bill No. 978
Assembly Bill No. 287	Assembly Bill No. 373
Assembly Bill No. 785	Assembly Bill No. 372
Assembly Bill No. 1755	Assembly Bill No. 371

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read for the first time:

Assembly Bill No. 1694—An act to amend Section 5 of the Industrial Loan Act, relating to industrial loan companies and the outstanding investment certificates of such companies.

Re-referred to Committee on Financial Institutions.

Assembly Bill No. 44—An act to amend Section 1171 and to add Section 1184 to the Military and Veterans Code, relating to exemption of memorial districts from the provisions of the District Investigation Act of 1933.

Re-referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 415—An act to amend Sections 500.1 and 502.1 of the Military and Veterans Code and to repeal Section 8 of Chapter 738 of the Statutes of 1943, relating to high school cadets, and continuing in effect the law relating to high school cadets.

Re-referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 287—An act to add Section 761.5 to the Probate Code, relating to sale of estate property.

Re-referred to Committee on Judiciary.

Assembly Bill No. 785—An act amending Section 56 of the Civil Code, relating to the granting of permission to minors to marry by the superior court.

Re-referred to Committee on Judiciary.

Assembly Bill No. 1755—An act amending Section 1952 of the Code of Civil Procedure, relating to the destruction or other disposition of depositions.

Re-referred to Committee on Judiciary.

Assembly Bill No. 1757—An act to amend Section 925 of the Probate Code, relating to vouchers.

Referred to Committee on Judiciary.

Assembly Bill No. 1760—An act amending Section 4300a of the Political Code, relating to fees of county clerk.

Referred to Committee on Local Government.

Assembly Bill No. 978—An act and Section 18973 of the Government Code to amend Section 221 of the State Civil Service Act, relating to veterans' preference.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 373—An act and Section 18970 of the Government Code to amend Section 225 of the State Civil Service Act, relating to veterans' preference.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 372—An act and Section 18542 of the Government Code to add Section 25 to the State Civil Service Act, relating to a definition of words and phrases as used in said act.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 371—An act and Section 18972 of the Government Code to amend Section 222 of the State Civil Service Act, relating to veterans' preference.

Referred to Committee on Governmental Efficiency.

ADJOURNMENT

At 4.35 p.m., on motion of Senator Mixter, the President declared the Senate adjourned until 10.30 a.m., Friday, March 16, 1945, out of respect to the memory of the late Charles W. Paine.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

TWENTY-SIXTH LEGISLATIVE DAY

SIXTY-EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Friday, March 16, 1945

The Senate met at 10.30 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Dilworth, on motion of Senator Seawell, due to death in family.

Senator DeLap, on motion of Senator Seawell, account of legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Charles M. Reinking of Santa Rosa.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Gladys Jewett of Independence, California.

On request of Senator Hulse, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles Bratton, G. G. Bennett, Robert Whitlaw, and Sheriff Ware, all of El Centro.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Frank B. Gighotti of La Mesa.

On request of Senator Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sheriff George Overholt of Fresno.

President Pro Tempore of the Senate Presiding

At 10.35 a.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 3
Senate Bill No. 9
Senate Bill No. 250
Senate Bill No. 279
Senate Bill No. 281
Senate Bill No. 352
Senate Bill No. 388
Senate Bill No. 389
Senate Bill No. 390
Senate Bill No. 393
Senate Bill No. 395
Senate Bill No. 397
Senate Bill No. 398
Senate Bill No. 399
Senate Bill No. 404
Senate Bill No. 654
Senate Bill No. 655
Senate Bill No. 758
Senate Bill No. 983
Senate Concurrent Resolution No. 35

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 16, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 752
Senate Bill No. 1138
Senate Bill No. 1145
Senate Bill No. 1147

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Swing asked for, and was granted, unanimous consent to take up Senate Bills Nos. 752, 1138, 1145, and 1147 at this time for the purpose of adopting the amendments, and re-refer the bills to committee.

CONSIDERATION OF SENATE BILLS NOS. 752, 1138, 1145, AND 1147

Senate Bill No. 752—An act concerning contracts of this State, its agencies, municipalities and other political subdivisions, with the Federal Government for the purchase of equipment, supplies, materials or other property, and providing for the suspension of certain laws in connection therewith.

Bill read second time.

Motion to Amend

Senator Swing moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 3, of the printed bill, after "division thereof," insert "or any public or municipal corporation or public district,".

Amendment No. 2

On page 1, line 14, of the printed bill, after "of the State", insert "or any public or municipal corporation or public district".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 1138—An act to add Chapter 7 to Part 1, Division 2, Title 2, to add Part 2 to said Division 2, to add Division 3 to said Title 2, of, and to add Sections 500016 to 500023, inclusive to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein.

Bill read second time.

Motion to Amend

Senator Swing moved the adoption of the following amendments:

Amendment No. 1

On page 6, line 14, of the printed bill, strike out "this", and insert "his".

Amendment No. 2

On page 11, line 49, of said bill, strike out "1104", and insert "11004".

Amendment No. 3

On page 22, line 12, of said bill, strike out "fund", and insert "funds".

Amendment No. 4

On page 23, line 15, of said bill, before " "Regulation" ", insert "(b)".

Amendment No. 5

On page 28, line 44, of said bill, after "performance", strike out the comma.

Amendment No. 6

On page 28, line 51, of said bill, strike out "dollars", and insert "dollar".

Amendment No. 7

On page 29 of said bill, strike out lines 29 to 31, inclusive, and insert
"Amount represented by the total number of shares provided for in the articles of incorporation or the agreement of consolidation".

Amendment No. 8

On page 35 of said bill, strike out line 17, and insert
"(c) Against all debtors of the State.
If the action is com-".

Amendment No. 9

On page 38, line 17, of said bill, after "execution", strike out the comma.

Amendment No. 10

On page 39, line 23, of said bill, strike out "persons", and insert "person".

Amendment No. 11

On page 43 of said bill, between lines 1 and 2, insert "1852:62:84".

Amendment No. 12

On page 43, line 4, of said bill, strike out "1852:62:84".

Amendment No. 13

On page 45 of said bill, between lines 11 and 12, insert "1863:497:754".

Amendment No. 14

On page 45, line 13, of said bill, strike out "1863:497:754".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 1145—An act to add Parts 5, 6, 7, and 8, to Division 3, Title 2 of, and to add Section 500030 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein.

Bill read second time.

Motion to Amend

Senator Swing moved the adoption of the following amendment:

Amendment No. 1

On page 7, line 30, of the printed bill, before "The", insert "14312."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 1147—An act to add Parts 2 and 3 to Division 4, Title 2 of, and to add Section 500032 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein.

Bill read second time.

Motion to Amend

Senator Swing moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "and 3", and insert ", 3, and 4".

Amendment No. 2

On page 3, line 35, of said bill, strike out "16310", and insert "16311".

Amendment No. 3

On page 7, line 2, of said bill, strike out "be".

Amendment No. 3a

On page 11, line 17, of said bill, strike out "30", and insert "10".

Amendment No. 4

On page 12 of said bill, between lines 34 and 35, insert
"SEC. 2.5. Part 4 is added to Division 4, Title 2 of said code, to read:".

Amendment No. 5

On page 13, line 41, of said bill, after "in", insert "the".

Amendment No. 6

On page 14, line 13, of said bill, strike out "payeee", and insert "payee".

Amendment No. 7

On page 16, line 6, of said bill, after "and", insert "credit".

Amendment No. 8

On page 16, line 8, of said bill, strike out "moneys", and insert "money".

Amendment No. 9

On page 18, line 6, of said bill, strike out "of".

Amendment No. 10

On page 18, line 25, of said bill, strike out "warrants", and insert "warrant".

Amendment No. 11

On page 19 of said bill, strike out line 19, and insert "date unapplied money or the proceeds of refunding warrants".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 11
Senate Bill No. 15
Senate Bill No. 14
Senate Bill No. 304
Senate Bill No. 335

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 81
Senate Bill No. 119
Senate Bill No. 619
Senate Bill No. 8
Senate Bill No. 63
Senate Bill No. 64
Senate Bill No. 220
Assembly Bill No. 1545

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 928

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

Committee on Elections

SENATE CHAMBER, SACRAMENTO, March 16, 1945

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Senate Bill No. 83
Senate Bill No. 84

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

BIGGAR, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 16, 1945

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 88

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

BIGGAR, Chairman

Above reported bill ordered to second reading.

MOTION TO SET SPECIAL ORDER

Senator Hatfield moved that Senate Bills Nos. 3, 9, 279, and 281 be made a special order of business for Friday, April 13, 1945, at 10.30 a.m.

Motion to Continue

Senator Breed moved that the motion made by Senator Hatfield, to set Senate Bills Nos. 3, 9, 279, and 281 as a special order of business for April 13, 1945, be continued until Monday, March 19, 1945, for further consideration.

Previous Question

Senator Gordon moved the previous question.

Motion carried.

The question being on the adoption of Senator Breed's motion.

Roll Call Demanded

Senators Hatfield, Powers, and Quinn demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Senators Breed, Desmond, Deuel, Dillinger, Fletcher, Gordon, Judah, Kuchel, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Shelley, Tenney, and Ward—17.

NOES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Donnelly, Hatfield, Hulse, Jespersen, Keating, Mayo, Powers, Quinn, Seawell, Slater, Sutton, Swing, and Weybret—20.

Motion to Amend

Senator Breed moved to amend the motion by Senator Hatfield to read that Senate Bills Nos. 3, 9, 279 and 281 be made a special order of business for March 28, 1945, at 10.30 a.m. instead of April 13, 1945, at 10.30 a.m.

Previous Question

Senator Deuel moved the previous question.

Motion carried.

The question being on Senator Breed's motion to amend Senator Hatfield's motion, so as to set Senate Bills Nos. 3, 9, 279, and 281 as a special order of business for March 28, 1945 at 10.30 a.m., instead of April 13, 1945, at 10.30 a.m.

Roll Call Demanded

Senators Hatfield, Brown, Powers, and Carter demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Senators Breed, Deuel, Dillinger, Fletcher, Judah, Kuchel, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Tenney, and Ward—14.

NOES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Keating, Mayo, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—23.

The question being on the motion by Senator Hatfield to set Senate Bills Nos. 3, 9, 279, and 281 as a special order of business for April 13, 1945, at 10.30 a.m.

Roll Call Demanded

Senators Biggar, Quinn, and Sutton demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—25.

NOES—Senators Breed, Deuel, Dillinger, Fletcher, Kuchel, McBride, McCormack, Mixter, Parkman, Rich, Salsman, and Ward—12.

MOTION TO PREPRINT BILL

Senator Collier moved that he be extended the privilege of having a proposed bill preprinted.

Motion carried.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 365—An act to amend Section 5922 of the Education Code, relating to Revolving Fund for Warehouse Stock.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 574—An act to add Section 8007 to the Education Code, relating to the maintenance of public schools, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 249—An act to amend Section 16424 of the Education Code, relating to injuries to pupils.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, lines 3 to 11, inclusive, of the printed bill, strike out "The governing board of any school district may provide medical or hospital service, or both, for pupils injured in", and insert "Any governing board having under its control a school district or districts may in its discretion, provide medical or hospital service through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through accident or liability insurance, for injuries to pupils of the district or districts arising out of".

Amendment No. 2

On page 1, line 12, of said bill, after "district", insert "or districts".

Amendment No. 3

On page 1, line 15, of said bill, after "district", insert "or districts".

Amendment No. 4

On page 1, line 16, of said bill, after "trict", insert "or districts".

Amendment No. 5

On page 1, lines 17 to 21, inclusive, of said bill, strike out "Any governing board having under its control a school district or districts having a total average attendance of less than 10,000 may provide such service through nonprofit membership corporations defraying the cost of medical or hospital service or both, or through accident or liability insurance."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 840—An act to amend Sections 12291 and 13059.2 of the Education Code and to add Section 16482.1 of said code, relating to the authorization of persons to test the hearing of public school pupils.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In the title of the printed bill, beginning in line 1, strike out "amend Sections 12291 and 13059.2 of the Education Code and".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "said code", and insert "the Education Code".

Amendment No. 3

On page 1 of the printed bill, strike out all of lines 1 to 25, both inclusive.

Amendment No. 4

On page 2, line 1, of the printed bill, strike out "Sec. 3", and insert "SECTION 1".

Amendment No. 5

On page 2, line 4, of the printed bill, after "may", insert ", subject to Section 16483,".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 846—An act to add Article 20 to Chapter 1, Part 2, Division 1 of the Insurance Code, comprising Sections 1130 to 1139.9, inclusive, and to amend Section 1282 of said code, all relating to insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions.

Amendment No. 1

On page 2 of the printed bill, strike out lines 2 to 13, inclusive, and insert "erty."

Amendment No. 2

On page 2 of said bill strike out lines 14 to 19, inclusive, and insert

"1130.1. As used in this article:

(a) "Casualty insurance" means all forms of insurance which are included within Sections 105, 107, 110, 111, 112, 113, 115; such forms of insurance as are included within Section 108 but excluding insurance against liability arising out of the ownership, maintenance, operation or use of aircraft; such forms of insurance as are included within Section 120 and which are transacted by an insurer not admitted to transact fire or marine insurance; and insurance against liability to third persons for property damage transacted under Section 116.

(b) "Fire insurance" means all forms of insurance which are included within Sections 102, 103, 111, 114, 115, and 116, and such forms of insurance as are included within Section 120 and which are written by insurers admitted to transact fire or marine insurance, but does not include: (1) insurance against legal liability resulting from the death of or injury to any person or from injury to or destruction of property of others; or (2) insurance against any and all kinds of loss or damage to or arising out of the following subject matters of insurance and interests therein:

Hulls, vessels and craft of every kind, aids to navigation, dry docks and marine railways, including marine builders' and repairers' risks, and whether complete or in process of or awaiting construction; also all marine protection and indemnity risks; also all goods, freights, cargoes, merchandise, effects, disbursements, profits, moneys, bullion, precious stones, securities, choses in action, evidences of debt, valuable papers, bottomry and respondentia interests, and all other kinds of property and interests therein, in respect to, appertaining to or in connection with any and all risks or perils of navigation, transit or transportation on or under any seas, lakes, rivers, or other waters, or in the air, or on land in connection with or incident to export, import or waterbourne risks, or while being assembled, packed, crated, baled, compressed or similarly prepared for such shipment or while awaiting the same, or during any delays, storage, trans shipment or reshipment incident thereto, including the insurance of war risks in respect to any or all of the aforesaid subject matters of insurance.

This article applies to all fire insurance and to all casualty insurance as defined in this section, but does not apply to (1) reinsurance, or (2) county mutual fire insurers or county mutual fire reinsurers nor to any insurance transacted by such insurers.

References in this article which are not restricted to fire or casualty insurance apply to all insurance that is subject to this article."

Amendment No. 3

On page 2, line 25, of said bill, after the period, insert

"If the premium is not based upon a rate, 'rate' means the premium."

Amendment No. 4

On page 2 of said bill, strike out lines 28 to 33, inclusive, and insert

"(c) "Rating system" as applied to casualty insurance means every manual of classifications, rules and rates, every rating plan, and any modification of any of the foregoing for the transaction of casualty insurance. Every such rating system shall include the character and extent of the coverage contemplated.

Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both.

(d) "Rating system" as applied to fire insurance means every schedule, class rate or rating plan, by whatever name described, used in determining or ascertaining a rate and includes tariffs, general basis schedules embodying basic rates, charges, credits, terms, conditions, permits, standards, such forms as the commissioner by rule requires to be submitted to him for approval as necessary to effectuate the purposes of this article, rules of procedure for operation relating to the foregoing and other data necessary to the computation of equitable rates and the making of equitable rules of practice."

Amendment No. 5

On page 2 of said bill, strike out lines 36 to 42, inclusive, and insert "tems, and engaged in rate making for insurers".

Amendment No. 6

On page 2 of said bill, strike out lines 43 to 45, inclusive, and insert

"(f) "Subscriber" means an insurer which has authorized a rating bureau of which it is not a member to make the filings required by this article in its behalf."

Amendment No. 7

On page 2, line 48, of said bill, strike out "License", and insert "Licensee".

Amendment No. 8

On page 3, line 6, of said bill, strike out "license", and insert "certificate of authority".

Amendment No. 9

On page 3, line 9, of said bill, strike out "chapter", and insert "article".

Amendment No. 10

On page 3 of said bill, strike out lines 10 to 13, inclusive.

Amendment No. 11

On page 3 of said bill, between lines 46 and 47, insert

"The commissioner may waive such examination upon proof that the rating bureau has within a reasonably recent period been examined by the insurance supervisory official of another State, pursuant to the laws of that State, and upon the filing with the commissioner of a copy of the report of examination."

Amendment No. 12

On page 4, line 10, of said bill, strike out ", affiliates".

Amendment No. 13

On page 4, line 12, of said bill, after "shall", insert "specify the grounds therefor and".

Amendment No. 14

On page 4 of said bill, strike out lines 15 to 17, inclusive, and insert "this State, and keep such records of its operations as shall be required by the commissioner as necessary to enable him to administer this article."

Amendment No. 15

On page 4 of said bill, strike out line 22, and insert "The serv-".

Amendment No. 16

On page 4, line 25, of said bill, strike out "author-", and strike out lines 26 and 27, except the period.

Amendment No. 17

On page 4 of said bill, strike out lines 45 to 50, inclusive, and insert

"1132. (a) A rating system shall not become effective or be applied or enforced until it".

Amendment No. 18

On page 5 of said bill, strike out lines 1 to 9, inclusive, and insert

"(b) Every insurer shall file with the commissioner its rating system and any amendment thereof. The commissioner shall not approve any rating system for fire insurance filed by any insurer which is dependent in its application and maintenance upon inspections, surveys and rate-making activities of a rating bureau of which such insurer is not a member or subscriber."

Amendment No. 19

On page 5, line 12, of said bill, strike out ", subscriber or affiliate", and insert "or subscriber".

Amendment No. 20

On page 5 of said bill, strike out line 13, and insert "diately write such risks in conformity with the filing, subject to adjustment".

Amendment No. 21

On page 5, line 16, of said bill, strike out "(a)", and insert "(c)".

Amendment No. 22

On page 5, line 20, of said bill, strike out "affiliate of, or subscriber to." and insert "subscriber of".

Amendment No. 23

On page 5, line 26, of said bill, strike out "90", and insert "60".

Amendment No. 24

On page 5, line 30, of said bill, strike out "(b)", and insert "(d)".

Amendment No. 25

On page 5, line 31, of said bill, strike out "act", and insert "article".

Amendment No. 26

On page 5, line 34, of said bill, strike out "(c)", and insert "(e)".

Amendment No. 27

On page 5 of said bill, between lines 44 and 45, insert

"(f) If the commissioner disapproves or withdraws approval of a filing he shall specify in what respect he finds that the filing does not meet the requirements of this article."

Amendment No. 28

On page 5, line 46, of said bill, strike out ", kind".

Amendment No. 29

On page 5, line 47, of said bill, strike out "or affiliate".

Amendment No. 30

On page 5, line 48, of said bill, strike out ", kind".

Amendment No. 31

On page 5 of said bill, between lines 50 and 51, insert

"If the rating bureau does not hold a certificate of authority covering all classes of insurance covered by this article, an insurer may become a member or subscriber of one or more other rating bureaus.

If an insurer becomes a member or subscriber of a rating bureau for a class of insurance it shall not, for the types of insurance within that class and for which the rating bureau's filings have been approved, make independent filings nor be a member or subscriber of any other rating bureau."

Amendment No. 32

On page 6, line 1, of said bill, strike out ", affiliate".

Amendment No. 33

On page 6, line 4, of said bill, strike out ", affiliate".

Amendment No. 34

On page 6 of said bill, strike out lines 7 to 15, inclusive, and insert

"1132.2. An insurer shall not charge any rate, or schedule of rates, and shall not demand, collect or receive directly or indirectly, or through any special rate, rebate, concession, device or subterfuge, a rate of insurance or insurance premium, which is not in accordance with the applicable rating system filed by or on its behalf and which has theretofore been approved by the commissioner, except as provided in this article."

Amendment No. 35

On page 6, line 16, of said bill, strike out "shall", and insert "may".

Amendment No. 36

On page 6, line 19, of said bill, strike out "shall", and insert "may".

Amendment No. 37

On page 6 of said bill, strike out lines 22 and 23, and insert "mine that every member or subscriber observes this article and the rules and regulations".

Amendment No. 38

On page 6, line 24, of said bill, after the period, insert "Any".

Amendment No. 39

On page 6, line 30, of said bill, strike out "any insurance", and insert "insurance on any risk".

Amendment No. 40

On page 6, line 37, of said bill, strike out ", affiliate".

Amendment No. 41

On page 6, line 40, of said bill, strike out "may", and insert "shall".

Amendment No. 42

On page 6, line 44, of said bill, after "article", insert "or are not to apply uniformly to all risks of the same class".

Amendment No. 43

On page 7, line 14, of said bill, strike out "may be given in", and insert "shall be given in the approval and".

Amendment No. 44

On page 7, line 20, of said bill, after "insurance", insert "other than on motor vehicles".

Amendment No. 45

On page 7, line 22, of said bill, strike out "In the case of other classes"; and strike out lines 23 and 24.

Amendment No. 46

On page 7, line 26, of said bill, after "hazard", insert "or risk".

Amendment No. 47

On page 7, line 27, of said bill, after "hazard", insert "or risk".

Amendment No. 48

On page 7 of said bill, strike out lines 30 to 32, inclusive, and insert "expense elements, but in the making of rates for fire insurance there may".

Amendment No. 49

On page 7, line 37, of said bill, strike out "unfair discrimination", and insert "unfairly discriminatory".

Amendment No. 50

On page 7 of said bill, strike out lines 39 to 51, inclusive, and insert

"1132.85 Rating systems may be approved by the commissioner for risks insured under a contract covering risks having locations or exposures in more than one State and the fact that the resulting rate may differ from the rate for a similar risk not insured under such a contract shall not render the rating system unfairly discriminatory within the meaning of this article."

Amendment No. 51

On page 8 of said bill, strike out lines 1 to 37, inclusive.

Amendment No. 52

On page 8, line 39, of said bill, strike out "attempt", and insert "adopt".

Amendment No. 53

On page 8, line 40, of said bill, strike out "(1)", and insert "(a)".

Amendment No. 54

On page 8, line 42, after "from", insert "earned".

Amendment No. 55

On page 8, line 43, of said bill, strike out "(2)", and insert "(b)".

Amendment No. 56

On page 8, line 44, of said bill, strike out "issued", and insert "covering risks located".

Amendment No. 57

On page 8, lines 46 and 47, strike out "retrospective rate adjustment", and insert "equitable rate readjustment".

Amendment No. 58

On page 8, line 51, of said bill, strike out "retrospective rate adjustment", and insert "such rate readjustment".

Amendment No. 59

On page 9, line 9, of said bill, before "The" insert "After hearing upon notice".

Amendment No. 60

On page 9 of said bill, strike out lines 13 to 20, inclusive, and insert

"1135. Every rating bureau and every insurer which makes its own rates shall provide within this State reasonable means whereby any person aggrieved by the

application of its rating system may be heard, in person or by his authorized representative, on his written request to review the manner in which the rating system has been applied in connection with the insurance afforded him. Any person affected by the action of a rating bureau or insurer on his request may, within 10 days after written notice of such action, appeal to the commissioner."

Amendment No. 61

On page 9, line 35, of said bill, strike out ", subscriber, or affiliate", and insert "or subscriber".

Amendment No. 62

On page 9, line 44, of said bill, strike out ", affiliates".

Amendment No. 63

On page 9, line 47, of said bill, strike out ", affiliate".

Amendment No. 64

On page 10, line 1, of said bill, strike out "Fees."

Amendment No. 65

On page 10, line 3, of said bill, strike out "1.", and insert "(a)".

Amendment No. 66

On page 10 of said bill, strike out lines 5 to 11, inclusive; and in line 12, strike out "3.", and insert

"(b) For filing each application by a member or subscriber of a rating bureau for a modification under Section 1132.45, twenty-five dollars ($25).

(c)".

Amendment No. 67

On page 10, line 15, of said bill, before "its", insert "any of".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 127—An act to repeal Sections 6010 to 6020, inclusive, of, and to add Sections 6010 to 6014, inclusive, to, the Insurance Code, relating to county mutual insurers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "repeal Sections 6010 to 6020, inclusive, of, and to add Sections 6010 to 6014, inclusive, to," and insert "amend Sections 6014 and 6017 of".

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 6014 of the Insurance Code is amended to read:

6014. All county mutual fire insurance policies on subject matter in this State shall be on the county mutual standard form and, except as provided by this article, shall not contain additions thereto. *Except as provided in Section 6017*, no part of the standard form shall be omitted from the policy.

SEC. 2. Section 6017 of said code is amended to read:

6017. Insurers authorized to limit *or eliminate* their assessment liability in accordance with the terms of this chapter may make such changes in the standard form as will properly accomplish that purpose."

Amendment No. 3

On page 1 of said bill, strike out lines 2 to 28, inclusive; and strike out all of page 2 of said bill.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 274—An act to repeal Sections 19 and 19.1 of the Bank Act, relating to the ratio of the paid-up capital and surplus to deposits required to be maintained by banks.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 664—An act to amend Section 10 of the Bank Act, relating to the qualifications of directors of banks and trust companies.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 163—An act to amend Section 3090 of the Civil Code, relating to negotiable instruments payable to bearer.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 162—An act to amend Section 66 of the Bank Act, relating to the amount of loans which may be made by savings banks to any one person.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 273—An act to amend Section 21 of the Bank Act, relating to maintenance of surplus account.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 1

On page 1, line 9, of the printed bill, following "depositors", insert "but every such bank shall before the declaration of any such dividend carry at least one-tenth of the net profit of the stockholders for the preceding half year, or for such period as is covered by the dividend, to its surplus until such surplus shall amount to [twenty five] 50 per centum of its paid-up capital stock".

Amendment No. 2

On page 1, line 20, of the printed bill, following "event", insert "such surplus shall be restored in the manner above provided until it amounts to [twenty-five] 50 per centum of the aggregate paid up capital stock."

Amendment No. 3

On page 1, line 22, of the printed bill, strike out "no dividend to common shareholders shall be declared or paid without the permission of the Superintendent of Banks until surplus shall be restored out of the net profits to 25 per centum of the aggregate paid up capital stock", and insert

"However, no conversion of surplus into paid-up capital which will reduce the surplus below 25 per centum of the aggregate paid up capital stock shall be declared or made without the previous written approval of the Superintendent of Banks."

Amendment No. 4

On page 1, line 28, of the printed bill, following "surplus", insert "in which event, such surplus shall be restored in the manner above provided, to the amount required by law;".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 947—An act to repeal Sections 11001, 11155 to 11157 inclusive, 11181 and 11185 to 11187 inclusive of the Education Code; to amend Sections 10055, 11152, 11153, 11181, 11182, 11184, 11241, and

11271 of said code; and to add Sections 11155 to 11164 inclusive to said code, all relating to the State Curriculum Commission and elementary school textbooks.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 3 of said bill, as amended, strike out lines 4 to 10, inclusive, and insert "11155. Whenever a new textbook or textbooks shall be needed in any of the elementary schools of this State, a committee to consist of nine members shall be appointed to compile said textbooks, (a) five members thereof to be appointed by the Board of Regents of the University of the State of California, one member whereof shall be the President of said University, who shall be ex officio chairman of such committee, one member each from the faculty of the University of Southern California and Stanford University, and two members from among California citizenry, (b) four members thereof to be appointed by the State Board of Education, two of whom shall be Nationally recognized experts on the particular subject at hand and two shall be successful teachers who have taught said subject for at least 15 years in this State; provided, however, that the chairman of such committee may appoint three subcommittees of three members each from among the members of said committee, which subcommittees may be assigned research or textbook compilation duties to be reported to said committee for appropriate action."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Constitutional Amendment No. 12 A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of said State, relating to powers of State Board of Education over elementary school textbooks.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 11, of the printed measure, strike out "by said board", and insert "as provided by law".

Amendment read and adopted.

Resolution ordered printed, and re-referred to Committee on Education.

Senate Bill No. 510—An act to repeal "An act creating the Napa State Farm Revolving Fund and making an appropriation therefor; providing for the expenditure and replenishment thereof, and providing for the disposition of any accrued surplus over and above such appropriation, declaring the urgency thereof and providing that this act shall take effect immediately," approved May 31, 1929, and to repeal Sections 13194 and 13195 of the Government Code, abolishing the Napa State Farm Revolving Fund.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 620—An act to add Article 5a to Chapter 2, Part 1, Division 2 of the Welfare and Institutions Code, relating to the establishment of joint detention homes by counties.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 419—An act to amend Section 2160 of the Welfare and Institutions Code, relating to aid to aged persons, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1104—An act to amend Section 9.2 of the Unemployment Insurance Act, relating to unemployment insurance and the definition of unemployed contained therein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1105—An act to amend Section 9.5 of the Unemployment Insurance Act, relating to unemployment insurance and the status of employers thereunder.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1106—An act to amend Section 9.8 of the Unemployment Insurance Act, relating to unemployment insurance and the authorization of agents to act on behalf of employers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1110—An act to amend Section 21 of the Unemployment Insurance Act, relating to the Unemployment Trust Fund.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1111—An act to amend Section 23 of the Unemployment Insurance Act, relating to the Unemployment Administration Fund.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1112—An act to repeal Sections 22.5 and 24.5 of the Unemployment Insurance Act, relating to unemployment insurance and adjustments with the Railroad Retirement Board authorized in said act.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1114—An act to amend Sections 37 and 38 of the Unemployment Insurance Act, relating to unemployment insurance and employer contributions required by said act.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1115—An act to amend Section 41.1 of the Unemployment Insurance Act, relating to unemployment insurance and the procedure for protesting benefit charges.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1117—An act to amend Section 42 of the Unemployment Insurance Act, relating to unemployment insurance and merit or experience rating.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1118—An act to amend Section 44 of the Unemployment Insurance Act, relating to worker contributions required thereunder.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1119—An act to repeal Sections 44.6, 45, 45.3 and 45.4 of, and to add Section 45 to the Unemployment Insurance Act, relating to unemployment insurance, the time for reporting and penalties for delinquent payments.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1120—An act to repeal Section 45.2 and to amend Section 45.1 of the Unemployment Insurance Act, relating to unemployment insurance and civil action for collection of delinquencies.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1121—An act to repeal Section 45.5 of, and to add Section 45.5 to the Unemployment Insurance Act, relating to assessments thereunder and administrative proceedings on petitions for reassessment.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1122—An act to amend Section 45.6 of the Unemployment Insurance Act, relating to jeopardy assessments thereunder.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1123—An act to amend Section 45.7 of the Unemployment Insurance Act, relating to unemployment insurance and successors in interest under said act.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1124—An act to amend Section 45.8 of the Unemployment Insurance Act, relating to the withholding of credits of a delinquent employer.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1125—An act to amend Section 45.9 of the Unemployment Insurance Act, relating to recording of summary judgments.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1126—An act to repeal Sections 45.10 and 45.11 of and to add Sections 45.10 and 45.11 to the Unemployment Insurance Act, relating to unemployment insurance, and procedures for collection of delinquencies, claims for refund, and authorizing civil action against the commission for recovery.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1127—An act to add Section 45.12 to the Unemployment Insurance Act, relating to the release or subordination of liens.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1129—An act to amend Section 52 of the Unemployment Insurance Act, relating to benefit payments thereunder.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1130—An act to amend Section 54 of the Unemployment Insurance Act, relating to the weekly benefit amounts payable thereunder.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1132—An act to repeal Section 56.7 of and to add Sections 56.7 and 56.8 to the Unemployment Insurance Act, relating to cooperation between State and Federal agencies, and reciprocal arrangements with foreign governments.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1133—An act to amend Section 57 of the Unemployment Insurance Act, relating to eligibility for benefits under said act.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1134—An act to amend Section 60 of the Unemployment Insurance Act, relating to unemployment insurance and benefits payable under said act.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1135—An act to amend Section 64 of the Unemployment Insurance Act, relating to overpayments to benefit claimants.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1103—An act to amend Section 9 of the Unemployment Insurance Act, relating to unemployment insurance and the definition of employer therein.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, line 26, of the printed bill, after "business", and before "or", insert a comma.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1107—An act to amend Section 11 of the Unemployment Insurance Act, relating to the definition of wages contained therein.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 2, line 15, of the printed bill, after "are", and before "excluded", insert "so".

Amendment No. 2

On page 2, line 16, of said bill, after "wages", and before "contained", insert "as".

Amendment No. 3

On page 2, line 17, of said bill, strike out the period, and insert a colon.

Amendment No. 4

On page 2, line 43, of said bill, after the parenthesis, insert a period.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1108—An act to amend Section 12 of the Unemployment Insurance Act, relating to the definition of week contained therein.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, line 5, of the printed bill, italicize the word "be".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1109—An act to amend Sections 15 and 6.5 of the Unemployment Insurance Act, relating to unemployment insurance and the election to become subject thereto.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "thereto", and insert "hereto".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1113—An act to amend Section 64 of the Unemployment Insurance Act, relating to overpayments to benefit claimants.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, line 11, of the printed bill, strike out "depositary", and insert "depository".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1128—An act to repeal Section 46 of and to add Section 46 to the Unemployment Insurance Act, relating to priorities in insolvency proceedings.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "age-earner", and insert "wage-earner".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1136—An act to amend Sections 75, 90, 81 and 89 of the Unemployment Insurance Act, relating to unemployment insurance and the administration of said act.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, line 19, of the printed bill, strike out "this", and insert "its".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1137—An act to amend Sections 66, 70, 71 and 72 of the Unemployment Insurance Act, relating to unemployment insurance and proceedings on disputed claims.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 2, line 8, of the printed bill, strike out "isue", and insert "issue".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 35—An act to amend Section 4133 of the Political Code, relating to certificates of sale.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 702—An act to amend Sections 47, 936, 953d, 956a, 1034, 1178, and 1199, and to repeal Sections 648, 649, 650, 651, 653, 939, 940, 950, 951, 952, 953, 953a, 953b, 953c, 954 and 954a, of the Code of Civil Procedure; to amend Sections 1176, 1235, 1239, 1243, 1246, 1248, and 1252, and to repeal Sections 1241, 1249 and 1264, of the Penal Code; and to amend Sections 1232 and 1233 of the Probate Code, relating to appeals.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 554—An act to add Section 652 to the Penal Code, relating to offers of rewards for the apprehension or capture of persons.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 302—An act to amend Section 600 of the Probate Code, relating to the filing of the inventory and appraisement.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 71—An act to amend Section 1161 of the Civil Code, relating to the recordation of instruments.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 20, of the printed bill, after "agreement," insert "agreement for lease,".

Amendment No. 2

On page 1, lines 20 and 21, of said bill, strike out "affidavit", and insert "lease".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 503—An act to amend Section 560 of the Vehicle Code, relating to pedestrians' rights of way at crosswalks and to the punishment for violations thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, lines 19 and 20, of the printed bill, after "imprisonment", strike out the period.

Amendment No. 2

On page 1, line 20, of said bill, after "ment", insert "; provided, however, that this section shall not be construed as repealing, amending or modifying Sections 192 or 193 of the Penal Code."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 491—An act to amend Sections 2700 and 3323 of the Penal Code, relating to the employment of prisoners.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 8, of the printed bill, after "prisoner", insert ", who is engaged in productive work in any State prison or institution under the jurisdiction of the Department of Corrections as a part of the prison work program,".

Amendment No. 2

On page 1 of the printed bill, after line 26, insert

"Nothing in this section or in Section 3323 of this code is intended to restore, in whole or in part, the civil rights of any prisoner. No prisoner compensated under this section or Section 3323 shall be considered as an employee or to be employed by the State or the Department of Corrections, nor shall any such prisoner come within any of the provisions of the Workmen's Compensation Insurance and Safety Act of 1917, now codified as Division IV and Division V of the Labor Code, or be entitled to any benefits thereunder whether on behalf of himself or of any other person."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 143—An act to repeal Section 1183.5 of, and to add Section 1183.5 to, the Civil Code, relating to the proof or acknowledgment of instruments and the administering of oaths or affirmations, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committe on Judiciary:

Amendment No. 1

In line 2 of the title of the printed bill, after "Code," insert "and to add Section 2024.5 to the Code of Civil Procedure,".

Amendment No. 2

In line 3 of the title of said bill, strike out "and", and insert a comma.

Amendment No. 3

In line 4 of the title of said bill, after "tions", insert "by, and the taking of depositions of, persons in the military services".

Amendment No. 4

On page 2 of said bill, between lines 24 and 25, insert
"SEC. 3. Section 2024.5 is added to the Code of Civil Procedure to read:
2024.5. The deposition of a witness who is serving in or with the armed forces of the United States, whether within or without this State, may be taken before any of the officers enumerated in Section 1183.5 of the Civil Code."

Amendment No. 5

On page 2, line 25, of said bill, strike out "Sec. 3", and insert
"SEC. 4".

Amendments read and adopted.
Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 504—An act to amend Section 193 of the Penal Code, relating to punishment of manslaughter.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 9, of the printed bill, strike out "recommend" before the word "by".

Amendment No. 2

On page 1, line 9, of said bill, after "verdict", and before "whether", insert "specify".

Amendments read and adopted.
Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 72—An act to add Section 541.1 to the Probate Code and to amend Section 51 of the Bank Act, relating to the deposit of money or securities of decedents.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 26, of the printed bill, after "money", insert "or securities."

Amendment No. 2

On page 2, line 3, of the printed bill, after "moneys", insert "or securities."

Amendments read and adopted.
Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 696—An act to amend Section 3065 of the Civil Code, providing for liens on logs, lumber and other timber products

by persons who by their own labor, or by using their livestock, machinery or appliances, or both, assist in felling, preparing, or transporting logs or in manufacturing lumber or other timber products from such logs, providing for means by which the owner of such logs and products manufactured therefrom may protect himself by a contractor's bond against any liens in excess of the contract price agreed upon between the said owner and any contractor and making such liens prior to all other liens, claims or encumbrances, except the landowner's claim for a reasonable stumpage in cases where the landowner himself is not the direct employer or contractor, as the case may be.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 3 of the printed bill, strike out lines 30 to 36, inclusive.

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 266—An act to amend Section 986.5 of the Military and Veterans Code, relating to farm and home aid for veterans.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 267—An act to amend Section 691 of the Military and Veterans Code, relating to the Veterans' Welfare Board.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 379—An act to amend Section 891 of the Military and Veterans Code, relating to educational assistance to veterans' dependents, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 117—An act to amend Section 6031 of the Business and Professions Code, relating to attorneys.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 366—An act to add Section 10177.5 to the Business and Professions Code, relating to suspension or revocation of licenses of real estate licensees.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 116—An act to add Section 6049.1 to the Business and Professions Code, relating to attorneys.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 5, of the printed bill, after "record" insert ", or any body authorized by law or by rule of court to conduct disciplinary proceedings against attorneys,".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 115—An act to add Article 3.5, comprising Sections 18661 to 18663, inclusive, to Chapter 5 of Division 9 of the Education Code, relating to the sale or lease of real property belonging to school districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 959—An act to repeal Chapter 1127 of the Statutes of 1943; to repeal Section 13842.1 of the Education Code and to amend Section 13842 of said code, all relating to the salaries of persons employed by school districts in positions requiring certification qualifications.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 2 of the printed bill, strike out lines 15 to 17, both inclusive.

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 513—An act to amend Section 2957 of the Civil Code, relating to mortgages of personal property.

Bill read second time, and ordered to third reading.

Assembly Bill No. 575—An act to add Section 19a to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to emergency employees in municipal courts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 482—An act to amend Sections 595 and 1054 of the Code of Civil Procedure, relating to extensions of time and continuances in any civil or criminal action or proceeding in a court, or in any administrative proceeding before a State board, commission or officer.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 50, of the printed bill, as amended, strike out ", which application to", and strike out lines 51 and 52.

Amendment No. 2

On page 3, line 1, of said bill, strike out "of intention to move to vacate a judgment,".

Amendment No. 3

On page 3, line 8, of said bill, strike out "except that if such application is to"; strike out lines 9 to 13, inclusive; and in line 14, strike out "herein provided".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 233—An act to amend Section 10505 of the Business and Professions Code, relating to persons exempt from the provisions regulating mineral, oil and gas brokers and salesmen.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 12, of the printed bill, after "oil", insert "or gas".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1225—An act to amend Section 3056 of the Business and Professions Code, relating to admission to practice optometry.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 837—An act to add Section 433.4 to the Political Code and to add Section 12423 to the Government Code, relating to the duties of the Controller.

Bill read third time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 1, of the printed bill, as amended, strike out, "of the Political Code is amended", and insert "is added to the Political Code".

Amendment No. 2

On page 2, line 4, of said bill, strike out "government code", and insert "Government Code".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

MOTION TO PRINT REPORT

Senator Rich moved that the Report of the Joint Legislative Budget Committee be printed in the Journal of Monday, March 19, 1945.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, March 15, 1945

MR. PRESIDENT: Your Committee on Military and Veterans' Affairs, to which was referred:

Senate Joint Resolution No. 11

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 9.

QUINN, Chairman

Above reported resolution ordered to third reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 394
Senate Bill No. 593

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 391
Senate Bill No. 392
Senate Bill No. 400
Senate Bill No. 656

And reports the same correctly engrossed.

SEAWELL, Chairman

ADJOURNMENT

At 12.20 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., Monday, March 19, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

TWENTY-SEVENTH LEGISLATIVE DAY
SEVENTY-FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Monday, March 19, 1945

The Senate met at 2 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Dilworth, on motion of Senator Seawell, due to death in family.

Senator Shelley, on motion of Senator Seawell, account of legislative business.

Senator Burns, on motion of Senator Tenney, account of legislative business.

Senator Powers, on motion of Senator DeLap, account of legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Francis Ireland of Los Angeles.

On request of Senator Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Paul Raymond Snow.

Pharmacist 2/c, U.S.N., Hospital Det. Serv., Unit 5, home address: 13 Western Ave., Biddeford, Maine. This is his first trip to the Mainland after spending four years in the Pacific Area.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sgt. Chester F. Mixter, U. S. Army.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Tom Whelan, District Attorney, of San Diego; and Eugene Allen, Deputy District Attorney, of San Diego.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rex C. Goodcell of Los Angeles.

On request of Senators Dorsey and Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Peter Ohanneson, City Attorney, Shafter, Kern County, California.

On request of Senators Dillinger and Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. John Dunlap, Chaplain of Folsom Prison; and Rev. Harry C. Warwick, Chaplain of San Quentin.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Anna Jissler, and Mr. Ralph Winston.

COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

OAKLAND, CALIFORNIA, March 19, 1945

Honorable State Senate
State Capitol, Sacramento, California

HONORABLE SENATORS: Enclosed please find a petition which is signed by citizens and voters of the State of California. This petition contains the wishes of the signers and we all would appreciate very highly if your honorable body would give this petition your worthy consideration.

We know that you will realize that this is a vital matter and a social problem, considering the great unemployment which will follow when this present war is over.

The signers of this petition think that it is vitally more important to reduce the present age limit to receive State old age pension from 65 years, down to 60 years of age, than to encrease the amount of old age pension from $50 to $60 per month.

The important object is to reach and cover more people in the higher age bracket for the State old age pension, so we will be more successful in reducing the unemployment.

The old age pension will be less costly to the State of California, than providing these senior citizens with State relief, or W.P.A. It is also more respectable and comes closer to American democracy.

There are 900 signatures on these petitions, from different cities of the State of California. From Oakland, Berkeley, Alameda, San Francisco, Los Angeles, San Diego and many other cities.

The same kind of petition, with additional 900 signatures more, was also sent to the Honorable State Assembly of California, for their worthy consideration.

I had the honor and privilege to get these sigatures with the approval and the endorsement of the Building and Construction Trades Council, as well as from the Central Labor Council, both of Alameda County.

I have done this work voluntarily because I believe in a democratic way to solve the unemployment problem. I could get many thousand more signatures if I had the time, but did this in my spare time.

In the name of all these signers, I take the privilege as a citizen and voter of the State of California to send these petitions to your honorable body, and we trust and hope that your honorable body, will give this vital matter, your earnest and sincere consideration.

I am very respectfully and sincerely yours,

PHILIP ICKLER

Communication read.

FILING OF PETITIONS

The petitions that were transmitted with the above communication were ordered filed with the Secretary of the Senate.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 15
Senate Concurrent Resolution No. 36.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 33
Assembly Joint Resolution No. 11

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Joint Resolution No. 11—Relative to memorializing the Congress of the United States to give job preference to returning veterans on all public works.

Referred to Committee on Military and Veterans Affairs.

Assembly Concurrent Resolution No. 33—In memory of Charles W. Paine.

Request for Unanimous Consent

Senator Desmond asked for, and was granted unanimous consent to take up Assembly Concurrent Resolution No. 33, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 33

Assembly Concurrent Resolution No. 33—In memory of Charles W. Paine.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 477
Assembly Bill No. 524
Assembly Bill No. 525
Assembly Bill No. 561
Assembly Bill No. 820
Assembly Bill No. 821
Assembly Bill No. 822
Assembly Bill No. 548
Assembly Bill No. 855
Assembly Bill No. 856
Assembly Bill No. 859
Assembly Bill No. 860
Assembly Bill No. 861
Assembly Bill No. 863
Assembly Bill No. 1073
Assembly Bill No. 1074
Assembly Bill No. 1075
Assembly Bill No. 1076
Assembly Bill No. 1078
Assembly Bill No. 1079
Assembly Bill No. 1080
Assembly Bill No. 1081
Assembly Bill No. 1158
Assembly Bill No. 1809
Assembly Bill No. 1803

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 477—An act to amend the heading of Article 5, Chapter 2, Part 1, Division 2 of, and Sections 660, 661, 662, 663, 664, 665, 666, 667, 669, 671, and 672 of, the Welfare and Institutions Code, relating to detention homes for juveniles, and providing that such homes shall be known as "juvenile halls."

Referred to Committee on Social Welfare.

Assembly Bill No. 524—An act to amend Section 790.5 of the Agricultural Code, relating to emergency standards.

Referred to Committee on Agriculture.

Assembly Bill No. 525—An act to amend Section 787.5 of the Agricultural Code, relating to fruit and vegetable containers.

Referred to Committee on Agriculture.

Assembly Bill No. 561—An act to amend Section 35 of the Agricultural Code, relating to temporary provisions, conditions, standards or prices.

Referred to Committee on Agriculture.

Assembly Bill No. 820—An act to amend Sections 10202 and 10210 of the Insurance Code, relating to group life insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 821—An act to add Section 10202.7 to, and to amend Section 10270.5 of, the Insurance Code, relating to group life and disability insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 822—An act to add Section 10203.4 to, and to amend Section 10209 of, the Insurance Code, relating to group life insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 548—An act to amend Section 221 and to repeal Sections 234.25, 234.5, 240.5, 249, 250, and 251, respectively, of the Agricultural Code, relating to bovine tuberculosis.

Referred to Committee on Agriculture.

Assembly Bill No. 855—An act to add Section 7.1 to the Industrial Loan Act, relating to the establishment and maintenance of reserves.

Referred to Committee on Financial Institutions.

Assembly Bill No. 856—An act to amend Section 3 of the Industrial Loan Act, relating to minimum capital stock and paid in surplus or reserve.

Referred to Committee on Financial Institutions.

Assembly Bill No. 859—An act to add Section 22.1 to the Industrial Loan Act, relating to loans to officers, directors and others.

Referred to Committee on Financial Institutions.

Assembly Bill No. 860—An act to amend Section 4 of the Industrial Loan Act, relating to the establishment of offices and places of business.

Referred to Committee on Financial Institutions.

Assembly Bill No. 861—An act to add Section 21.1 to the Personal Property Brokers Act as revised by Chapters 952 and 1044 of the Statutes of 1939, relating to desist and refrain orders.

Referred to Committee on Financial Institutions.

Assembly Bill No. 863—An act to add Section 20.1 to the California Small Loan Act, Chapters 953 and 1045 of the Statutes of 1939, relating to desist and refrain orders.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1073—An act to amend Section 92.1 of the Agricultural Code, relating to the basis of allocation of State money to county, district or combined county and district fairs.

Referred to Committee on Agriculture.

Assembly Bill No. 1074—An act to amend Section 86 of the Agricultural Code, relating to the property of district agricultural associations.

Referred to Committee on Agriculture.

Assembly Bill No. 1075—An act to amend Section 19626 of the Business and Professions Code, Section 88 of the Agricultural Code, and Section 4041i of the Political Code, relating to the allocation and disposition of moneys in the Fair and Exposition Fund.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1076—An act to reappropriate the unallocated balance in the Fair and Exposition Fund appropriated for permanent improvements for fair purposes.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1078—An act to add Section 92.4 to the Agricultural Code, relating to agricultural fairs.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1079—An act to amend Section 19622 and to repeal Section 19626.5 of the Business and Professions Code, relating to appropriations from the Fair and Exposition Fund.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1080—An act making an appropriation for the encouragement of agricultural fairs.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1081—An act to add Section 92.5 to the Agricultural Code, relating to adjustment of apportionments to district and county fairs from the Fair and Exposition Fund.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1158—An act to amend Section 15a of and to add Section 15b to the Industrial Loan Act, relating to costs of examinations and supervision.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1809—An act relating to transient minors and providing for their housing and their return to their home communities.

Referred to Committee on Social Welfare.

Assembly Bill No. 1803—An act to amend Section 890 of the Military and Veterans Code, relating to veterans' dependents.

Referred to Committee on Military and Veterans Affairs.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 868

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 868—An act to amend Section 21 of the Corporate Securities Act, relating to the salary of the Commissioner of Corporations.

Referred to Committee on Governmental Efficiency.

REPORT ORDERED PRINTED IN JOURNAL

Pursuant to the motion by Senator Rich, made on March 16, 1945, the following Report of the Legislative Budget Committee was ordered printed in the Journal of this date:

REPORT OF THE JOINT LEGISLATIVE BUDGET COMMITTEE TO THE HONORABLE FREDERICK F. HOUSER, PRESIDENT, AND TO THE MEMBERS OF THE SENATE AND TO THE HONORABLE CHARLES W. LYON, SPEAKER, AND TO THE MEMBERS OF THE ASSEMBLY OF THE STATE OF CALIFORNIA

Introduction

Inasmuch as the Fifty-sixth Session of the California Legislature has a number of new members who have not had an opportunity to become fully familiar with the purpose and work of the Joint Legislative Budget Committee, we will review the establishment and operations of the committee from its inception. In this way we believe the policies and procedure that have been established by the committee will be made clear. The aims and accomplishments can be then readily evaluated.

Underlying Reasons for Establishment of an Agency to Assist Legislature

The foreword of the first report of the Budget Committee, issued January 4, 1943, and published in the Senate Journal of January 30, 1943, gives the reasons for establishing the Legislative Budget Committee and the employment of a Legislative Auditor so we quote from it herewith.

> "The ever-increasing Biennial Budgets and the consequent increase in budgeting and appropriation problems to be considered by the Legislature in each succeeding session increased the burdens of the Legislative Committees dealing with these subjects. The total Budget for the Eighty-third and Eighty-fourth Fiscal Years, 1931-1933, the first time the State Budget included all expenditures for the biennium, amounted to $265,345,955. Ten years later, the Governor's Budget for the Ninety-third and Ninety-fourth Fiscal Years, 1941-1943, totaled $552,570,135, an increase of $287,244,180 in 10 years, or more than 108 per cent.

Comparative Statement of Increase of the Budget and Population of the State of California and Per Capita Cost for Biennial Budget 1931-33 and 1941-43

	State Population	*Total State Budget*	*Per Capita*
1941-1943	7,070,000	$552,570,000	$78.157
1931-1933	5,812,000	265,346,000	45.654
Increase	1,258,000	287,224,400	-----
Per cent increase	÷21.6%	÷108.24%*	-----

It should be noted that this is a comparison of the Biennial Budget requests of the Governor and not a comparison of actual expenditures. The actual cost of government varies somewhat from the Budget requests due to changes in the Budgets, special appropriation bills and variations in fixed charges. The comparison, however, is valid for the reason that it does express for both periods the Governor's Budget as presented under constitutional requirements.

The comparison for the 10-year period 1931-1933—1941-1943 is made for the following reasons: First of all, this was the last biennium for which a Budget was available. Secondly, 1931-1933 was the first year

* In one respect the 1931-1933 Budget is more complete than 1941-1943 in that it contains expenditures from Federal funds which the latter omits. If these were in the percentage increase would be considerably larger.

in which an absolutely complete Budget with all items was presented, and is the first year in which the modernized Budget document in the larger size was initiated.

A comparison of the Budget document itself is very interesting, for the 1931-1933 Document contains 360 pages, as compared with the 848 pages in the 1941-1943. In other words, the document itself for 1941-1943 is approximately 108 per cent larger in every way than the one of 10 years previous.

The striking significance is that while the population of the State of California increased 21.6 per cent in the period 1931-1933 to 1941-1943, the Governor's budget increased 108 per cent. The per capita cost for State Government in 1931-1933 for the biennium was $45.65, while in 1941-1943 it had risen to $78.15. It is true that new services were added to the State Government and larger amounts were allocated to county, city and school districts; however, the ever-expanding established departments and bureaus of government and the increase in services accounted for a very large proportion of the increase. A considerable amount of the increase did occur in the way of State relief for unemployed. This item, however, was entirely eliminated by the Legislature in 1941 but other expenditures took up most of the saving.

This is a demonstration that eternal vigilance is necessary to prevent an ever-increasing expansion program far in excess of the growth in population. The danger at the present time is even more imminent than it was during this 10-year period, 1931 to 1941, for during this entire period a large State deficit existed. At the present time, this deficit has been eliminated and a substantial surplus exists. This surplus will increase to startling proportions by the close of the next biennium, June 30, 1945, unless war activities diminish or some unforeseen Federal law or ruling cuts off the flow of taxes into the treasury. With this increase in the surplus comes the temptation to expand expenditures and to take on new functions of government.

A large degree of caution and careful consideration of appropriations is necessary if laxity born of the surplus does not allow an increase in the cost of State Government which will get out of hand and obligations may be contracted and services of government established which can not be met when the present condition of war prosperity begins to recede. If government is expanded beyond normal needs, and the surplus consumed, there will be no backlog or reserve available to continue to carry on an expansion in governmental services made during this period, and there will be insufficient funds to assist in tiding over a period of declining revenues and declining ability of the taxpayer to support the cost of government. The present upswing in revenue is a wartime prosperity. It can disappear as rapidly as it arose. In no sense should it be considered as more than a windfall. No permanent expansion in government should be based on it, for herein lies a pitfall of increased costs of government which will go on when prosperity declines and revenues fall off so we may have economic distress, unemployment, falling revenues and mounting taxes to meet even normal government costs.

It is self-evident that sane planning should be made effective now so as to hold down the increasing cost of government and to assure that we do not go beyond a standard that can be carried during normal times

and a condition of reduced prosperity and reduced taxes. This planning should also make sure that the condition which will exist is realized and means are taken now to provide for housing facilities for the State which are not being met at the present time, and depreciation and obsolescence which are accumulating during the period of the suspension of capital outlay. By proper planning this accumulated building need can well be coordinated to assist in meeting reduced economic conditions and possible widespread unemployment. This can not be done if governmental expenditures are expanded so as to take up the fortunate but short term increase in revenue at this time and if any considerable portion of the surplus is consumed.

In addition to presenting the largest Budget in the history of the State, Governor Olson, in his first Budget for the years 1939-41, recommended new taxes and the transfer of revenue in the total sum of $63,900,000. In his message of January, 1940, he reiterated that the taxes recommended in 1939 were still necessary to balance the Budget and wipe out the State deficit. The Legislature did not see fit to approve these new taxes. On January 29, 1940, the Governor, in his message to the special session of the Legislature, again recommended that $50,000,000 in new taxes be raised in the next 17 months to balance the Budget. Again the Legislature differed with the Governor and imposed no new taxes.

On top of the problem of the mounting Budget and the constant threat of increased taxes the deficit continued and grew until the upsurge of war industries in California increased revenues, so that with the legislative economy program the deficit was eliminated and a small surplus existed by the close of the Fiscal Year June 30, 1942. This continuing condition of a mounting deficit for the past decade produced the determination on the part of the Legislature to hold down expenditures.

The financial problem for the decade was further complicated by widespread unemployment and the demand for relief. The Governor, in his message of January, 1939, in discussing relief, stated that it would require $100,000,000 per biemmium for this item alone. The Legislature disagreed with the Governor and met his Budget request for $73,600,000 for this item by appropriating in the regular session only $35,525,000.

The conflict between the Legislature and the Governor over relief, with the resultant investigation by legislative committees and the disclosure of corruption, inefficiency, waste and maladministration, is well known. The Legislature was called into several extraordinary sessions and finally in two additional appropriations, one of $13,800,000 and the other of $24,347,091, the Legislature did appropriate slightly more than the amount requested in the Governor's budget for relief but a sum far less than the supplemental requests of the Governor.

The investigation on the part of the Legislature continued, and when the Governor, in his next Budget, asked for $38,706,295 for relief, the Legislature eliminated this item entirely, continuing only the Surplus Food Commodity Distribution and the Food Stamp Plan, making a net reduction for relief alone of $34,916,295.

The Legislature also subjected the Governor's Budget for 1941-43 to close scrutiny, reducing other controllable expenditures by $5,582,798.

It is true that special appropriation bills were passed, totaling $10,192,-254, but the net reduction in the Budget exceeded $30,000,000. Subsequent operation of the State demonstrated the soundness of the legislative action.

The head-on conflict between the Governor and the Legislature, particularly over the relief administration and the spending for this activity and other appropriation matters and the ever increasing size of the expenditures program of the State for general purposes of government, clearly placed upon the Legislature and its Finance Committees a very large burden.

It became increasingly plain that the Legislature needed some instrumentality whereby it could secure its own information, free from the control and influence of the Administration. It appeared desirable to have a continuing flow of such information so that the Legislature would have facts and information in which it had confidence on the operation of the State Governor as respects not only its efficiency and organization but also as to how the will of the people and the will of the Legislature is carried into execution.

The presentation of the Final Report of the Committee on State Organization, commonly known as the Report of the Committee of 25, presented to the 1941 Legislature, likewise indicated that a reorganization and regrouping of the State administration would produce greater efficiency and desirable economies.

The repeated instances of expanding the State pay roll and the making of jobs through establishing a large number of administrative assistants, coordinators, public relations men, and other political jobs, which in some instances were contrary to the expressed will of the Legislature, indicated the desirability of the Legislature's keeping informed as respects the Administration and particularly the reorganization of the various departments of the State. The expansion of old services of government and the establishment of absolutely new services by the several departments and agencies of the State during legislative interims without any approval of the Legislature and in some instances without the Legislature's making any specific appropriations for such new service, gave a further reason for having a representative of the Legislature continuously on the job to observe these matters. Information as to how requests for such services become a regular budget request at a succeeding biennium will be very valuable to the law makers passing on such budget requests.

These conditions not only resulted in numerous conflicts between the Governor and the Legislature, but in addition caused a long delay in making effective legislation. This was particularly true in regard to the consideration of the Governor's Budget and the Budget Bill making it effective, and other special appropriation bills. Legislative committee study and hearings on these matters became more and more extended and consequently the sessions became longer and longer. Even then with committees working diligently, the Legislature was not satisfied with the information it had on the fiscal and administrative affairs of the State upon which it had to base its judgment for the appropriation of many millions of dollars.

It was also evident in the conduct of the investigations made by the several legislative committees and subcommittees in relation to State

Budget and appropriations that a better procedure in securing information would not only save legislative time but would also secure more complete and definite information. The results that could be secured by someone trained in the manner of getting information and with skill in organizing procedure and with basic information concerning each State department would be far more efficient and effective than could be done by legislative committees without this service. It was also plain that a continuous program of operation by someone skilled in all these respects would yield far larger results and in a more economical way than by having each Legislature start anew, or practically so, with its committees considering State Administration and appropriations therefor.

The establishment of the Joint Legislative Budget Committee and the Legislative Auditor as an instrumentality for securing, informing, and correlating for the Legislature all of these matters finally culminated in Senate Concurrent Resolution No. 22, after the Governor had vetoed the Poulson Bill which provided for "a legislative audit of State business."

History of the Acts of the Legislature Establishing and Developing the Budget Committee and Office of Legislative Auditor

The Legislature created the Joint Legislative Budget Committee through the adoption of the following Senate Concurrent Resolution No. 22, Chapter 117, Statutes of 1941, amending the Joint Rules by adding Joint Rule No. 36. This is still the basis of the operations of the committee although certain changes have been made which will be given in sequence.

Senate Concurrent Resolution No. 2

(Senate Concurrent Resolution No. 22, Assembly Amendments concurred in June 6, 1941, Senate Journal June 6, 1941, page 2426; adopted in the Senate April 2, 1941, Senate Journal April 2, 1941, page 910; adopted in the Assembly June 5, 1941, Assembly Journal, June 5, 1941, page 3964.)

Chapter 117

Senate Concurrent Resolution No. 22—Amending the Joint Rules of the Senate and Assembly by adding Joint Rule No. 36, creating a Joint Legislative Budget Committee, defining its powers and duties, and making an appropriation out of the contingent funds therefor.

Resolved, by the Senate of the State of California, the Assembly thereof concurring, That a new rule, to be numbered 36, is hereby added to the Joint Rules of the Senate and Assembly, to read as follows:

36. In addition to any other committee provided for by these rules, there shall be a joint committee to be known and called the Legislative Budget Committee.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the State Budget, the revenues and expenditures of the State, and of the organization and functions of the State, its departments, subdivisions and agencies, with a view of reducing the cost of the State Government, and securing greater efficiency and economy.

The committee shall consist of five Members of the Senate and five Members of the Assembly. The Senate Members of the committee shall be the President pro tempore of the Senate and one Member each

from the Committees on Finance, Revenue and Taxation, Governmental Efficiency and Judiciary, selected by the respective committees. The Assembly Members of the committee shall consist of the Speaker and four other Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the expressed terms of any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The provisions of Joint Rule 35 above shall apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or in Article IV, Section 37, of the Constitution.

The committee shall have the authority to appoint a Legislative Auditor, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The members of the committee shall serve without compensation but shall be entitled to actual and necessary expenses including expenses for living accommodations and meals incurred in connection with their services on the committee, or in lieu of such expenses for accommodations and meals they shall be entitled to an allowance of eight dollars ($8) per day and travel expenses which shall be deemed to be five and one-half cents ($0.05½) per mile. The chairman of the committee shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman, and the Treasurer shall pay the same to the chairman of the committee to be disbursed by him.

Upon the organization of the Legislature at any succeeding session, all authority, powers, duties, papers and records, personnel or staff, and any unexpended balance in any funds appropriated for the use of the committee, shall be temporarily transferred to a pro tempore Legislative Budget Committee consisting of the Senate Committee on Rules and of the new Speaker and four other Members of the Assembly appointed by him, until the committee as hereinabove provided for is appointed or selected when all such authority, powers, duties, papers and records, personnel or staff and all funds available for the use of the committee shall revert to such committee; and be it further

Resolved, That a sum of forty thousand dollars ($40,000) is hereby appropriated from the Contingent Funds of the Senate and Assembly, to be expended equally from the Contingent Funds of the Senate and Assembly in carrying out the provisions of this resolution; and be it further

Resolved, That if there is created by statute a Legislative Audit Bureau, a Legislative Research Bureau, or other similar agency, under legislative control, charged with the duty of performing one or more of the functions given the Legislative Budget Committee by this resolution, the committee is hereby authorized and directed to avoid duplicating the work of such bureau or agency while the latter is in existence and functioning.

The committee was made up of five members of the Senate and five members of the Assembly. The Senate members designated were the President Pro Tempore and one member each from the committees on Finance, Revenue and Taxation, Governmental Efficiency and Judiciary, to be selected by the respective committees. The Assembly Members were to consist of the Speaker and four Members appointed by the Speaker. The membership of the original committee was as follows: Senator W. P. Rich, Jerrold L. Seawell, Arthur H. Breed, Jr., T. H. DeLap, Edward H. Tickle; Assemblymen George A. Clarke, Gordon H. Garland, Seth Millington, Norris Poulson, C. Don Field.

Duties of the Committee

The duty of the committee as stated in the resolution is to ascertain facts and make recommendations to the Legislature "concerning the State Budget, the revenues and expenditures of the State, its departments, subdivisions and agencies, with a view toward reducing the cost of the State Government and securing a greater efficiency and economy."

This committee was empowered to employ a Legislative Auditor and such technical staff as was necessary.

Organization of Committee and Employment of a Legislative Auditor

The Legislative Budget Committee met and was organized on October 4, 1941. Senator William P. Rich was elected chairman, Assemblyman Seth Millington vice chairman, and Assemblyman Norris Poulson, secretary. The committee employed Rolland A Vandegrift, former Director of Finance of the State of California and a research specialist in governmental organization and taxation for many years, as Legislative Auditor.

Mr. Vandegrift has been engaged in governmental research since 1922. He was the first Director of Research of the California Taxpayers' Association and subsequently head of Vandegrift Research Associates. He carried on governmental research activities in California, Utah and other of the Western States.

The Legislative Budget Committee feels that in Mr. Vandegrift it secured a person who is not only an expert in governmental finance and a trained research specialist in government, but one who also has had the actual experience of making two State Budgets and in functioning these Budgets as Director of Finance in 1931-34. Also, through his continuous contact with State Government subsequently, he is intimately familiar with the entire operations of the Government of the State. This training and experience, the committee felt, would make it possible for the Legislative Auditor to begin functioning immediately in conformity with the resolution establishing the committee and with the program of procedure outlined by the committee. The soundness of the committee's reasoning

was demonstrated by the effectiveness of the Legislative Budget Committee in relation to the appropriation bills before the First Extraordinary Session of the 1941 Legislature, and in dealing with the 1943-45 Budget and subsequent legislative appropriations and other legislative matters.

Authority to Subpena Witnesses and Records

The committee has ample authority to subpena witnesses and records, for the resolution creating it provided that the provisions of Legislative Joint Rule 35 shall apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or in Article IV, Section 37 of the Constitution.

While the committee believes that such authority is essential to guarantee full functioning of the committee, it is pleased to report that it has not found it necessary to issue a single subpena for either witnesses or records. It has been able through its staff to secure all essential information and assistance through cooperation and voluntary testimony. No doubt the power to subpena, although not used, was helpful in securing information.

Support of the Committee

The sum of forty thousand dollars ($40,000) was appropriated from the Contingent Fund of the Senate and the Assembly for carrying out the provisions of the resolution establishing the committees. An additional five thousand dollars ($5,000) was appropriated by the First Extraordinary Session of the 1941 Legislature to finance the special services rendered by the enlarged Budget Committee in relation to appropriation and legislation of the special session. See Assembly Concurrent Resolution No. 19 following on page 653.

Funds Economically Spent

The original funds appropriated were spent carefully and were sufficient to carry on the work of the committee, and partly due to the fact that technically trained research men were not available in the number desired, approximately eighteen thousand dollars ($18,000) of the original appropriation remained unspent at the convening of the Fifty-fifth Session of the Legislature. This large balance remained for the reason that the committee itself, constituted for the purposes of producing economy, endeavored to practice this principle in its own operations. This has been done in part by holding investment in equipment to the minimum and meetings to those essential to consider matters of importance.

With the exception of a typewriter and miscellaneous office supplies, all office equipment has been secured from the surplus stock of the liquidated State Relief Administration. Costly letterheads and other expensive printing have been eliminated, and other office costs strictly controlled.

In addition, as much information as possible has been secured from the State departments and agencies and also secured on a cooperative basis with governmental and private research organizations. This procedure has made it possible for the committee to secure a vast amount of detailed information at a minimum of expense. However, the committee must acknowledge that research investigations have not been carried on in as broad a scope or in as detailed a manner as is desirable or as would have

been accomplished had it been possible to secure and retain trained and experienced research people.

Financial Report to January 31, 1945

The Fifty-fifth Session of the Legislature by Senate Concurrent Resolution No. 21 appropriated an additional $40,000 for the use of the committee, making a total of $85,000 appropriated for its use to date. The following financial summary shows the income and expenditures to January 31, 1945.

FINANCIAL STATEMENT OF THE LEGISLATIVE BUDGET COMMITTEE

January 31, 1945

Appropriated by S. C. R. No. 22, Statutes of 1941	$40,000 00
Appropriated by A. C. R. No. 19, First Extra Session of the Fifty-fourth Legislature	5,000 00
Appropriated by S. C. R. No. 21, Statutes of 1943	40,000 00
Appropriated	$85,000 00
Total expenditures to January 31, 1945	70,598 41
Balance on hand, January 31, 1945	$14,401 59

Three or four months prior to the convening of the Legislature, while concentrating on the Budget and during the Legislative sessions while working on the Budget, appropriation bills and other economy measures, the staff is built up to an average monthly pay roll of about $3,500. At other times an average $2,500 to $3,000 per month will carry a permanent staff of research assistants, auditors, investigators, secretaries and other technical help.

Term and Succession of the Committee

The Legislative Budget Committee as created by the 1941 Legislature, existed only until the succeeding Legislature came into being.

The succession of the Budget Committee was provided in the resolution creating it in the following words: "Upon the organization of the Legislature at any succeeding session, all authority, powers, duties, papers and records, personnel or staff, and any unexpended balance in any funds appropriated for the use of the committee shall be temporarily transferred to a pro tempore Legislative Budget Committee consisting of the Senate Committee on Rules and of the new Speaker and four Members of the Assembly appointed by him, until the committee as hereinabove provided for is appointed or selected when all such funds available for the use of the committee shall revert to such committee."

According to this provision of the resolution, it was foreseen that the work of the Legislative Budget Committee, by its very nature, must be coordinated with the executive budget, to which it has been largely directed and which has been the purpose of a large part of its study and operation. While large values have been derived continuously through its functioning and while many of these have been translated effectively into the two biennial budget documents, additional dividends consistent with the purposes of the committee will be made avaliable in subsequent reports dealing directly with the budget, special appropriations and administrative reorganizations.

Succession Provided

The succession of the Budget Committee was further clarified and strengthened by further amendment of Joint Rule No. 36 by the Fifty-fifth Session of the Legislature in January 1943. This was provided in Senate Concurrent Resolution No. 21 in the following terms:

Senate Concurrent Resolution No. 21—Amending and Supplementing Joint Rule 36 and Senate Concurrent Resolution No. 4 relative to the Legislative Budget Committee.

Resolved by the Senate of the State of California, the Assembly thereof concurring:

First—Joint Rule 36 is amended by striking out the last paragraph thereof (which paragraph begins with the words "Upon the organization" and ends with the words "such committee"), inserting in lieu thereof the following:

"On and after the commencement of a succeeding regular session those members of the committee who continue to be members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel and staff, and all funds theretofore made available for its use."

Second—Senate Concurrent Resolution No. 4 is amended as follows:

At the end of the text of Joint Rule 36 strike out the semicolon and the words "and be it further:" also strike out the last two paragraphs of said resolution (which begin with the words "Resolved, That a sum" and end with the words "in existence and functioning").

Third—The Legislative Budget Committee mentioned in said Joint Rule 36 is a continuation of the committee created by Senate Concurrent Resolution No. 22 adopted at the Fifty-fourth Session, with all of the powers, duties, authority, records, papers, personnel and staff, and the unexpended remainder of all funds made available for the use of the Legislative Budget Committee by said Senate Concurrent Resolution No. 22.

Fourth—The sum of forty thousand dollars ($40,000) is hereby appropriated from the Contingent Funds of the Senate and Assembly for payment of any and all expenses incurred by the Legislative Budget Committee or its members pursuant to and under authority of the provisions of Joint Rule 36, to be expended equally from the contingent funds of the Senate and Assembly.

Legislative Budget Committee and Legislative Auditor—A Departure in Legislative Procedure

The establishment of a permanent Legislative Budget Committee and the employment of a Legislative Auditor with the broad powers set forth in Senate Concurrent Resolution No. 22, establishing Joint Rule No. 36, is an innovation in California legislative procedure.

This is the culmination of the desire of the Legislature, which has been proposed in several previous sessions since 1931 to provide a legislative organization responsible to the Legislature alone to carry on a continuous program of research, analysis, and observation of governmental administration, for the purpose of securing for legislative consideration all necessary facts on the administration and the cost of State Government.

The proposal to create a fact-finding bureau for the Legislature and responsible solely to that body has taken many forms. Bills have been presented for a Legislative Audit Bureau, a Legislative Research Bureau, a Bureau of Administrative Research and other similar agencies under legislative control, but none of these resulted in a statutory creation. The nearest approach to this procedure in recent years was the Poulson Bill of 1941. This provided for an independent postaudit of the several departments of the State by an officer responsible to the Legislature, but was vetoed by Governor Olson.

Other States Have Similar Organizations

Only one other state, Utah, has an organization like the California Legislative Budget Committee. This was copied in its entirety, resolution rule and all from the California pioneer agency.

Some of the other States of the Union have organizations somewhat similar to the Legislative Budget Committee with its Legislative Auditor. Most of these are permanent organizations. They have as their principal duty the providing of facts for the Legislature on the cost of government for the use of the Legislature in its deliberations, particularly in regard to budgetary appropriations, special appropriation bills and governmental reorganization. Many of them have their legislative independence limited by executive participation in one form or another.

Underlying Reasons for the Creation of a Budget Committee and Establishment of a Legislative Auditor

Succeeding Legislatures for years have felt they were handicapped because of lack of information, particularly so in considering State appropriations and the Governor's Budget. This arose from the fact that the Legislatures did not have reliable information and facts free from bias and prejudice and political considerations upon which it could base its decisions and its legislation.

The Governor's Budget—A Constitutional Requirement

The Executive Budget, prepared in accordance with the provisions of Section 34, Article IV, of the State Constitution, expresses the Chief Executive's view and conclusions. The authorization of the Executive Budget is set forth in Section 34, Article IV, of the Constitution in the following terms:

> "The Governor shall, within the first 30 days of each regular session of the Legislature and prior to its recess, submit to the Legislature, with an explanatory message, a budget containing a complete plan and itemized statement of all proposed expenditures of the State provided by existing law or recommended by him, and of all its institutions, departments, boards, bureaus, commissions, officers, employees and other agencies, and of all estimated revenues, for each fiscal year of the ensuing biennial period; together with a comparison, as to each item of revenues and expenditures, with the actual revenues and expenditures for the first fiscal year of the existing biennial period and the actual and estimated revenues and expenditures for the second fiscal year thereof. If the proposed expenditures for the ensuing biennial period shall exceed the estimated revenues therefor, the Governor shall recommend the sources from which the additional revenue shall be provided."

The Governor and Governor-elect, moreover, have the power to secure information and assistance in the preparation of their budget, thereby giving them a means of securing the facts which are not open to the

Legislature. The authority for this as set forth in Section 34, Article IV, of the Constitution, is provided in the following words:

> "The Governor, and also the Governor-elect, shall have the power to require any institution, department, board, bureau, commission, officer, employee or other agency to furnish him with any information which he may deem necessary in connection with the budget or to assist him in its preparation."

If the Chief Executive has a political policy requiring appropriations, he can include these in the Budget. This has been true of every Executive Budget since the first one made by Governor Richardson in 1923. If he favors one program as opposed to another, he can enlarge the expenditures in the Budget for this while he can curtail those functions of government which he does not favor. There is little opportunity for the departments concerned to make their voice felt unless they can go directly to the Legislature. This is frequently very difficult to do, and even if it is done the weight of the Chief Executive and the Department of Finance, which exercises control over State spending, will be found in opposition.

The administration has a trained Budget staff and a large auditing force in the Department of Finance working continuously on the Budget, fiscal year budgets, control of expenditures and the auditing thereof. These men are available to prepare and present the Governor's program. These experts and technicians are continuously and readily available at the call of the Governor. Experience has shown that even these employees with full civil service protection bow to the will and desires of the Governor and his Director of Finance under whom they must work.

Legislature Handicapped in Considering Budget Appropriations

The Legislature, on the other hand, has a more limited opportunity to secure facts in relation to the Budget and appropriations as are recommended by the Governor and as appear in special appropriation bills. Previously to the establishment of the Joint Budget Committee and the employment of a Legislative Auditor they resorted to special investigating committees. The authority of the Legislature to secure such facts as provided in the Constitution is found in Section 37, Article IV, in the following terms:

> "In order to expedite the work of the Legislature, either house of the Legislature may by resolution provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control, and joint committees for such purposes, consisting of members of both houses, may be created by concurrent resolutions.
>
> The resolution creating any such committee may authorize it to act either during sessions of the Legislature or after final adjournment. Any such committee shall have such powers and perform such duties as may be provided by the resolution creating it and in addition shall have such powers and perform such duties as may be provided by law or by the rules of the Legislature or either house thereof."

In previous years, in compliance with this section of the Constitution, succeeding Legislatures have appointed committees to ascertain facts in relation to State appropriations, administration and expenditures.

One very fruitful committee of this kind was Senate Fact-Finding Committee of the Fiftieth Session (1933) headed by Senator David F. Bush, and whose report is commonly known as the Bush Fact-Finding Report. Many other committees have from time to time functioned as interim committees or during the sessions of the Legislature. Frequently, however, the matter of analysis of the Budget and the passing thereon has been left to the Finance Committee in the Senate and the Ways and Means Committee in the Assembly. Generally, but not always, the respective chairmen of these committees, out of courtesy, have been selected either with the approval and full knowledge of the Governor, or at least with his tacit approval.

These committees, dealing with the Executive Budget and the Budget Appropriation Bill and special appropriations, generally have been divided into subcommittees for the consideration of specific parts of the Budget or specific appropriation bills. These subcommittees have done yeoman service and, in some instances, particularly meritorious work under great handicaps and with the too limited time available to cover thoroughly the matters under consideration.

Technical Assistance Needed

For a long time many members of the Legislature have felt the need of the Legislature having its own employee responsible to itself, constantly on the job securing information on State expenditures, the functioning of State Government, reviewing each and every department's operation with the purpose of presenting the facts to the Legislature and making suggestions for consolidation of activities, elimination of duplications, and the establishment of greater efficiency; and with the over-all purpose of having immediately available essential facts upon which to base legislation, particularly in respect to appropriations. It has been generally felt in the Legislature that a Legislative Research Bureau or a Legislative Auditor or some similar office of the Legislature should provide the facts of governmental administration and the cost thereof for the Legislature on an unbiased, nonpartisan basis in a similar fashion to that of the Legislative Counsel in its rendering of legal opinions and drafting of bills for the Legislature, its committees and individual members.

Meetings of Budget Committee

It was the intention of the resolution creating the committee that the Legislative Budget Committee should meet from time to time between sessions and during the sessions to consider matters within its jurisdiction and to review reports of the Legislative Auditor and to consider such bills and proposals as were referred to it or fall within its purview. The first regular committee held five meetings, most of them two-day sessions, all of them held at the Capitol. The enlarged committee, existing during the Extraordinary Session of the 1941 Legislature, held seven meetings. Besides this, several subcommittees held a number of meetings in Sacramento, Los Angeles, San Francisco and Oakland on subventions to counties and cities, fire disaster plan, and civilian defense.

Effectiveness of Legislative Budget Committee Demonstrated

The committee established a procedure and method of operation that demonstrated its effectiveness during the Extraordinary Session of the 1941 Legislature, and its observation and checking of the expenditures of the several State departments resulting in a series of economy recommendations to the Governor, and subsequently in its cooperation with the Governor-elect Warren in presenting information during the Budget hearings for the biennium, 1943-45.

The Budget Committee created by the Fifty-fifth Session of the Legislature, January, 1943, held seven regular meetings, most of them two-day meetings and all held in the Capitol. It also held many short sessions during the meeting of the Fifty-fifth Session of the Legislature and the four special sessions. Besides this it held two joint meetings with the Senate Committee on Postwar Construction Program and Assembly Committee on Postwar Rehabilitation.

Operations of the Committee During the Special Session of 1941

The temporary office of the Legislative Budget Committee was established in Room 416, Capitol Building. Later quarters were secured in Room 445 which are conveniently located near the Legislative Committee rooms but are not adequate or satisfactorily designed to carry on intense government research work. A small staff was employed and study just begun when the incident of Pearl Harbor occurred. Immediately the Governor called a special session of the Legislature and the regular work and program of the Budget Committee was at once suspended.

The Legislative Auditor was instructed by the chairman to drop everything he was doing and to immediately start analyzing the various proposals the Governor was putting forth to meet the war emergency, particularly the State Guard.

These proposals included the enlargement of the State Guard, the expansion of the State Council of Defense, and appropriating a vast sum to the Emergency Fund of the State in order to take care of wartime contingencies which it was believed would arise in practically every department of the State Government. All the departments of the State immediately felt that they should assume responsibility for carrying on the war in one or more of its several phases, and requested large appropriations accordingly.

In fact, the first proposals were for appropriations totaling $110,000,000, some $45,000,000 of which was to be for the State Guard for the remainder of the biennium, a period of some 18 months. By the time the Legislature was assembled, the requests had been reduced to approximately $45,000,000.

The Legislative Auditor increased his force and secured some volunteer assistants to carry on the concentrated studies necessary to provide sufficient facts for the Legislature on the various questions and proposed appropriations.

The Enlarged Legislative Budget Committee

The Legislative Budget Committee was enlarged to 22 members December 22, 1941, by Assembly Concurrent Resolution No. 19, Resolutions, Chapter 30, First Extraordinary Session, 1941, and given specific duties as shown in the following copy:

AMENDED IN SENATE DECEMBER 22, 1941

ASSEMBLY CONCURRENT RESOLUTION No. 19

INTRODUCED BY MR. LYON

December 22, 1941

REFERRED TO COMMITTEE ON RULES

Assembly Concurrent Resolution No. 19—Relative to augmentation of the membership and functions of the Joint Legislative Budget Committee, and making additional funds available for the work of the committee.

Resolved by the Assembly of the State of California, the Senate thereof concurring, That for the duration of this extraordinary session of the Legislature which convened on the nineteenth day of December, 1941, and for the consideration of subjects of legislation specified in the proclamation by which this session was convened, the membership of the Joint Legislative Budget Committee (created by Senate Concurrent Resolution No. 22 at the Fifty-fourth Regular Session of the Legislature) is hereby augmented, as follows:

The Speaker of the Assembly shall appoint to said committee those members of the present Assembly Standing Committee on Rules who are not already members of the Joint Legislative Budget Committee, and the Senate Standing Committee on Rules shall appoint an equal number of members of the Senate to the Joint Legislative Budget Committee, to the end that during the time and for the purposes stated the membership of said joint committee be augmented by an equal number of members from each house;

Said additional memberships shall cease and terminate upon final adjournment of the Legislature at this Extraordinary Session and thereafter the membership of the Joint Legislative Budget Committee shall be the same as if this resolution had not been adopted; and be it further

Resolved, That during this Extraordinary Session, including any recesses thereof, the Joint Legislative Budget Committee (in addition to its existing powers and duties and not in derogation or diminution of any thereof) is charged with the duty of conducting studies and investigations and collecting information and data and reporting to the Legislature concerning any and all subjects specified in said proclamation; and be it further

Resolved, That in addition to moneys otherwise made available to the committee, the sum of five thousand dollars ($5,000) is hereby appropriated from the Contingent Funds of the Senate and Assembly, to be expended equally from the Contingent Funds of the Senate and Assembly in carrying out the work of the committee and defraying the expenses of the committee and its members.

The additional members were Senators Robert W. Kenny, Harry L. Parkman, John Phillips, Peter P. Myhand, Clarence C. Ward, Jesse M.

Mayo, and Assemblymen Charles W. Lyon, Hugh M. Burns, Harrison W. Call, Earl D. Desmond, Ernest O. Voigt and Gardiner Johnson.

Special Session Appropriations Considered

All proposed appropriations of the special session were referred to this committee. After considering the various proposals of the Governor and the demands of the people for appropriations, the enlarged Budget Committee conducted hearings. They called on the Director of Finance to explain the appropriation proposals, and on the various departments and agencies of the State concerned, including The Adjutant General in relation to the State Guard, the representatives of the Department of Natural Resources and the Division of Forestry in relation to the Emergency Fire Disaster Plan, the Department of Agriculture, Bureau of Criminal Identification, and all other agencies that might possibly be concerned with the war effort.

These hearings demonstrated that facts were not immediately available on which to base sound judgment. The Legislative Budget Committee then recommended that the special session recess for two weeks to give the committee and its Legislative Auditor an opportunity to analyze the appropriation bills, to meet with the Director of Finance and the heads of the departments and agencies concerned to make as complete an analysis of all of these matters as time would allow.

Requests Reduced and Large Savings Made

This procedure was followed and the success of its operation is demonstrated by the fact that the requests of the Governor for $45,000,000, after a careful study and consideration, were so reduced that all of these, together with some additional items not included by the Governor, totaled only $15,643,344.62 in the final appropriations. This amply demonstrated the desirability and effectiveness of the Legislature's having before it all possible information and facts concerning proposed appropriations.

Appropriations Sufficient

Time has demonstrated that estimates of the Legislative Budget Committee as respects these special appropriation bills were reasonably accurate, rather than the Governor's request for $45,000,000. The Legislature's approval of appropriations for $15,646,344 met all necessary requirements. In other words, the legislative appropriation for approximately one-third of what the Governor requested, and in round numbers, $30,000,000 less than he requested, was sufficient to carry all of the requirements of the State up to the meeting of the next session of the Legislature. This is what the Legislature intended to do. The facts demonstrate that the Legislature was right, and if an error was made it was made on the side of adequacy, for not only has the State carried on satisfactorily and met the wartime emergency with the appropriations made, but in almost every instance there was sufficient money to carry all of the activities concerned to the convening of the Legislature, and in some cases to the close of the biennium.

It was estimated the State Guard should have enough money to last it well into March. It had in fact a substantial margin. The Fire Disaster Plan was functioned almost to the close of the biennium. All of the other agencies were able to carry on satisfactorily. Moreover, the

appropriation to the Emergency Fund was sufficient to do everything required and there was a sufficient balance to adequately meet the needs of the State.

Besides this, each and every department of the State has been able to pay a wartime bonus of $15 per month to each State employee, financed out of salary savings. They were able to carry this on through January and part of them through February, 1943. The meeting of this emergency, while possibly desirable, was not mandatory. The money could have been used to have met some other more pressing need and the solution of this problem of assisting State employees to meet the increased cost of living could have been left to the 1943 Legislature.

Appropriations Specific—No Blank Checks

What is more important than just the reduction of appropriation requests was that the appropriations were not made as was requested by the Governor in the way of a blank check by having all appropriations made to the Emergency Fund and allowing the Governor to distribute them as he saw fit and making them available for supplementing any appropriation made in the Appropriation Act of 1941. These appropriations were made direct to the departments, divisions and bureaus of the State, with the exception that the General State Emergency Fund was restored to $1,000,000 net, after allowing for allotments already promised from the Emergency Fund and an estimated allotment of $185,000 for the State Council of Defense.

A special appropriation was made to the Emergency Fund as soon as the Legislature convened in the sum of $1,000,000 with $500,000 of this allocated to the State Guard. This was done on the recommendation of the Budget Committee so as to meet the emergency and to carry on the operations of the State Government during the two-week interval while the special session was in recess. There also was voted subsequently an addition of $1,000,000 to the Special Emergency Fund set aside to meet the increased price in food for the State institutions and prisons.

Facts Essential for Legislation

Through relying on the recommendations of the enlarged Budget Committee and its staff, the Legislature was not stampeded into turning over the treasury to the Governor because of the Pearl Harbor incident. After organizing the special session and listening to the Governor's Message and his proposals and after passing the first emergency allotment of $1,000,000, the Legislature referred all appropriation measures to the enlarged Legislative Budget Committee. It allocated $5,000 additional funds to this committee to be used in considering the special session bills. The Legislature then recessed for two weeks, for specific purpose of giving the Legislative Budget Committee time to study the proposed appropriations.

The Legislative Auditor and his staff concentrated on the job. He reviewed these requests and all information provided by the Director of Finance, by the departments and divisions concerned, and secured independently other data. Out of this accumulation he made recommendations as to specific amounts for the various appropriations. With the exception of the appropriation for legislative printing of $40,000, the Emergency Fund for the University of California for $500,000, and

the contingent Assembly expense item of $5,055.62, and the Assembly mileage item of $2,500, the amounts as recommended by the Legislative Auditor to the Legislative Budget Committee and by this committee to the Legislature appear in the final appropriation acts exactly as recommended.

A list of the appropriations, showing the bill numbers, the agencies, the amounts of the original requests, the amounts of the appropriations approved and the chapter numbers follows herewith. These are presented in detail for the reason that these added wartime appropriations directly carry over into the Budget for 1943-45 and appear in various ways in the Governor's Budget for 1945-47, mostly as part of the normal expenditure program although they all started as wartime emergencies.

Bill No.	*Agency*	*Governor's original request*	*Appropriation to agency*	*Chap. No.*
A.B. 36	Division of Forestry	$5,353,000 00	$4,022,700 00	7
A.B. 43	Division of Criminal Identification and Investigation	75,780 00	32,110 00	10
A.B. 41	Bureau of Paroles	60,000 00	12,540 00	8
A.B. 47	Division of Vital Statistics	225,000 00*	8,805 00	12
A.B. 49	Division of Mines	866,000 00	52,500 00	21
A.B. 35	California Polytechnic School†	None	196,500 00	6
A.B. 55	SRA—State Controller	None	78,000 00	18
A.B. 56	State Controller	None	25,000 00	25
A.B. 61	Contingent Expense Assembly	None	5,055 62	23
A.B. 78	Mileage Assembly	None	2,500 00	14
A.B. 79	Legislative Printing	None	40,000 00	15
A.B. 80	Legislative Counsel Bureau	None	6,000 00	16
S.B. 36	California State Guard	37,000,000 00	7,934,365 00	19
A.B. 44	Emergency Fund (Item 216 Chapter 600 41)	8,790,843 00	642,319 00‡	11
S.B. 31	University of California, direct appropriation to Emergency Fund (earmarked)	None	500,000 00	24
A.B. 42	Special Emergency Fund (Item 217, Chapter 600, 41)	2,500,000 00	1,000,000 00	9
S.B. 1	Emergency Fund (Item 216, Chapter 600/41) (State Guard $500,000)		1,000,000 00	2
A.B. 48	Division of Parks, State Parks, Maintenance and Acquisition Fund	2,000,000 00	87,950 00	13
	Total Appropriations		$15,646,344 62	

* Request made for the Department of Health.

† Appropriation to the California Polytechnical School is in the form of a loan from the General Fund and is to be repaid out of moneys allocated to the California Polytechnical School from the Fairs and Expositions Fund.

‡ Includes $185,000 for State Council of Defense. Governor requested $285,000.

It should be noted that the request for the Emergency Fund originally included all items other than the State Guard, so there is, in fact, in this schedule a duplication. In making comparisons this item should be reduced by the amount of the original requests allocated to the different departments and to the Special Emergency Fund.

The whole matter of appropriations requested by the Governor at the special session was one of confusion. This followed from the fact that the Governor at first merely requested a blanket appropriation to the Emergency Fund and an appropriation for the State Guard. Subsequently, on request of the Budget Committee, these were broken down by the Director of Finance in two schedules. The first one, requested for the 12 months' period ending December 31, 1942, for the war emergency exclusive of the State Guard, $15,104,189. On January 6th, after the Budget Committee had insisted on a breakdown of this request and an

allocation to the different departments, the Director of Finance requested an appropriation to the Emergency Fund for immediate defense needs of the State during the remainder of the present year the sum of $8,790,843, as an augumentation of the Emergency Fund exclusive of support of the State Guard in addition to the $500,000 already appropriated by the special session to the Emergency Fund, over and above the $500,000 allocated in the Emergency Fund appropriation to the State Guard.

Some of the items that were approved by the Legislature as primary were considered as secondary in the Director of Finance's schedule. Some other items approved by the Legislature did not appear at all in the Governor's requests or in the Director of Finance's schedule, so that in fact, as measured by the Governor's requests, the recommendations for appropriations were by the Legislative Budget Committee and finally approved by the Legislature were relatively much less than the total appropriation of $15,644,344.

Contribution of the Legislative Budget Committee During the 1941 Session

There were four contributions following from the work of the Legislative Budget Committee during the special session.

1. The appropriations were reduced to amounts actually needed.
2. A more equitable treatment of the needs of the State was secured and some appropriations not requested were made where needed.
3. The need for appropriations had to be demonstrated and the facts considered, rather than merely the approval of a blanket sum.
4. Reasonable control of expenditures was established through making appropriations direct to the agencies concerned and through certain limitations placed in the appropriation bills.

The volume of work required on the part of the Legislative Auditor and by the Budget Committee to handle the special session fiscal matters can hardly be appreciated by anyone who did not participate. The job was all the more difficult due to the fact that the time available was very limited and proposals were changed frequently. For example, no less than 26 different sets of figures and estimates were required for the numerous Guard bills that at one time or another were before the Legislature and its committees. Each of these required very careful calculations not only for the amount of pay depending upon the strength of the Guard, but also the cost for subsistence, equipment, transportation, hospitalization, administration and other miscellaneous items. Many of these did not vary in direct ratio with the strength of the Guard, but had to be calculated in relation to the number of organizations. Each time the strength of an organization or the number in an organization or an active duty was varied the cost therefor had to be calculated accordingly.

The calculations made for the appropriations for the Division of Forestry to function the Fire Emergency Plan were almost as complicated. These had to be divided up into several categories, such as the allotment for stand-by equipment, that for the operation of a mobile pool, the purchase of pool equipment, and the allotment for the operation of a dispatch system. These, in turn, had to be calculated for varying periods of time. This also required the making of estimates for the normal

operation of the Division of Forestry and for the winter move-up plan for fire protection, using normal equipment.

The only reason that satisfactory results were secured in this emergency in relation to appropriations followed from the fact that the Legislative Budget Committee was already organized and the Legislative Auditor was already intimately familiar with the entire operation of the State Government, and also that he already had in hand available for the committee basic information which could be used at a moment's notice.

Both the State Guard and the Fire Emergency Plan in the Division of Forestry are part of the war time agencies continued into the 1945-47 budget. Their consideration by the Budget Committee will be facilitated by this earlier work.

Continuous Research Necessary

The importance of continuously collecting, compiling, adjusting, and coordinating facts on the cost of the Government of California and on the operations of each department and agency of the State so as to be prepared to supply the Legislature at all times with these facts can not be over-estimated. It is absolutely essential to have this storehouse of information available on short notice in order to provide the facts for current problems the Legislature must consider and for the long-time view that is required when the Legislature makes appropriations to cover a biennium which may end from two to two and a quarter years in the future.

A continuous study of the operations of government and the compilation of essential facts is required if the Legislative Auditor is to provide the Budget Committee and this, in turn, the full Legislature, with the information needed for considering the Biennial Budget, special appropriation bills, the revision of governmental organization and such other administrative matters as will come before the Legislature.

This is particularly important when we consider that each session of the Legislature not only adds more duties to existing departments and agencies of the State, but it frequently creates additional agencies and commissions. Moreover, with power vested in department heads to reorganize their departments with the approval of the Governor and the authority of certain other officers, bureaus, and commissions to reorganize or enlarge their functions without additional legislative approval, there is a continually changing administrative organization of the State. Additional functions, both with and without legislative approval, become effective during the interim between sessions and concerning which there is no experience available to the Legislature on which to formulate appropriations or enact legislation. Many of these new services or enlarged services appear in each new Budget merely as a request for an appropriation and never have been passed on by any Legislature.

With the existence of the Legislative Budget Committee with its staff continuously functioning, the Legislature has an instrumentality whereby it can observe the operation of the already existing functions of government, and the new or additional agencies and functions and the cost and operation thereof can be reported back to the Legislature. The Legislature can observe whether or not the will of the people as expressed through the Legislature has been carried into effect or whether it has been

circumvented. This value was amply demonstrated immediately following the Special Session of the 1941 Legislature and continuously since.

Continuance of Regular Program

After the Special Session was over the Legislative Auditor went back to his regular work following the instructions of the committee, studying the State Government, but with an added job as set forth in Senate Concurrent Resolution No. 6, copy as follows:

SENATE CONCURRENT RESOLUTION No. 6

Chapter 4

Senate Concurrent Resolution No. 6—Relative to calling upon the Governor and other State officials to preserve the strictest economy during the present war emergency and instructing the Legislative Auditor to observe the extent to which this is done.

WHEREAS, The United States of America can not apply its maximum strength toward the winning of the great war in which it is now engaged unless all of its resources, whether public or private, are made available for its tremendous war needs; and

WHEREAS, Every expenditure by this State, however desirable during time of peace, which does not advance the war effort of this country diverts resources otherwise available for that effort and deprives the inhabitants of this country of funds which would otherwise be available to pay the mounting Federal taxes and to purchase defense bonds and stamps; and

WHEREAS, The funds now available for expenditure by the various departments and other agencies of the State were appropriated by the Legislature prior to the present war emergency, and, hence, this Legislature did not approve their expenditure under present conditions; and

WHEREAS, The present State taxes were imposed at a time when the United States was not at war, and, therefore, there is no indication by the Legislature that the State is warranted in imposing these taxes at the present time; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor of this State, the Director of Finance, and all State departments and agencies, whether self-supporting or supported from the General Fund, undertake to reduce all expenditures to the minimum amounts required to maintain services necessary in themselves or necessary to further the war effort; and be it further

Resolved, That all heads of State departments and other agencies are urged to appraise immediately every possibility of securing economy in their respective departments or agencies, including, whenever possible, leaving vacant the positions of State employees leaving the departments or agencies, and be it further

Resolved, That the Legislative Auditor is instructed to observe the extent to which the policies expressed in this resolution are carried out and to make periodic reports thereon to the Joint Legislative Budget Committee; and be it further

Resolved, That the Secretary of the Senate is directed to furnish copies of this resolution to the Governor, Director of Finance, and the Legislative Auditor. This resolution provided that the Legislative Auditor

should observe and report to the Legislative Budget Committee what economies the State Departments and divisions of government were making in the light of the war effort.

As instructed by the committee, the Legislative Auditor immediately sent out a circular letter to all of the department heads, bureau chiefs, and agencies of the State Government, calling upon them to make a report.

Upon receipt of this notice the departments and agencies of the State immediately began to consider their program and in general they communicated to the Legislative Auditor economies already being made effective, or which were contemplated.

As a result of Senate Concurrent Resolution No. 6, the work of the Legislative Auditor was immediately enlarged and he has included this subject in each subsequent report to the Legislative Budget Committee.

Economy Suggestions

At the April, 1942, meeting of the Budget Committee, the Legislative Auditor presented some 56 economy suggestions which might be considered State-wide in the operation of State Government. After carefully reviewing these suggestions they were approved and the committee, on the invitation of the Governor, transmitted these suggestions to him.

The Legislative Auditor has followed carefully the possibilities of making these suggestions effective. He is able to report that approximately half of them were either made effective or were in the process of being made effective by the Governor or the department heads or agency chiefs before Governor Olson went out of office. These economy suggestions were not adopted as universally as was possible. In some instances, there were not only no responses but opposition and antagonism to the legislative suggestions appeared. The committee is pleased to report that subsequently numerous of these economy suggestions have been adopted. Just recently (1944) the suggestions for the reduction in letterheads by use of interdepartmental communication forms was adopted on a State-wide basis. Others of these suggestions, together with added proposals, are now being compiled for further consideration by the committee.

While the committee can not claim full credit for the economies achieved following the suggestions it made, it does not hesitate to claim that it added a directing force in this matter which resulted in rather large economies which have saved the State a considerable sum of money. This savings will accrue over the years, for many of these suggestions are being continued.

Service to Other Legislative Committees

At the second meeting of the Legislative Budget Committee, held November 22, 1941, instructions were given to the Legislative Auditor to render such services as were possible and consistent with his duties to other legislative committees. This he has done continuously. In particular, he has served the Assembly Committee on Governmental Efficiency and Economy and its subcommittee on social security. In one instance he compiled a complete report on the operation of the Division of Commodity Distribution in the Department of Social Welfare. This resulted in legislation which at first completely reorganized and finally led to its abolition. The Legislative Auditor was then instructed to follow through this action so as to inform the Legislature as to what happened to the large volume of property and equipment

involved. This property, in January, 1945, is still being liquidated. The latest action was to confer with the Department of Finance on having cut piece goods, mostly children's clothing, sewn into garments by the inmates of the Women's Institution at Tehachapi so that they might be sold to the counties for indigent relief. In other instances the Legislative Auditor has analyzed expenditures, accounting methods and procedures, and the accounts of certain agencies and provided other facts and figures useful in committee deliberations.

The Legislative Auditor also assisted the Senate Building Committee appointed in the Fifty-fourth Session of the Legislature in writing its final report.

During the interim of the Fifty-fifth Session of the Legislature, special service was rendered to the Joint Interim Committee on Tax Structure of the State, with special emphasis on the problem of teachers' retirement, financing of education, and the auditing of educational expenditures. All these matters have subsequently been covered by bills either passed by the Legislature or now pending in the Fifty-sixth Session.

Assistance was rendered to the Senate Committee on the Board of Equalization with particular reference to the overlapping in tax administration between the Controller and the Board of Equalization. Bills are now before the Legislature to eliminate these overlaps.

Close cooperation and administrative direction was extended to the Senate Committee on the Motor Vehicle Department. In this instance the Budget Committee shared with the Motor Vehicle Committee half of the cost of conducting a study of this department. The Legislative Auditor employed for the Motor Vehicle Committee auditors, research assistants, and investigators and directed their activity. This cooperation was carried on for the reason that the results would be equally valuable to the Budget Committee and would give a cross-section of certain functions applicable to many departments of the State.

This activity, which is still in progress, has resulted in the Motor Vehicle Committee first recommending to the Governor and the Director of the Motor Vehicles an immediate internal reorganization. This was made effective before the close of the year 1944. It included the elimination of one entire set of accounting machines for pay roll purposes and resulted in the elimination of the intolerable situation whereby temporary employees had to wait from four to 12 weeks before they were able to get their pay for services rendered. The reorganization has also resulted in bringing the work of the department to within a few days of current intake when previously such matters as the transfer of automobiles were delayed six or seven months due to the inability of the department to process its work.

Besides the legislative proposal of the Motor Vehicle Committee itself, the Budget Committee has before it several bills not only affecting the Motor Vehicle Department but state-wide administration.

Special assistance to the Joint Interim Committee on Forestry Conditions in California was rendered, not only in attending the meetings of the Committee but in accompanying the committee on trips inspecting the forests. This was done for the reason that the entire policy of the State in relation to the Division of Forestry and forests is at the point of being changed in a revolutionary way and a considerable change in the

law and in appropriations may be required. Other assistance was rendered to the Assembly Governmental Efficiency and Economy Committee in considering the problems of the Los Angeles Memorial Coliseum of the Sixth District Agricultural Association. The Morals Committee of the Assembly was assisted by an analysis of the accounts of one of the race tracks.

Other assistance was rendered to the Assembly Committee on Postwar Rehabilitation and the Senate Committee on Postwar Construction Program. Two joint meetings of the Budget Committee with these committees were held when consideration was given to the postwar building program of the States and which resulted in this matter being expedited by the Fourth Special Session of the Fifty-fifth Session of the Legislature. It is believed that the cooperation of the Budget Committee and the Legislative Auditor prior to the convening of the session greatly expedited consideration of these matters.

Numerous conferences were held with the members of other legislative committees and information and data too extensive to enumerate were supplied where requested.

All of this work done for the other committees of the Legislature has yielded direct values, not only in providing these committees with facts and figures, but also in securing useful information for the Budget Committee work. For example, the study of the Division of Commodity Distribution in the Department of Social Welfare was used directly and effectively in the Budget hearing on the Department of Social Welfare in 1943 with the result that the Budget request for this activity was materially reduced. The work for the Motor Vehicle Committee in 1943-44 was used in the Budget hearings by the Director of Finance for the 1945-47 Budget. This can likewise be said for the Forestry Committee in relation to the Budget for the Division of Forestry for 1945-47. In a similar manner, other material secured in cooperation with other committees was used both in the 1943-45 and 1945-47 Budget hearings.

Effectiveness of Interim Committees Increased

It is a well known fact that many interim committees secure limited results for the reason that they are handicapped in (1) not having a definite procedure or program, (2) not being in possession of sufficient facts or definite information to operate most effectively, (3) they do not normally know the short cuts as to where or how to secure these facts, what witnesses to call and what questions to ask them to get the end results with the least effort, and (4) they do not have enough of the details surrounding the situation being investigated or appreciation how these can be coordinated with information available in public records. Much time is wasted by these committees in the organization and formulation of a program and in carrying on investigations with the hope that they will hit on something of real value. Frequently a legislative committee knows that some abuse exists but the means of getting at it are not clear. By having a legislative representative continuously on the job, assistance can be given in formulating a program and in setting up a procedure of operation. He can also provide some available basic facts and an indication of what records to examine. He can suggest what witnesses can throw light on the matters at issue. He can prepare an outline of questions to be asked which will build a coordinated body of information necessary for the purposes of the committee. Such procedure

will eliminate much of the waste motion and reduce the time and cost of committee operations, and at the same time secure more definite results. This procedure also will make possible the multiple use of information gathered, for frequently information secured by or for one committee will be useful to serve others.

Liaison Service Between Legislative Committees and Administrative Bodies

Legislative committees cannot sit continuously in the interval between sessions. It frequently occurs that they need some one to carry on liaison with administrative bodies. On other occasions they require some one to represent them in dealing with departments or agencies of the State; sometimes merely as an observer or to secure information and report back, or to carry the views of the committee as expressed. On numerous occasions, either by committee action or the action of subcommittees, the Legislative Auditor has been requested to perform such service.

The two postwar committees (Assembly Committee on Postwar Rehabilitation and Senate Committee on Postwar Construction Program) requested the Legislative Auditor to sit in with the Property Acquisition Board and instruct him to work with this board in preparing a plan of specifications for hospital sites. As the request of these same committees, and on the instruction of the Budget Committee, the Legislative Auditor has worked continuously with the Director of Finance and his work committee on preparing a plan for a postwar building program and setting this up on the basis of priorities. This has resulted in scheduling a building program for the State coordinated to meet its needs and falling within the postwar reserve funds. A part of this program was further considered in the Governor's Budget hearing and appears in the 1945-47 Budget in the sum of $14,166,842. While the Legislative Auditor does not concur completely in these recommendations, the difference is in the matter of timing and the contention that the Legislature should act specifically on each new service before it is approved for an appropriation. In other respects it is believed that the request for capital outlay is more nearly in line with actual need than if it had not been subjected to the scrutiny of this working committee.

Special Legislative Assignment

The Legislature by statute has given the Legislative Auditor only one specific service to perform. This was in making him a member of the Postwar Public Works Review Board. In this connection his responsibilities are defined in the following terms: "The Legislative Auditor shall have the same duties and powers as the other members of the board to the extent that such duties and powers are constitutionally compatible with his position as Legislative Auditor." The total appropriation for the purpose of this act is $10,000,000. The procedure and action involves the establishment of a somewhat new policy on the part of the State.

The board held one meeting. After reviewing its obligations and considering the proper procedure to follow, the board felt that there was a grave question of the constitutionality of the act and moreover the Controller would not make a payment under its provisions until the constitutionality had been tested. The Legislative Auditor held that all phases of the act should be tested, particularly the question as to the gift of State money under prohibition set up in the Constitution. The board

decided therefore to review the act with the understanding that the constitutionality of the statute would be tested. The matter is now before the Supreme Court of the State.

Functions of the Committee in Relation to the 1943-45 Budget

To properly consider the Budget for 1945-47 and the recommendations of the Legislative Budget Committee in respect to it, it is necessary not only to go back to the appropriations made at the Special Session of the Legislature following Pearl Harbor, which have been previously listed, but it is also necessary to consider the principles the Budget Committee adopted in considering the 1943-45 budget. This is necessary for the reason that the wartime appropriations began in the special session following Pearl Harbor. They were continued and enlarged in the 1943-45 Budget and in the appropriations passed by the 1943 Legislature, both in regular and special sessions and they have been carried forward into the 1945-47 Budget.

Since the Governor has assumed in making the 1945-47 Budget that the war will end in the second year of the biennium, two major principles have been followed. First, the wartime activities should be carried forward into the biennium, probably for the first year. Second, conversion to peacetime activities should take place in the second year. It is clearly necessary, therefore, to know what wartime activities were carried through the 1943-45 Budget and appear in the 1945-47 Budget and should terminate in this biennium. It is also necessary to distinguish war time activities from normal peacetime activities or else these will become confused and the various agencies and departments of the State will seize upon the opportunity to get increased appropriations for normal activities and peacetime operation. This is just exactly what they have done in many instances. The details will be pointed out in a section considering specifically the 1945-47 budget.

The committee adopted an original policy to be followed in preparing for consideration of the Governor's Budget 1943-45, and instructed the Legislative Auditor to review each and every department, division, commission and agency of the State, with the idea of making effective all possible economies. The committee desired to have in hand an analysis of the operation of the State Government which would give them the facts as to both the method and the cost for performing all of the services supplied by the State. Duplications, overlapping of functions, surplus employees, extravagant use of supplies and materials, and all other unnecessary expenditures, as far as possible, were to be pointed out. All of this was to be presented on a factual basis.

Intent of Legislature in Connection With State War Activities

It was the intention of the committee in its original plan to have such information in hand and then to consider the Governor's Budget requests as found in the Budget and in appropriation bills and with these facts, to reduce all proposed expenditures to the minimum amounts required to maintain services necessary in themselves or necessary to further the war effort.

In this procedure the committee followed the spirit of Senate Concurrent Resolution No. 6 previously noted. This called upon all State departments and agencies to reduce expenditures following these general

principles. It should be noted that in this resolution, the Legislature gave full import to the fact that we are at war and it called upon the heads of all State departments and agencies to appraise immediately every possibility of securing economies in their respective departments or agencies. The Legislature said that it expected that wherever it was possible to leave vacant the positions of State employees who were engaged in the war effort, that this would be done. The committee stated that they felt that the Nation's war effort demanded every resource and energy be dedicated to winning the war at the earliest possible moment. To achieve victory drastic changes in the normal operation of government as well as in the private lives of citizens are necessary. Luxuries in governmental spending must go as luxuries in civilian life are going.

The committee held that appropriations should be based upon the assumption that the war would continue through the period of the Budget or in other words through the biennium to June 30, 1945. Therefore appropriations should be made on this basis. They further expressed the view that government activities clearly made necessary by the war effort, or which contributed to winning the war, should be provided for to the extent necessary for their effectiveness. With these principles in mind, the committee instructed the Legislative Auditor to review the activities and functions of the State agencies and to examine them critically as to their necessity under wartime conditions, with the thought that every expenditure which does not clearly serve an essential service of government needed in wartime, should be eliminated.

They further instructed him that those agencies which assumed additional responsibilities as a result of the war should finance them as far as possible out of this existing Budget by curtailing or eliminating functions not essential to the war effort. The operations of each agency was to be analyzed to see that the war effort assumed a proper function and could best be performed in that particular agency, and also that it did not overlap with some other agency. *In addition such special items as were solely developed to meet the war effort should be clearly set out and kept distinguishable from the regular activities so that at the end of the war these emergency efforts would not appear as a permanent activity of the agency concerned.*

We have already stated that this has not been done in all instances, and that frequently these wartime activities now are considered part of the regular operations of several of the departments. This has spread to the entire State service as demonstrated by the fact that the State Employees Association have and are seeking a 10 per cent increase in wages on a permanent basis although it is admitted that it is requested for the purpose of meeting the increased cost of living which is clearly a wartime result. This despite the fact that the Legislature approved a wartime bonus and the Personnel Board is empowered by law to recommend adjustments in salary either upward or downward so as to comply with the law that the salaries of State employees shall be comparable to those paid to employees of other governmental agencies and to employees in

private enterprise. If the Personnel Board has not functioned satisfactorily in this matter, requests for redress should be directed to this factor, this failing, a request should logically be made to increase the wartime bonus to meet a wartime increase in cost of living.

Plan of Operation of the Committee Modified

It was the plan of the committee that the information secured, to be used in connection with the 1944-45 Budget, should be held on file and used in relation to requested appropriations after the Governor had presented his Budget. This plan was modified for the reason that prior to the election, when the Department of Finance began to collect material and estimates in preparation for the Budget, the Director of Finance advised State agencies to make budgets on an economy basis. On September 28, 1942, the Director of Finance sent out Circular Letter No. 214 to all State departments, boards, commissions, etc., covering the Budget requests for 1944-45. This letter contained substantially the economy expressions promulgated by the Legislative Budget Committee. Subsequently, the Governor-elect, Honorable Earl Warren, stated that he concurred in the general principles expressed in this letter and that he desired that they be followed in preparing his Budget.

Operations of Committee in Preparation of 1943-45 Budget and Results Secured

Governor-elect Honorable Earl Warren, shortly after the November, 1942, election, contacted the Chairman of the Legislative Budget Committee and requested all possible assistance in formulating a sound economy Budget. His ideas were very much in line with the principles previously enunciated by the committee. He also stated that he would appreciate any assistance rendered to help produce an economy Budget. He invited the Legislative Auditor, as representing the Legislative Budget Committee, to sit in at the Budget hearings and requested that he participate fully in the hearings and also in the final consideration of the 1943-45 Budget before the items were finally determined.

The Budget Committee at its December 4, 1942, meeting, discussed this matter and *instructed the Legislative Auditor to render every assistance to the Governor-elect, participating in the budget hearings, and to bring out such facts as were necessary in making a decision upon requested appropriations as respects their necessity to carry on the essential functions of State Government and forward the war effort.*

Participation in 1943-45 Budget Hearing and Results Achieved

The Legislative Auditor attended all of the Budget hearings, both open and closed, held by the Department of Finance and the Governor-elect, and participated along the lines instructed. In addition, numerous conferences were held with representatives of the Department of Finance working on the Budget covering specific items, both as to inclusion, reduction, or elimination from the Budget.

The facts and information presented and brought out by the questions asked by the Legislative Auditor materially affected the Budget both as to its final size and the equity of allotments. It should not be inferred that through this procedure that the Legislative Auditor universally agreed with the conclusions in the Budget or that complete results were

secured, or that much more could not have been done to secure greater economy as respects many appropriations.

The procedure subsequent to this and final results will be given after considering procedure in relation to the present 1945-47 Budget.

The Budget Committee, when it instructed the Legislative Auditor to participate in the Budget hearings, also directed him to secure all possible facts as respects appropriation requests and to make a further analysis thereof and to present these to the Legislative Budget Committee at their subsequent meetings. The information thus secured was used, together with the data collected previously concerning each department and agency, in reviewing the Executive Budget and in considering the Budget Bill and such other appropriation bills as came before the Legislature.

Results Desired

It was felt by the Budget Committee that the procedure above outlined would result in securing a more economical and satisfactory Budget document to be presented by the Governor in the first instance to the Legislature, and also that the Legislative Budget Committee could effectively review the Executive Budget and consider the Budget Bill and such other special appropriation bills as come before the Legislature with a minimum of effort. This would follow from the fact that the original Budget Document itself would reflect much of the information secured by the Legislative Budget Committee and passed on to the Governor-elect during the Budget hearings. This should result in mutual agreement on many items in the Budget and in first-hand knowledge concerning the decisions made by the Governor-elect on other items. With this information and other necessary facts the Legislative Budget Committee could recommend to the Legislature such action as the facts demonstrate to be desirable.

In this way it was felt the consideration of the Governor's Budget should be reduced to a much shorter period of time than has been customary in the past. This bottleneck in legislative operations, where the Constitution provides that no appropriation bill, other than an urgency measure, can be considered before the Budget Bill is passed, would be broken. Legislative business would be expedited. Moreover, the final appropriation bill should provide for all necessary appropriations on a more fair and equitable basis. The legislative session should be considerably shortened and a greater degree of understanding of appropriation requests exist, and resultant harmony in legislation should prevail.

Results Justified Procedure of Budget Committee

The committee believes that there is general agreement that results secured amply justified the above procedure and the work done in carrying it into effect. The original Budget requests of the departments, commissions, and agencies of the State were materially reduced in the hearings and what is even more important, the allocation of funds was made more equitable as between departments and agencies.

The Governor's Budget as presented to the Legislature was a war time budget and as pointed out by the Legislative Auditor, it was not a strict economy Budget. It was well balanced and in many items there was mutual agreement on the amounts recommended for appropriation. A

greater degree of understanding as respects the Budget between the Legislature and the Chief Executive resulted.

The Governor in his Budget Message, page iii, in the following words acknowledged the cooperation of the Legislative Auditor:

> "In all of our Budget hearings we have exchanged views with your Legislative Auditor and feel indebted to him for many valuable suggestions."

The Legislative Auditor was in a position to report to the Budget Committee and the Ways and Means Committee of the Assembly and Finance Committee of the Senate and other legislative committees concerned with appropriations, just how the Budget was prepared and essential details for each department and agency of the State. This was done at the several hearings of these committees considering the Budget and appropriations.

For the first time the Legislature had a technically trained and experienced employee fully familiar with the Budget and each request for appropriations from each and every agency of the State, sitting in with these important committees who were determining the financial program of the State for the biennium 1943-45 for final consideration by the Legislature.

Budget Expedited—Legislative Time Saved

The hope that the Budget could be acted on in shorter time was fulfilled. In fact, the Budget Bill passed through the Ways and Means Committee in the shortest period in the history of the Executive Budget. It passed the Assembly in the shortest time. It went through the Senate Finance Committee in the shortest time and made another first in passage by the Senate.

The Budget for 1943-45 was submitted to the Legislature by the Governor January 30, 1943 just before the recess. The Way and Means Committee of the Assembly started considering it March 8th and passed it out with amendments March 18th. The Assembly received it the same day and amended it and passed it out March 22d. The Senate received it and assigned it to the Finance Committee March 23d. On March 31st they reported back to the Senate with amendments. It was passed by the Senate the same day. It went to the Assembly for concurrence in amendments and was passed by the Assembly April 1st and was signed by the Governor the next day—April 2d, 1943.

The Budget Bill for 1941-43 was not approved by the Governor until June 5, 1941, or more than two months later.

TIME DEVOTED TO CONSIDERATION OF BIENNIAL STATE BUDGET, 1929-1943

Legislative Session	Date of introduction of Budget Bill	Date of enactment of Budget Bill	Number of days Consideration
1929	January 8	April 5	87
1931	January 12	April 22	100*
1933	January 19	May 11	112*
1935	January 23	June 14	142*
1937	January 14	May 4	110*
1939	January 23	June 8	136*
1941	January 25	June 5	132*
1943	January 30	April 2	63**
Average time devoted to consideration of State budget			110 days

* Economy sessions when State was operating with a deficit.
** Wartime session.

The work of the Budget Committee certainly aided in expediting legislation and thereby assisted in shortening the 1943 Session—this alone resulted in considerable savings of the people's money not to mention the dispositions of legislators and State officials.

Fuller Consideration of Budget Gives Better Expression of Legislative Intent

In addition to expediting Budget hearings and bringing out the facts on requested appropriations, the committee hearings were more directly on the matters before them with many facts considered that otherwise would have been passed over if the Legislature had not had information gathered and analyzed in advance. These facts were brought before the committees either by direct statements of the Legislative Auditor, in answer to questions directed to him, or by questions he asked of the representatives of the departments.

This fuller consideration of the Budget directly on specific questions resulted in a better expression of Legislative intent on appropriations. This was recorded in the minutes of the Ways and Means and Finance committees and subsequently this was used by the Governor and the Department of Finance in exercising budgetary control during the biennium. The Director of Finance asked for a copy of the Ways and Means Committee minutes and used them for this purpose. He also consulted the Legislative Auditor where there was doubt as to the legislative intent in relation to an appropriation. This resulted in extending a more definite legislative control of expenditures and cut down allocations from the Emergency Fund. It saved the State large sums of money.

The Budget Committee feels this clarifying of legislative intent as respects appropriations is essential in controlling final expenditures.

Budget Committee Continued and Strengthened, 1943

The Fifty-fifth Session of the Legislature modified Joint Rule No. 36 and strengthened it. The Senate members, W. P. Rich, Jerrold L. Seawell, Arthur H. Breed, Jr., T. H. DeLap and Edward H. Tickle were reappointed. The Assembly members were Earl D. Desmond, Michael J. Burns, Albert C. Wollenberg, George A. Clarke and Charles W. Lyon. Senator W. P. Rich was reelected by the Committee as chairman, Assemblyman Earl D. Desmond was named vice chairman, and Rolland A Vandegrift as secretary.

The committee after organization continued the employment of Rolland A Vandegrift as Legislative Auditor and retained all of the members of the staff. It also gave instructions to continue with the same policies and procedures previously developed. At the same time it instructed the Legislative Auditor to prepare a report on the work of the committee to date, as well as a report on the Governor's Budget and Budget Bill for presentation to the Legislature. Instructions were also given to the Legislative Auditor to work and cooperate with the Ways and Means Committee of the Assembly and the Finance Committee of the Senate on the Budget and Budget Bill and all other appropriation bills. He was also instructed to assist in forwarding the some 50 bills which he had prepared pursuant to instructions "to have a bill drawn when anything is found that needs legislation to correct an abuse, an extravagance or poor governmental organization." These bills, Senate Bills 800 to 851, were introduced by the Budget Committee into the Legislature.

First Partial Report

The first partial report of the committee was presented to the Legislature and printed in the Senate Journal of January 30, 1943. It was also printed separately and has been in large demand by legislators, citizens and research and governmental organizations in and beyond the State.

Subsequent Reports on the Budget

Additional reports entirely on the Budget Bill were issued and appeared in the Senate Journals of March 2, 1943 and May 5, 1943. This information was used directly in considering the Budget for 1943-45 and assisted materially in producing economies and a better balanced Budget as well as expediting the passage of the Budget Bill as has been previously explained.

Due to loss of technical staff, the Legislative Auditor had to personally analyze all budget requests and participate in all budget hearings. This required all available time far beyond any consideration of normal work hours. In addition many other services were rendered when the 1943 Legislature convened, including constant work with the Ways and Means Committee and Finance Committee with particular emphasis on the consideration of the bills above mentioned. Because of lack of time, and insufficient personnel, several analyses of appropriations for various departments were made by the Legislative Auditor, and used in the Budget hearings, but did not appear in the published report. The Budget Committee considered the actual use of the material in holding down appropriations was more important than the time required to compile and publish the information.

Budget Committee Bills 1943 Legislature

At one of its earliest meetings, the Budget Committee instructed the Legislative Auditor to the effect that whenever he encountered any matter that required legislation to correct, that he should have a specific bill drawn by the Legislative Counsel for consideration of the committee. This was done consistently up to the 1943 Session of the Legislature, and has since been followed and will continue during the 1945 Session.

By the time the 1943 Legislature convened, there were some 48 items under consideration. These were presented in 51 bills and introduced in the Senate as SB 800 to 851. The bills, the subject covered, and the action taken on each were as follows:

Alphabetical Index of Budget Committee Bills

(1943 Regular Session)

	Senate Bill number
Agriculture Contingent Fund, abolishing	828
Attorneys, employed by State	803
Attorneys, employed by Superintendent of Banks, and Building and Loan Commissioner	812
Attorneys, approval of employment by Attorney General	835
Appointments, specific term, by Governor	818
Appropriation deficiencies, taking sole control from Governor	805
Appropriations, preventing agencies from spending money not specifically appropriated to them	806
Budget Appeals Board, creating	824
California Horse Racing Board, deposit of moneys in General Fund	829
California Polytechnic School, selling Voorhis unit	834
Civil Service, accepting employment contrary to rules thereof	811

	Senate Bill number
Civil Service, making employees of Superintendent of Banks, Building and Loan Commissioner, and Insurance Commissioner subject to	836
Contracts, filing of, requiring Secretary of State to index	820
Contracts between State Agencies	822
Deposit of funds received under contracts with public agencies in State Treasury	821
Deputy Superintendent of Public Instruction, salary of	827
Education, Director of, salary	826
Education, Department of, duties of	832
Education, State Board of, duties of	831
Fingerprinting of people in State Institutions	847
Investment, department of, creating	802
Lands Commission, abolishing	840
Mines, Division of, Revolving Printing Fund, abolishing	839
Natural Resources Printing Revolving Fund, abolishing	838
Ore Buyer's License Fund, abolishing	841
Pilot Commissioners, Board of, for San Francisco Bay, establishing compensation for	842
Printing and Binding, letting of bids for	817
Public Assistance, prohibiting to persons inimical to United States or California	848
Publicists, employment by State	819
Real Estate Commissioner, Directories and Bulletins published by	830
Reclamation Board, requiring to sell certain lands acquired by board	845
Schools, average daily attendance	833
Sherman Island, State lands owned thereon, transfer to Lands Commission	809
State Officers, prevent from interfering with local government	804
State Economic Planning Board, establishing	807 816
State Planning Board, abolishing	807 816
State Park Maintenance and Acquisition Fund, abolishing	837
State Notices, publication of	823
Teacher's credentials, automatic renewal until 1945	825
Veterans' Home, charging room and board to those financially able to pay	844
Waste Utilization Commission, abolishing	808
Water Master Fund, disbursements from	846
Working hours, Saturday skeleton crew	813
Working hours, State Employees, forty-hour week	801
Working hours, overtime and compensating time off	814
Youth Correction Authority, charging counties for persons committed	849, 850
Youth Correction Authority, allowing operation on partial basis for eighteen months	851, 852

History of Legislative Budget Committee Bills Submitted to Governor

(1943 Regular Session)

Approved by Governor:

Senate Bill Number	
801	Working Hours, State Employees, 40-hour week.
807	State Economic Planning Board, establishing.
808	Waste Utilization Commission, abolishing.
822	Contracts between State Agencies.
825	Teacher's credentials, automatic renewal until 1945.
827	Deputy Supt. of Public Instruction, salary of.
830*	Real Estate Commissioner, Directories and Bulletins, published by.
838	Natural Resources Printing Revolving Fund, abolishing.
845	Reclamation Board, requiring to sell certain lands acquired by board.
846	Water Master Fund, disbursements from.

Not Approved by Governor (Pocket Vetoed):

Senate Bill Number	
804	State officers, prevent from interfering with local government.
806	Appropriations, preventing agencies from spending money not specifically appropriated to them.
809	Sherman Island, State lands owned thereon, transfer to Lands Commission.
812	Attorneys, employed by Superintendent of Banks, and Building and Loan Commissioner.
813	Working hours, Saturday skeleton crew.
819	Publicists, employment by State.
820	Contracts, filing of, requiring Secretary of State to index

* Not Budget Committee Bill, as amended.

Ten of these bills became law. One, however, Senate Bill No. 830, was completely changed to a new subject. Another was amended by the Governor to produce the same service, a postwar planning body but an entirely different setup.

Some of the measures that were defeated have since been accomplished in a different way. Others are the subjects of bills before the 1945 Session.

Large Savings Secured

All of these bills were directed toward improving government administration, tighten control over expenditures, or produce economies or better government service. Much good has already resulted from the bills that became law and the principles found in many of the bills that failed have been instrumental in improving the operation of the State's business without law. One bill in particular, Senate Bill No. 824, which provided for the creation of a Board of Budget Appeals and made the Governor's Budget have actual effect of law in budgetary control, brought about a conference between the Governor and the Ways and Means Committee over the matter of a line item Budget appropriation. Out of this conference came the agreement and assurance of the Governor that he would see that budgetary control was exercised and the legislative intent in relation to appropriations followed. This is the reason for using the minutes of the Ways and Means Committee Budget hearings and consulting the Legislative Auditor on appropriations to determine legislative intent as recited above. The net results was the saving by the administration of many millions of dollars—inside the appropriations.

Property Put on Local Tax Roll

Several of these bills resulted in many thousands of dollars of assessed value of land held by the State and not useful for a State purpose being sold by the State and the land becoming taxable locally. In this connection it should also be mentioned that the Budget Committee first developed the proposal to amend the State Constitution to allow the taxing of Federal property in California insofar as it is or may be permitted by Federal law. A member of the Budget Committee prevailed on the Governor to include this item in the call for a Special Session of the 1943 Legislature. It was approved by the Legislature and the Legislative Auditor was instructed to promote its adoption by making factual information available. The amendment was adopted by the people. This may make possible the eventual taxing locally of a vast sum of Federal property. The importance to local government is seen when we learn that in addition to the vast property held by Federal corporations, some 48 per cent of all the land area in California is owned by the Federal Government. In some counties it runs as high at 83 per cent.

Principles Written Into Other Bills in 1943 Legislation

The principles of several of the Budget Committee bills, such as the State should not hold any property which is not needed for a State purpose and keep it off a local tax roll, were written into other bills. Likewise the hours of work required was written into the Budget Act.

Duties of Budget Committee Expanded

By Joint Rule No. 38 the duties of the Budget Committee were further enlarged by adoption of Senate Concurrent Resolution No. 47 of the 1943

Session. This resolution made the Budget Committee the repository for all documents and materials of all committees of the Legislature other than standing committees when such committees have concluded their work.

The provision is as follows:

> *"Resolved by the Senate of the State of California, the Assembly thereof concurring,* That a new rule, to be numbered 38, is hereby added to the Joint Rules of the Senate and Assembly, to read as follows:
>
> 38. Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Budget Committee for use and custody, available to the members of the Legislature, all documents, data, reports and other materials that have come into the possession of such committee and which are not included within the final report of such committee to the Assembly, Senate, or the Legislature, as the case may be."

The reason for this rule develops from the fact that many legislative committees collect valuable facts and material, use some of it for a report and the original material disappears. The new procedure will have this material preserved in a central place for the benefit of the Legislature.

Other Legislative Services of Legislative Auditor

Besides the services already listed in connection with the Budget and appropriation bills, the Legislative Auditor and the staff of the Budget Committee served other committees of the Legislature and supplied information to many members on various bills and supplied numerous requests for figures showing the cost of other bills.

Functions of New Agencies to Be Observed

As a result of the legislative desire for wartime economy and the creation of several new agencies by the 1943 Legislature, the Legislative Budget Committee added more specific instructions to the effect that the Legislative Auditor was to observe the functioning of all new wartime agencies and in particular the wartime economy of other agencies. He was instructed to report back to the committee at its several meetings. In particular the committee's instructions included the Youth Authority, War Council, the State Guard, the Farm Production Council, the Fire Disaster Pool of the Division of Forestry, the Personnel Board in relation to salaries and the wartime bonus, overtime allowed to meet the shortage of manpower, Postwar Building Reserve Fund, and any other added services in other regular departments of the State Government. This specific assignment materially increased the work load and required additions to the research and clerical staff.

Special Sessions 1943 Legislature

The extraordinary sessions of the Fifty-fifth Legislature added greatly to the work of the Budget Committee and its Legislative Auditor.

The two new departments of Correction and Justice were created by the Third Special Session by reorganizing the Department of Penology and adding to the Attorney General's office part of these functions.

The Fourth Special Session was held from June 5, to June 13, 1944. It considered among other matters a completely revised Postwar Building

Reserve Program with a number of specific appropriations for plans and others for sites for State buildings and buildings, an added appropriation for the Farm Production Council, also for the Reconstruction and Reemployment Commission and other appropriations.

The Legislative Auditor on instructions from the Budget Committee assisted the Senate Committee on Postwar Construction Program, and the Assembly Postwar Rehabilitation Committee, and had made a comprehensive study of the building needs of the State. He had worked with the Director of Finance and these committees on this whole matter. He had prepared an analysis of the entire matter for these committees.

Legislation Expedited

The Budget Committee had met in two joint meetings with the above-mentioned committees so that when the special session met the matter adding to the Postwar Building Reserve, making appropriations from this for plans for the State buildings and for the University of California, and appropriations for building sites was expedited.

Farm Production Council

The Legislative Auditor conforming to instructions of the Budget Committee to observe all new agencies created by the Legislature had followed from its inception the operations of the Farm Production Council created by the Food and Fiber Act. He had reported to the Budget Committee on several occasions the nature of the organization, the overly large administrative pay roll, the lack of budgetary and other control by the Department of Finance, and the rapidity of expenditures which would exhaust their appropriation before the end of the biennium. He had also reported that the organization was out of hand and was not following good business procedures and was not getting proper return for the money expended. The Legislative Auditor was instructed to follow the matter closely and find out if they could justify an added appropriation at the special session.

The investigation made as a result of this disclosed many irregularities in contracts entered into by the Farm Production Council and other procedures that were of questionable policy. These in particular involved a trusted employee of the council, A. L. (Red) Vollman, an administrative assistant, in his handling of contracts for portable buildings, feeding contracts, and other matters.

The circumstances of these contracts were thoroughly investigated by the Legislative Auditor and his staff, as well as the full operation of the Farm Production Council. The irregularities consisted, among others, of soliciting a bribe by Vollman from the firm of Nelson and Ewing who were the contractors furnishing portable farm labor houses for the council.

The sum of the several contracts or orders amounted to approximately $385,000 on which the net profit was $161,000, round numbers. The size of the profit, plus other matters of delivery, sales tax refunds, addition of loading and hauling charges, acceptance by the Farm Council without houses meeting full specifications, changes in requirements for plumbing, etc., led the Legislative Auditor to suspect serious internal irregularities. This was confirmed by evidence secured including the testimony of Grant Ewing, formerly of the firm of Nelson and Ewing.

This matter came to a head during the special session while the Senate Finance Committee was hearing the request of the Farm Production Council for an additional appropriation. For this reason the Budget Committee directed the Legislative Auditor to give this committee every assistance. The committee asked the Legislative Auditor for a full report and then proceeded to take the testimony of Mr. Ewing.

The results were that the whole matter was turned over to the Attorney General for investigation and action. A. L. "Red" Vollman was prosecuted in Alameda County and was convicted of soliciting a bribe and was sentenced from five to 14 years. An appeal is in the process of being prepared.

Nels E. Nelson pleaded guilty to the charges of bribery in connection with the Vollman case. On December 14, 1944, he began serving six months in the Alameda County jail as one condition of the probation he was granted. He was placed on probation with a five-year suspended sentence with three other conditions:

1. Thirty days after release from jail he must pay the County of Alameda $1,252.72 for the expense of investigating and prosecution of his case.
2. That he satisfy all judgments which may be obtained against him by the State for alleged overcharges and shortages in performance of contracts up to and not exceeding $91,391, which was the amount of his profit on the contracts as shown by tax figures.
3. That 60 days after release from jail, he furnish a $40,000 surety bond as a guarantee of payment of any civil judgment awarded the State.

State May Recover on Contract

The Attorney General in the name of the State of California, has brought suit against the firm of Nelson and Ewing, citing five causes of action for recovery on the contract the Farm Production Council had with them for the building of igloo type portable farm buildings. In these causes of action the State asks, in the first cause of action, for recovery in the amount of $337,827.09 which was the total sum paid to Nelson and Ewing. The second cause of action seeks recovery in the sum of $129,577.63, which is the difference in the actual value of the houses delivered to the State, as determined by the State Architect, and the price paid by the State. In the other three causes of action, recovery is sought of verious sums based upon the causes of action. It appears possible that the State may recover at least the sum stated in the second cause of action.

Special Session Appropriation for Farm Council Reduced

Prior to the meeting of the Fourth Extraordinary Session of the 1943 Legislature, Mr. Parker, Director of the Farm Production Council, announced publicly at a meeting in Los Angeles, that he expected to ask the Legislature for an appropriation of $2,000,000 to support the work of the council for the remainder of the Biennium 1943-45. In this he was supported by those persons who represented agricultural producers, packers and shippers of agricultural products, Chambers of Commerce, and others. The Legislative Auditor at once made inquiry as to how such a Budget could be justified and raised some critical questions.

Shortly thereafter, Mr. Parker submitted a Budget to the Department of Finance of $1,900,000 in round numbers, and shortly thereafter at his suggestion, certain agricultural leaders and representatives of agricultural organizations asked the Legislative Auditor to meet with them and with Mr. Parker and go over the matter.

Prior to this, certain agricultural associations had not only endorsed the work of the Farm Council under Mr. Parker, but had also commended him for his *economy and efficiency*. At least one such resolution appeared in the publication issued by this farm organization. The Legislative Auditor inquired as to the basis for this resolution and found that the farm organizations and the farm leaders were not acquainted with the actual internal workings of the Farm Council. All that they had to judge the operation by was the fact that Mexican nationals were being made available for farm labor and this helped materially in the stringent farm labor market. They frequently gave credit to the Farm Production Council for services which were performed by a number of organizations.

At the meeting with the agricultural group mentioned above, the Legislative Auditor discovered that the agriculturists did not know the true facts of the situation. The agriculturists did want the Mexican nationals as laborers; they wanted the housing and transportation necessary to handle these laborers, but they did not wish it to cost more than was absolutely necessary.

The budget request for $1,900,000 was reduced by the Director of Finance and we feel that the operations of the Budget Committee had a considerable influence. The actual bill introduced into the Legislature called for an appropriation of $1,014,000. This is certainly a material decrease from the $2,000,000 originally contemplated by the Director of the Farm Production Council.

The exposing of the internal workings of the Farm Production Council came during the hearing on this particular measure by the Finance Committee and as a result the Legislative Auditor recommended that certain financial controls which already exist at law be specifically attached to the appropriation bill requiring the Department of Finance to exercise budgetary control to approve contracts and audit expenditures. This was done. The Legislative Auditor stated that while he believed the $1,014,000 appropriation was about double the amount actually needed, that he could not in the time available estimate with exactness, and if the members of the council themselves would be concerned with the situation, any amount in excess of what was actually needed could be saved.

Subsequently at the instructions of the Budget Committee, the Legislative Auditor has continued to watch the operation of the Farm Council. The entire organization has been reformed and it has not only lived within its budget, but it will end the biennium with a balance of approximately one half million dollars; about one half of this being a balance from appropriations and the other half from the proceeds from the sale of surplus items and supplies to agriculturists.

There is no doubt that if the Budget Committee had not been functioning, the Farm Council would have continued very much as it had operated and possibly would have secured the requested appropriation of $2,000,000 and would probably have spent a major portion of it. On

the other hand, there will now be a saving of around one half million dollars from the reduced appropriation and possibly the State will recover another $100,000 from the Nelsen-Ewing contract. It may be of some interest to note that if the $100,000 recovery is accomplished alone, that this will exceed by some 20 per cent the entire expenditure made by the Legislative Budget Committee since it has been in existence, and will be $15,000 more than the entire amount which has been appropriated for the expenditures of the Budget Committee.

Savings Accomplished by the Budget Committee

While no one individual committee or agency of the State can claim complete credit for economies and efficiencies that are made effective, it usually takes some one entity to get such things actually started, and to follow them through to see that they are accomplished. In other words, some entity has to act as a spark plug in the operation of the several parts of the State organization that make an economy or an improvement in government actually effective. Some entity has to act as the leaven that keeps the whole mass active. The Legislative Budget Committee has been this moving entity since the time it was organized. It has continually represented the Legislature in proposing efficiencies and economies and studied operations of State government, searching out duplicating and overlapping functions, poor governmental organization, antiquated procedures in accounting and financial control, and it is constantly reporting back to the Legislature its findings and it has brought these out and made specific recommendations for improvement. It has provided the means whereby every request for appropriation is subjected to careful scrutiny. It has watched the State's business transactions, the liquidation of State organizations, and the disposal of surplus property including the State Relief Administration, the Surplus Commodities Administration, the Farm Production Council, the State Guard, and the surplus lands of the several State departments and agencies. It has also watched carefully the management and control of personnel, which affects the largest single expenditure of the State, that for salaries and wages. It has pointed out abuses in the way of sick leave, vacations, overtime, and pay schedules. Its representative has worked in planning State buildings with the idea of standardization and economy in building so that each and every structure will not only serve the purpose for which it is intended, but will lend itself to the most economical management and operation.

Many of these savings are not only in the original appropriations, but they will accrue over a period of years in securing better government at the least cost.

Starting with the reduction in the Budget requests at the Special Session of the Legislature following Pearl Harbor when Governor Olson requested $45,000,000, and the appropriations allowed by the Legislature exactly as recommended by the Budget Committee were in round numbers $15,000,000, down to the beginning of the Fifty-sixth Session of the Legislature, the Budget Committee believes that it can demonstrate by specific items that for each $1,000 spent by the Budget Committee, it has been instrumental if not the major moving force, in saving the taxpayers of California approximately $1,000,000. Many of these savings

will continue over into the future for many years to come. These estimated savings do not include the very tangible but unmeasurable amounts that have been saved merely due to the fact that the Legislature has a permanent organization with trained personnel continually on the job observing the expenditures of State money and the functions of the various departments and agencies of the State. Neither do these savings, as pointed out, include any savings resulting from a consideration of the 1945-47 Budget.

Moreover, at hearings before boards and commissions, the taxpayers have, in a sense, for the first time, a representative and a voice on many occasions when decisions are being made which will involve the expenditure of vast sums of public money, and where otherwise there would be no one to in any way represent the view of the taxpayers. For the most part this has been limited to indirect action, and frequently merely to inquiry and observation, but in a few instances the Budget Committee has directly expressed itself or has instructed its representative, the Legislative Auditor, to present previously determined policies.

This report covers what has been accomplished in a period of 40 months at an expense of $80,000, or at the rate of $2,000 per month. While the Budget Committee feels that its own operations should not be over-expensive, it realizes that a curtailed program has been maintained due to the inability to secure and retain an adequate technically trained staff. In fact, the entire staff, with the exception of the Legislative Auditor, has had two complete turnovers in this period. This has necessitated working the staff that was available without reference to regular hours or established work weeks. A somewhat larger expenditure of approximately $3,000 a month is clearly justified and will yield equivalent results.

Procedure Followed With 1945-47 Budget

In formulating the 1945-47 budget, the Department of Finance on behalf of the Governor made a similar request of the Budget Committee and the Legislative Auditor was instructed to again participate as before. This he has done but with the following medification. He cooperated in all the original budget hearings held by the Department of Finance and participated as if he were a member of the budget staff. He had an opportunity to put questions to the various representatives of the departments and agencies of the State. He could and did bring to the hearing the expressed views of the Budget Committee as given in instructions to the Legislative Auditor at the September 22-23, 1944, meeting of the committee.

These instructions followed those given in considering the 1943-45 Budget presented previously herein, but with the following additions.

Committee Policies

The Committee formally voted that the Legislative Auditor should sit in with the Director of Finance as invited and be directed to help and aid in preparing the coming Budget. In considering the procedure to be followed in relation to the Budget for 1945-47, the committee expressed the view that "the only policy to follow is to practice economy

and cut expenses to the bone. The Legislature should scrutinize the Budget very carefully and resort to economy and cut the Budget down substantially."

In the matter of wartime agencies and expenditures, the committee expressed the view that all of these should definitely end with the war and should not be continued as a regular activity of the State Government. With reference to the control of personnel, it was clearly stated by the committee that personnel employed for wartime activity should not be continued after the war ended, and that prewar positions now vacant should not be refilled unless each and every position could be specifically justified; that if departments operated well during the war with reduced personnel, they should be able to do so after the war. In fact, since the departments have claimed that the temporary employees, or those hired during the war, have been less efficient than prewar employees, and since the postwar period should bring back the more efficient employees, then fewer employees should be required to perform the services in normal times. It was stated definitely that every department should justify specifically what they request. The committee stated emphatically that returning military personnel should be given back their old positions and that duration employees should not be retained through the process of creating new positions where there was not a clearly demonstrated need; that the State should not be a charitable institution.

Postwar Building Fund

Considering specifically the Postwar Building Fund, the committee expressed the view that only so much thereof as was to be used for capital outlay during the biennium should be included in the Budget.

War Disaster Fund

It was the conclusion of the committee that the $25,000,000 War Disaster Fund should be left exactly as it is until after the war.

Emergency Fund for Price Increase

The committee expressed the view that only so much of the special emergency fund for the increased cost of commodities should be included as is based on demonstrated necessity. It is not likely that prices will further increase; no special fund should be set up.

Motor Vehicle Valuation

The committee stated that they believed the valuations on motor vehicles for the in lieu tax, as fixed by the last regular session of the Legislature should be continued for the duration of the war.

Dormitories

The committee was very definite in its view that no money should be set up in the Budget or in the postwar building program for dormitories either at the University of California, the State Colleges, or at any of the State schools.

Budget Hearings 1945 Differ From 1943

At the termination of the hearings held by the Director of Finance, in which the Governor did not once participate, the procedure varied

from the 1943-45 Budget. Many of the Budgets for the several agencies and departments were determined at these hearings. Several were taken under advisement by the Director of Finance and his staff. A few were taken under advisement to be considered by the Governor. In very few instances did the Legislative Auditor further participate in the Budget determination.

Harmony Prevailed

This does not infer any lack of harmony, merely a change in procedure where the Governor with two years' experience can function differently than can a Governor-elect. The Governor now has his own Budget Maker, the Director of Finance and his other department heads, and his policies are pretty well established. There has been the closest harmony and cooperation between the Director of Finance, Mr. Dean, the Governor's Budget Maker, the Legislative Budget Committee, and its representative the Legislative Auditor.

It was pointed out in our first report on page 18 that the time available to the Governor-elect to prepare the Executive Budget after his election and the date required for its submission to the Legislature, does not make it possible for him to really formulate his own Budget.

Our statement is as follows:

> The limitation on the time available to prepare the Executive Budget after the election of the Governor and the required time of its presentation to the Legislature does not make it possible to make a complete and exhaustive analysis of every Budget request. Furthermore, the incoming Governor and his advisors are not sufficiently armed with the facts and experience to exhaustively cover the Budget requests which, in their total, exceed half a billion dollars. Here is a manifest weakness in the State's budgeting procedure which presents itself with the election of each new Governor. Time and information available to the new Governor and his department heads are absolutely too short subsequent to an election to make possible adequate consideration of the Budget by the newly elected Governor and his newly appointed chiefs. It appears to be desirable to extend this time in some fashion by at least 30, and preferably 60 days. This would result in fuller consideration by the Executive of appropriation requests and undoubtedly a better Budget and a more acceptable document would result. The values which would come from making possible this more detailed consideration would be of maximum amount if the Legislative Budget Committee, through the Legislative Auditor, could participate continuously in the Budget program.
>
> It is self-evident that under the present conditions the permanent Budget staff of the Department of Finance must be depended upon to provide analyses of expenditures and necessary facts for the Governor-elect. In this instance, and for the first time in the history of the State, the Legislature has had its own representative participate with the Governor-elect in preparing a Budget. From the volume of facts and information gathered by the Legislative Auditor during the past year and from his previous experience with State Budgets and State administration, a distinct contribution

and assistance has been made in preparing the Budget which the Governor-elect has welcomed.

Budget 1945-47 Governor's Own Document

This condition is not true of the Budget for the second biennium of the Governor. This Budget must be considered to reflect the well-considered financial plan of the Chief Executive, his department heads and his advisors within the framework and limitations of law. This includes the statutes of the first regular and several special sessions to which he affixed his signature which affect the Budget. Also if the Governor complies with the Constitution, the Budget should also include provision for all those added expenditures he intends to recommend to the Legislature.

Results to Date on 1945-47 Budget

The committee, as it did in 1943, again believes that the results secured to date amply justify the procedure followed and the work done together with the assistance on the Budget which will be forthcoming will be to the satisfaction of the Legislature.

The original Budget requests of the several departments, agencies and commissions of the State together with fixed charges for the Biennium 1945-47 totaled approximately $745,000,000. These mere materially reduced as a result of the hearings held by the Director Finance in which the Legislative Auditor participated. Finally by subsequent action of the Director of Finance and the Governor, they appear in the Governor's Budget, page iii, at $683,710,643, a reduction of approximately $62,000,000. This, as the Governor has frankly stated in his Budget Message, is the largest Budget in the history of the State and it does not contain all the expenditure program recommended by the Governor as will be pointed out specifically subsequently.

Not an Economy Budget

This Budget is in part a wartime Budget and again the Legislative Auditor reports that in his opinion it is not a strict economy Budget nor is it made in full agreement with the policies enunciated by the Budget Committee for the State's wartime Budget or the instructions given him at the September 22, 1944, meeting of the Budget Committee. These departures will be specifically covered in his analysis of the budget given in detail later.

The Budget for 1945-47 is on the whole well balanced. There are some exceptions. In many items there has been mutual agreement on the amounts recommended for appropriations, the size of staffs, salaries, equipment, capital outlay, and other items. In other places there are differences of opinion, some depending solely on policy which of course the Legislature must decide. These will be pointed out for consideration by the Legislature.

Budget Can Be Expedited

The Budget Document is on the whole in good form. As a result of the participation of the Legislative Auditor, there are several items that appear in clear relief which we doubt would have been presented to the Legislature. One item we call particular attention to is the statement on page 713 of the Budget headed

Public Works, Division of Highways
Statement of Unbudgeted Surplus and Reserves for Postwar Highway Construction

A surplus of $36,704,033 is shown and a reserve of $40,000,000. Such a surplus has not been brought out in prior Budgets, although they have existed. The Governor recommends on page VII of his Budget Message that a Postwar Highway Construction Reserve be set up for reasons there explained. This does not appear in the Appropriation Act accompanying the Budget but an amendment has been prepared and a bill has been introduced to make the Governor's recommendation effective.

Due to constant study, observation and investigation of the operation of the departments and agencies of the State Government, the Legislative Auditor, as directed by the Budget Committee, is prepared to render his report on the Budget. He is also again in a position to report to the Legislature and its committees just how the Budget was prepared and the essential details for each appropriation request. He is prepared to function with the several committees as he did in 1943.

The Budget Committee hopes that the Budget can again be considered in as short a time as is reasonably consistent with its larger size. Also that as good or better results can be achieved. It believes that its operation will be helpful to this end.

Full Budget Report by Legislative Auditor

So as to provide definite information on the Budget we have instructed the Legislative Auditor to fully analyze the 1945-47 Budget and the Appropriation Act accompanying it and give his observations and comments thereon consistent with the instructions given him. This report does not contain all the detail available in our files so we have instructed the Legislative Auditor to be prepared to supplement this where desired before the several committees of the Legislature considering the Budget Bill and other appropriation measures.

Respectfully submitted,

LEGISLATIVE BUDGET COMMITTEE

SENATOR W. P. RICH, Chairman
SENATOR JERROLD L. SEAWELL
SENATOR ARTHUR H. BREED, Jr.
SENATOR T. H. DELAP
SENATOR EDWARD H. TICKLE
ASSEMBLYMAN EARL D. DESMOND, Vice Chairman
ASSEMBLYMAN ALBERT C. WOLLENBERG
ASSEMBLYMAN MICHAEL J. BURNS
ASSEMBLYMAN CHARLES W. LYON
ASSEMBLYMAN GEORGE A. CLARKE

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 19, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 15—Relating to claim of ownership of lands by the Sovereign State of California.

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the nineteenth day of March, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 35
Senate Bill No. 117
Senate Bill No. 162
Senate Bill No. 163
Senate Bill No. 266
Senate Bill No. 267
Senate Bill No. 274
Senate Bill No. 302
Senate Bill No. 365
Senate Bill No. 366
Senate Bill No. 379
Senate Bill No. 419
Senate Bill No. 510
Senate Bill No. 554
Senate Bill No. 574
Senate Bill No. 620
Senate Bill No. 664
Senate Joint Resolution No. 11
Senate Bill No. 702
Senate Bill No. 1104
Senate Bill No. 1105
Senate Bill No. 1106
Senate Bill No. 1110
Senate Bill No. 1111
Senate Bill No. 1112
Senate Bill No. 1114
Senate Bill No. 1115
Senate Bill No. 1117
Senate Bill No. 1118
Senate Bill No. 1119
Senate Bill No. 1120
Senate Bill No. 1121
Senate Bill No. 1122
Senate Bill No. 1123
Senate Bill No. 1124

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1125
Senate Bill No. 1126
Senate Bill No. 1127
Senate Bill No. 1129
Senate Bill No. 1130
Senate Bill No. 1132
Senate Bill No. 1133
Senate Bill No. 1134
Senate Bill No. 1135

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 71
Senate Bill No. 116
Senate Bill No. 249
Senate Bill No. 273
Senate Bill No. 503
Senate Bill No. 837
Senate Bill No. 840
Senate Bill No. 1103
Senate Bill No. 1107
Senate Bill No. 1108
Senate Bill No. 1109
Senate Bill No. 1113
Senate Bill No. 1128
Senate Bill No. 1136
Senate Bill No. 1137

And reports the same correctly engrossed.

SEAWELL, Chairman

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 96

Senator Fletcher moved that Senate Bill No. 96 be withdrawn from Committee on Judiciary for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 96

Senate Bill No. 96—An act to add Section 1238.5 to the Code of Civil Procedure, relating to the exercise of the right of eminent domain.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 19, of the printed bill, strike out "shall mean and include", and insert "means".

Amendment No. 2

On page 1 of said bill, strike out line 21, and insert "for the maintenance thereon of roads, tramways,".

Amendment No. 3

On page 2, line 5, of said bill, strike out "(3)".

Amendment No. 4

On page 2 of said bill, strike out lines 7 and 8, and insert "of way for such a road, tramway, or other structure, shall either carry and convey, or permit the carriage or conveyance, over such road, tramway, or other structure, to either".

Amendment No. 5

On page 2, line 11, of said bill, strike out "said road", and insert "such road, tramway, or other structure".

Amendment No. 6

On page 2, line 14, of said bill, after the period, insert "Any road so constructed shall be open to public use without charge, except as provided in this paragraph."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

RESOLUTIONS

The following resolutions were offered:

By Senator Powers:

Senate Resolution No. 66

Resolved, That H. B. Thomas, heretofore appointed Assistant Engrossing and Enrolling Clerk at a per diem of $8 be and he is hereby appointed to the position of Chief Assistant Engrossing and Enrolling Clerk at a per diem of $10 beginning March 18, 1945, payable seven days per week and the Controller is hereby directed to draw his warrants in favor of the said person for the said amount and the Treasurer is hereby directed to pay the same.

H. B. Thomas, Chief Assistant Engrossing and Enrolling Clerk--$10 00 per day

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—26.

NOES—None.

By Senator McBride:

Senate Resolution No. 67

Relative to designation and appointment of Senator Thomas Kuchel, of Orange County, as Poet Laureate of California

WHEREAS, It is a time-honored and fitting custom that California recognize with the honorary office of Poet Laureate some one of our distinguished citizens in poetic expression of the romantic beauty and historic glory of our great State, which honorary office is now vacant; and

WHEREAS, For many years Senator Kuchel has given voice in golden words to sentiments dear to every Senator's heart; and

WHEREAS, Senator Kuchel only recently demonstrated to the amazement of his colleagues that he is an outstanding poet; now, therefore, be it

Resolved by the Senate of the State of California, That Senator Thomas Kuchel is hereby designated and appointed Poet Laureate of California.

Resolution read, and referred to Committee on Rules.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 11—An act to amend Section 4279 of the Political Code, relating to compensation for public services in counties of the fiftieth class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "--------", and insert "one thousand three hundred dollars ($1,300)".

Amendment No. 2

On page 1, line 9, of said bill, strike out "--------", and insert "two thousand three hundred dollars ($2,300)".

Amendment No. 3

On page 1, line 12, of said bill, strike out "--------", and insert "one thousand eight hundred dollars ($1,800)".

Amendment No. 4

On page 1, of said bill, after line 30, insert

"SEC. 2. The compensation provided by Section 4279 of the Political Code shall be paid to incumbent officers."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 15—An act to amend Section 4275 of the Political Code, relating to compensation for public services in counties of the forty-sixth class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 7, of the printed bill, before "per annum", insert "two thousand two hundred twenty dollars ($2,220)".

Amendment No. 2

On page 1, line 9, of said bill, before "per annum", insert "two thousand eight hundred dollars ($2,800)".

Amendment No. 3

On page 1, line 11, of said bill, before "per annum", insert "one thousand eight hundred dollars ($1,800)".

Amendment No. 4

On page 2, of said bill, after line 31, insert

"SEC. 2. The compensation provided by Section 4275 of the Political Code shall be paid to incumbent officers."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 14—An act to amend Section 4282 of the Political Code, relating to compensation for public service in counties of the fifty-third class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government.

Amendment No. 1

On page 1, line 7, of the printed bill, before "per annum", insert "eight hundred seventy dollars ($870)".

Amendment No. 2

On page 1 of said bill, strike out line 9, and insert "one thousand nine hundred dollars ($1,900) per annum."

Amendment No. 3

On page 1, line 11, of said bill, before "per annum", insert "one thousand eight hundred dollars ($1,800)".

Amendment No. 4

On page 1 of said bill, after line 22, insert

"SEC. 2. The compensation provided by Section 4282 of the Political Code shall be paid to incumbent officers."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 304—An act to validate the organization, boundaries, trustees, acts, proceedings and bonds of recreation districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government.

Amendment No. 1

In line 1 of the title of the printed bill, after "act", insert "to amend Section 5438 of the Public Resources Code, relating to the governing body of a county recreation district, and".

PRINTER'S NOTE—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 5438 of the Public Resources Code is amended to read:

5438. Public recreation districts shall be managed by seven trustees, appointed by the board of supervisors from the voters of the district. [The] *Two of said* trustees shall hold office for [four] *a period of two* years, *three of said trustees shall hold office for a period of three years, two of said trustees shall hold office for a period of four years* and their successors shall be appointed in the same manner as other

appointments are made by the board. The word "voters" as used in this section means persons entitled to vote at a district election under the provisions of Section 5437.

SEC. 2. All county recreation districts heretofore".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 335—An act to amend the title of, and to add Section 1.5 to, an act entitled "An act authorizing any county, city and county, city, town, district, or any political subdivision of the State, or any public or municipal corporation of the State, in the letting of contracts for public work, or the doing of such work, to comply with requirements of Federal laws and of regulations and orders issued under authority thereof with respect to the awarding of contracts, hours of labor, employment preferences, and other matters covered thereby, and imposed as a condition or prerequisite to the loan or grant of Federal funds or the funds of any Federal corporation or agency in aid of such public work, and declaring this act to be an urgency measure, and providing that it take effect immediately," approved July 6, 1935, relating to contributions or loans to local agencies, declaring this act to be an urgency measure, and providing that it take effect immediately.

Consideration of Committee Amendments

Bill read second time.

The following amendment was proposed by the Committee on Local Government.

Amendment No. 1

On page 2, line 7, of the printed bill, strike out "county or city", and insert "county, city and county, city, town, district, or any political subdivision of the State, or any public or municipal corporation of the State,".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 81—An act to amend Section 737n of the Political Code, relating to the salary of the judge of the superior court in and for the County of Inyo.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 119—An act to amend Sections 4075 and 4076 of, and to add Section 4076.5 to, the Political Code, relating to claims against counties.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 619—An act to amend Section 1 of an act entitled "An act relating to the liability in damages, of municipalities, counties, cities and counties, and school districts, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works or property; prescribing the duties of the officers therof in such cases, and authorizing such public or quasi public corporations to take out and pay for insurance to protect them against such liability," approved June 19, 1931, relating to the liability of public agencies for injuries to person or property.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 8—An act to add Section 4041n to the Political Code, relating to the installation and maintenance of watering troughs by county boards of supervisors.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 63—An act to amend Section 737bbb of the Political Code, relating to the salaries of judges in counties of the thirteenth class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 64—An act to amend Section 4242 of the Political Code, relating to compensation for public service in counties of the thirteenth class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 220—An act to amend Section 5 of, and to add Section 22a to, the California Water District Act, relating to qualification of officers, and deposit of funds, of districts organized under said act.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 928—An act to add Section 10.5 to an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to municipal corporations, for the incorporation of such annexed territory in and as a part thereof, and for the districting, government and municipal control of such annexed territory," approved June 11, 1913, as amended, relating to the annexation of territory to municipal corporations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 3, of the printed bill, before "10.5.", insert "Sec.".

Amendment No. 2

On page 1, line 6, of said bill, after "act.", insert "Whenever it is proposed to annex to any municipal corporation territory outside the county in which such municipal corporation is situated, the consent of the board of supervisors of the county in which the territory proposed to be annexed is located shall be obtained before any proceedings for annexation are commenced. The annexation of such territory to a municipal corporation shall not alter any county boundary line, but the territory annexed shall continue to be a part of the county in which it is situated."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 83—An act to amend Section 3041 of the Elections Code, relating to independent nominations.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 84—An act to amend Section 10601.5 of the Elections Code, relating to candidates for judicial offices.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 88—An act to amend Sections 2893, 2896, 2897 and 2898 of the Elections Code, relating to ballots in case of the death or disqualification of a candidate.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "30", and insert "40".

Amendment No. 2

On page 1, line 16, of said bill, strike out "30", and insert "40".

Amendment No. 3

On page 1, line 21, of said bill, strike out "35", and insert "45".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1545—An act to amend Section 4245 of the Political Code, relating to compensation for public service in counties of the sixteenth class.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 972—An act to amend Section 7729 of the Public Resources Code, relative to the issuance of patents for State lands, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1067—An act to add Section 3606 to the Public Resources Code, relating to the spacing of oil wells.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 181—An act to amend Section 631 of the Welfare and Institutions Code, relating to nomination and appointment of probation officers.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators DeLap, Dorsey, Gordon, Keating, Rich, Salsman, and Swing—7.
NOES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Kuchel, McBride, Mixter, Parkman, Quinn, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—27.

Senate Bill No. 103—An act to amend Section 578.1 of the Welfare and Institutions Code, relating to appointment of a referee in juvenile court matters.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 494—An act to add Section 5006 to the Penal Code, relating to an Inmate Welfare Fund, and transferring thereto the balances of certain other funds enumerated therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 496—An act to add to the Penal Code Section 5005, relating to canteens at State prisons and other institutions under the jurisdiction of the Department of Corrections.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 492—An act to add Section 2714 to and repeal Sections 2710, 2710.1, 2710.2, 2713, 2720, and 2746 of the Penal Code, relating to revolving funds for the maintenance of the work program in prisons and institutions under the jurisdiction of the Department of Corrections, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.
NOES—None.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 493—An act to amend Sections 1202a and 2900 of the Penal Code, relating to persons convicted of crimes, and providing for their delivery to State prisons and the time of commencement of their terms of imprisonment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.
NOES—Senators Desmond and Donnelly—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 487—An act to amend Sections 2699, 5057, 5079, 5080, 6025, and 6050, and to repeal Sections 2521, 2521.5 and 6051 of the Penal Code, relating to the Department of Corrections, and providing for the appointment and salaries of officers and employees of the department and the respective powers and duties of the officers and agencies thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 488—An act to amend Section 1554.2 of the Penal Code, relating to proceedings against fugitives from justice, and authorizing the California Institution for Women to apply to the Governor for requisitions for the return of persons committed thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 489—An act to amend Section 817 of the Penal Code, relating to peace officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 490—An act to amend Section 2701 of the Penal Code, relating to the employment of prisoners in State prisons, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 495—An act to repeal Sections 2690, 2703, and 2704 of, and to add a new Section 2690 to, the Penal Code, relating to the temporary removal of persons from prisons and other institutions under the jurisdiction of the Department of Corrections.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—28.

NOES—Senator Sutton—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 497—An act to amend Section 2781 of the Penal Code, relating to the employment of prisoners in camps.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—27.

NOES—Senators Desmond and Sutton—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 498—An act to amend Section 2761 of the Penal Code, relating to the employment of prisoners upon work in the construction, improvement and maintenance of State highways.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 437—An act to amend Section 661½ of the Political Code, and Section 13923 of the Government Code, relating to revolving funds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 442—An act to authorize the Director of Finance to sell and convey certain real property in the County of Sacramento, known as Camp Christiansen.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 446—An act to provide for the reversion to the General Fund of any unexpended balance in the appropriation made by Chapter 556, Statutes of 1919.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 454—An act to repeal Article 3, comprising Sections 13140 to 13148, inclusive, of Chapter 2 of Part 3 of Division 3 of Title 2 of the Government Code and to add a new Article 3, comprising Sections 13140 to 13144, inclusive, to Chapter 2 of Part 3 of Division 3 of Title 2 of the Government Code, relating to the refund by State agencies of fees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 469—An act to add Section 11009 to the Government Code, relating to investments of funds and the sale or exchange of securities by State agencies and the powers of the Department of Finance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 472—An act to amend Section 356 and 356a of the Political Code, and Sections 11253, 11310 and 11314 of the Government Code, relating to State departments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 837—An act to add Section 433.4 to the Political Code and to add Section 12423 to the Government Code, relating to the meetings of county tax collectors and redemption officers or authorized representatives thereof with the Controller.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—29.
NOES—Senator Judah—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 222—An act to add Section 9322 to the Government Code, relating to compensation of legislative committee reporters.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 4.15 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Senate Bill No. 656—An act to amend Section 883 of the Fish and Game Code, relating to nets.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly:

Senate Bill No. 593—An act to amend Sections 101 and 480.5 of the Fish and Game Code, relating to District 101.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Motion to Amend Title

Senator Cunningham moved the adoption of the following amendment:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Sections 101 and 480.5", and insert "Section 101".

Amendment read and adopted.

Bill ordered reprinted, and transmitted to the Assembly.

Senate Bill No. 702—An act to amend Sections 47, 936, 953d, 956a, 1034, 1178, and 1199, and to repeal Sections 648, 649, 650, 651, 653, 939, 940, 950, 951, 952, 953, 953a, 953b, 953c, 954 and 954a, of the Code of Civil Procedure; to amend Sections 1176, 1235, 1239, 1243, 1246, 1248, and 1252, and to repeal Sections 1241, 1249 and 1264, of the Penal Code; and to amend Sections 1232 and 1233 of the Probate Code, relating to appeals.

Bill read third time.

Motion to Amend

Senator Keating moved the adoption of the following amendment:

Amendment No. 1

On page 5 of the printed bill, between lines 15 and 16, insert

"An affidavit or verified petition must be received as evidence when offered in any uncontested probate proceedings, including proceedings relating to the administration of estates of decedents and proceedings relating to the administration of estates of minors or incompetent persons after a guardian has been appointed therein and in uncontested proceedings to establish a record of birth."

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Fletcher:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 19, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to create a flood control district to be called San Diego County Flood Control District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

Respectfully submitted.

SENATOR FLETCHER

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 19, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jesperson, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1257: By Senator Fletcher—An act to create a flood control district to be called San Diego County Flood Control District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments

on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

Referred to Committee on Water Resources.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Cunningham:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 19, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 25 (a) of the California Water Storage District Act, relating to the formation, organization and powers of water storage districts, to assessments levied against lands in such districts, and to actions to determine the validity of such assessments.

Respectfully submitted.

SENATOR CUNNINGHAM

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 19, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1258: By Senator Cunningham—An act to amend Section 25 (a) of the California Water Storage District Act, relating to the formation, organization and powers of water storage districts, to assessments levied against lands in such districts, and to actions to determine the validity of such assessments.

Referred to Committee on Water Resources.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 629

Senator Tenney moved that Senate Bill No. 629 be withdrawn from Committee on Education for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 629

Senate Bill No. 629—An act to amend Section 19432 of the Education Code, relating to civic centers.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, strike out lines 16 and 17, and insert "Any person who is affiliated with any".

Amendment No. 2

On page 1, line 18, of said bill, strike out "who or".

Amendment No. 3

On page 1 of said bill, strike out lines 21 to 23, inclusive, and insert "force or violence or other unlawful means, or any organization of persons which advocates or has for its object or one of its objects the overthrow of the present Government of the United States or any State, Territory, or Possession thereof, by force or violence or other unlawful means, is".

Amendment No. 4

On page 2 of said bill, strike out lines 12 to 24, inclusive.

Amendment No. 5

On page 2, line 27, of said bill, strike out "required", and insert "provided for".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 139

Senator Donnelly moved that Senate Bill No. 139 be withdrawn from Committee on Judiciary for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 139

Senate Bill No. 139—An act to amend an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and adopted and approved by the electors of the State of California, November 2, 1920, as amended, by amending Sections 7, 8 and 9 relating to conveyances to prevent escheat, and to escheats of property acquired in violation of the act, and proceedings to enforce such escheats.

Bill read second time.

Motion to Amend

Senator Donnelly moved the adoption of the following amendments:

Amendment No. 1

In line 11 of the title of the printed bill, strike out "8 and 9", and insert "7.5, 8 and 9, relating to the escheat of property acquired in violation of the act, the duties of the Attorney General and of district attorneys and county counsels in enforcing the provisions of the act, the sale of real property acquired by the State under the act and the disposition of the proceeds thereof, and the burden of proof in certain instances; and declaring that this act shall take effect immediately."

Amendment No. 2

In the title of the printed bill, strike out all of lines 12, 13, and 14.

Amendment No. 3

On page 1, line 12, of the printed bill, strike out "The district attor-", and insert "When requested by the Attorney General it shall be the duty of the district attor-

ney or the county counsel of the proper county to join him in the enforcement of all the provisions of this act and in the investigation of violations thereof and the instituting and carrying on of escheat proceedings under this section. The Attorney General shall direct and coordinate the work of the district attorneys and county counsels in all such matters."

Amendment No. 4

On page 1 of the printed bill, strike out lines 13, 14, and 15.

Amendment No. 5

On page 2, line 1, of the printed bill, strike out "tion."

Amendment No. 6

On page 2, of the printed bill, between lines 15 and 16, insert

"SEC. 2. Section 7.5 of said act is amended to read:

Sec. 7.5. Whenever any real property is acquired by the State by reason of the violation of this act, either by escheat or by other method, the State Controller is authorized, upon such terms and subject to such conditions as in his judgment is for the best interests of the State, to sell the real property for cash or on deferred payments. The sale may be at public auction or at private sale. If the sale is made at public auction, it shall be made to the highest bidder, after notice thereof, stating the terms of sale, given in the manner and for the time prescribed in Section 1274 of the Code of Civil Procedure. If the real property is sold at private sale, the sale and all the terms thereof shall be subject to the approval of the Director of Finance.

Whenever, in the judgment of the State Controller, he can not immediately sell such real property to the best interests of the State, he may take possession of the real property, and rent or lease for cash rental or share rental, manage, repair, insure against fire, and otherwise operate and control the property until such time as an advantageous sale can be made.

Notwithstanding any other provision of law to the contrary, any sale made by the State Controller of lands acquired under this act shall convey the full title so acquired, without any reservations.

The proceeds of any sale, lease, rental or other income from transactions made with respect to real or personal property pursuant to the provisions of this act, or upon the recovery of any money resulting from a proceeding to escheat real or personal property, or from a conveyance thereof to the State without such a proceeding, shall be deposited in the State Treasury in the Alien Land Law Fund, which fund is hereby created. The Controller shall maintain a separate account in such fund covering the receipts and disbursements of moneys arising from the sale, rental or other transactions affecting real or personal property related to each escheat proceeding or to each conveyance or transfer to the State without such proceeding, as in this act provided.

All moneys deposited in the Alien Land Law Fund are hereby appropriated to pay the apportionments herein provided; to wit:

During the first 10 days of January, April, July, and October in each year, the Controller shall apportion and pay the balance remaining in each such separate account in the Alien Land Law Fund, as of the last day of the calendar month preceding the date of such apportionment, as follows: One-half thereof shall be transferred, on order of the Controller, to the School Land Fund, and one-half thereof shall be paid, by Controller's warrant, to the treasurer of the county in which was situated, in each case, as of the date of its escheat, conveyance or transfer to the State, the real or personal property from which the money so apportioned was derived.

Whenever all or any part of the balance in any such account in the Alien Land Law Fund was derived from real property or a leasehold interest in real property situated in more than one county, the amount thereof to be apportioned to such counties shall be apportioned and paid to each such county in the proportion which the acreage of such real property situated in such county bears to the total acreage of all such counties. The acreage to be employed by the Controller in making such apportionment shall be determined and furnished to him by the county surveyor of the county or counties participating in such apportionment. All money received by a county under this act shall be expended for the enforcement of this act or for the accomplishment of any other State purpose."

Amendment No. 7

On page 2, line 16, of the printed bill, strike out "2", and insert "3".

Amendment No. 8

On page 2, line 37, of the printed bill, strike out "The district attorney of the", and insert "When requested by the Attorney General it shall be the duty of the district attorney or the county counsel of the proper county to join him in the enforcement of all the provisions of this act and in the investigation of violations thereof and the instituting and carrying on of escheat proceedings under this section. The Attorney General shall direct and coordinate the work of the district attorneys and county counsels in all such matters."

Amendment No. 9

On page 2 of the printed bill, strike out lines 38 and 39.

Amendment No. 10

On page 2, line 40, of the printed bill strike out "the carrying on of escheat proceedings under this section."

Amendment No. 11

On page 3, line 33, of the printed bill, strike out "3", and insert "4".

Amendment No. 12

On page 4 of the printed bill, strike out lines 14, 15, 16, and 17 and insert

"When requested by the Attorney General it shall be the duty of the district attorney or the county counsel of the proper county to join him in the enforcement of all the provisions of this act and in the investigation of violations thereof and the instituting and carrying on of escheat provisions. The Attorney General shall direct and coordinate the work of the district attorneys and county counsels in all such matters."

Amendment No. 13

On page 4 of the printed bill, below line 21, insert

"SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity:

A large number of violations of the Alien Land Laws of California have taken place, over a considerable period of time, as a result of which substantial areas of land have been illegally acquired and are now being held by aliens ineligible to citizenship. This not only deprives citizens and those eligible to become such of the right to acquire and enjoy the use of these lands, but it engenders a lack of respect for the laws of this State and their enforcement, both on the part of ineligible aliens and citizens. There exists a feeling of uncertainty and distrust as to the lawful ownership of land in many localities of the State, with resultant growing resentment and threatened unrest. The prosecution of proper proceedings to escheat lands illegally acquired to the State and bring about their sale to those legally qualified to own and enjoy them is necessary at this time. Because of the crafty manner in which the subterfuges and evasions have been perpetrated, the task of uncovering these violations and conducting the necessary legal proceedings is extremely difficult, and requires the combined effort of the law agencies of the State. To meet the need the Attorney General must be fully implemented and the district attorneys and county counsels must join in this important work, with appropriate provision for the allocation and payment to the counties of a proper share of whatever proceeds result from escheat proceedings involving property situate therein."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 14
Assembly Bill No. 32
Assembly Bill No. 48
Assembly Bill No. 96
Assembly Bill No. 99
Assembly Bill No. 205
Assembly Bill No. 281
Assembly Bill No. 288
Assembly Bill No. 304
Assembly Bill No. 348
Assembly Bill No. 691
Assembly Bill No. 753
Assembly Bill No. 775
Assembly Bill No. 787
Assembly Bill No. 1697

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 14—An act to amend Section 4131 of the Political Code, relating to writings to be recorded.

Referred to Committee on Judiciary.

Assembly Bill No. 32—An act adding Chapter 10, comprising Sections 13000 to 13001, inclusive, to Division 5 of the Business and Professions Code, relating to flour and meal containers.

Referred to Committee on Business and Professions.

Assembly Bill No. 48—An act to amend Section 736 of the Fish and Game Code, relating to the weight of yellow-fin or blue-fin tuna which may be sold.

Referred to Committee on Fish and Game.

Assembly Bill No. 96—An act to add Section 84.5 to Article I of Chapter 5 of Title 1 of Part 1 of the Code of Civil Procedure, relating to procedure in justices' courts.

Referred to Committee on Judiciary.

Assembly Bill No. 99—An act to add Section 105a to the Code of Civil Procedure, relating to traveling expenses of a substitute justice or city judge.

Referred to Committee on Local Government.

Assembly Bill No. 205—An act to add Sections 1520.1 and 2163.4 to the Welfare and Institutions Code, relating to the definition of stock in water companies as real property for the purposes of public assistance.

Referred to Committee on Institutions.

Assembly Bill No. 281—An act to amend Section 5515 of the Welfare and Institutions Code, to repeal Section 5516 thereof, and to add Section 5516 thereto, relating to the property and support of sexual psychopaths.

Referred to Committee on Institutions.

Assembly Bill No. 288—An act to amend Section 5931 of the Elections Code, relating to absentee voting.

Referred to Committee on Elections.

Assembly Bill No. 304—An act to add Section 2847.5 to the Elections Code, relating to filling of vacancies existing in party committees.

Referred to Committee on Elections.

Assembly Bill No. 348—An act to amend Section 5710 of the Labor Code, relating to the taking of evidence in workmen's compensation, proceedings.

Referred to Committee on Labor.

Assembly Bill No. 691—An act to amend Section 459 of the Fish and Game Code, relating to general regulations.

Referred to Committee on Fish and Game.

Assembly Bill No. 753—An act to amend Section 692 of the Political Code and Section 11005 of the Government Code, relating to the approval of gifts of real property by the Director of Finance.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 775—An act to add Section 37.2 to the Fish and Game Code, relating to bounties on mountain lions.

Referred to Committee on Fish and Game.

Assembly Bill No. 787—An act repealing Sections 671, 672, 673 and 1194 of the Code of Civil Procedure, amending Sections 675, 675b, 705, and 1033 of the Code of Civil Procedure, and amending Section 730 of the Probate Code, relating to the court records in the superior court.

Referred to Committee on Judiciary.

Assembly Bill No. 1697—An act to amend Section 731a of the Code of Civil Procedure, relating to the use of injunction against a nuisance in industrial or commercial zones.

Referred to Committee on Judiciary.

MOTION TO APPROVE SENATE JOURNALS

Senator Seawell moved that the Senate Journals of Monday, March 12, 1945; Tuesday, March 13, 1945; Wednesday, March 14, 1945; Thursday, March 15, 1945; and Friday, March 16, 1945; be approved as corrected by the Journal Clerk and Minute Clerk.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 19, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 8	Senate Bill No. 84
Senate Bill No. 63	Senate Bill No. 119
Senate Bill No. 64	Senate Bill No. 220
Senate Bill No. 81	Senate Bill No. 619
Senate Bill No. 83	

And reports the same correctly engrossed.

SEAWELL, Chairman

ADJOURNMENT

At 4.36 p.m., on motion of Senator DeLap, the President declared the Senate adjourned until 2 p.m., Tuesday, March 20, 1945, out of respect to the memory of the late Charles W. Paine.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

TWENTY-EIGHTH LEGISLATIVE DAY
SEVENTY-SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Tuesday, March 20, 1945

The Senate met at 2 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. M. D. McKenzie, Western Representative of National Tavern Association.

On request of Senator Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lt. Vera Mitchel and Lt. Violet May Clarke, of the Women's Army Corps.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Patricia Carty of Oxnard, and Mrs. Stanley Hale of Oxnard.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Warren C. Hill of Los Angeles.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ken Gillie, U. S. Navy, and Mrs. Lorna Adams, District Attorney's office, of Los Angeles.

On request of Senator Fletcher, the privilege of the floor of the Senate

Chamber for this day was unanimously extended to Hon. Harley Knox, Mayor of San Diego.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. H. S. Lyon of Placerville, District Attorney of El Dorado County, and Past Grand President, Native Sons of the Golden West.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge C. C. McDonald of Woodland.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Genevieve Becker, Principal, and the following eighth grade students of the Linden Grammar School: Joan Anderson, Ida Copello, Laura Compiano, Robert Fisher, Susan Guernsey, Bobby Harris, Jacky Harris, Shirley Hannon, James Hubbard, Alvin Lagorio, Catherine Poggio, Donald Peterson, Revella Spicer, Robert Spicer, Charley Snyder, and Adolph Standridge; accompanied by Mrs. Albert Anderson and Mrs. Lagorio.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Elsie Armanino, Principal of the Bellota Elementary School, and the following students: Fred Barnett, Albert Solari, Vernon Vignolo, Jr., Vernon Vignolo, Sr., and Rodger Webb.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Frank Bonner of Piedmont, California.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 31
Assembly Bill No. 488
Assembly Bill No. 773
Assembly Bill No. 792
Assembly Bill No. 869
Assembly Bill No. 962
Assembly Bill No. 1194
Assembly Bill No. 1196
Assembly Bill No. 1202
Assembly Bill No. 1203
Assembly Bill No. 1204
Assembly Bill No. 1207
Assembly Bill No. 1282
Assembly Bill No. 1249
Assembly Bill No. 941
Assembly Bill No. 1375
Assembly Bill No. 1620
Assembly Bill No. 1796
Assembly Blil No. 1847

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 31—An act to amend Section 5439 of and add Sections 5439.5 and 5460 to the Public Resources Code, relating to county recreation districts.

Referred to Committee on Natural Resources.

Assembly Bill No. 488—An act to add Section 23955 to the Water Code, relating to irrigation districts.

Referred to Committee on Water Resources.

Assembly Bill No. 773—An act to amend Section 11 of, and to add Sections 11d and 22.2 to, the Municipal Court Act of 1925, relative to municipal courts and attaches thereof.

Referred to Committee on Local Government.

Assembly Bill No. 792—A bill to amend the Building and Loan Association Act by amending Section 13.07 thereof, relating to appraisements.

Referred to Committee on Financial Institutions.

Assembly Bill No. 869—An act to amend Section 2 and Section 26 of the Corporate Securities Act, relating to definitions, exemptions and fees.

Referred to Committee on Financial Institutions.

Assembly Bill No. 962—An act to add Article 3.3 to Chapter 2 of Division 10 of the Education Code, relating to leaves of absence for employees of State colleges not serving in State civil service.

Referred to Committee on Education.

Assembly Bill No. 1194—An act to amend Section 6726.1 of the Welfare and Institutions Code, relating to payments for care of patients paroled from State institutions.

Referred to Committee on Institutions.

Assembly Bill No. 1196—An act to amend Sections 5250 and 7000 of the Welfare and Institutions Code, relating to feeble-minded persons and State homes therefor, designating such persons as mentally deficient persons and such homes as homes for the mentally deficient, and defining mentally deficient persons.

Referred to Committee on Institutions.

Assembly Bill No. 1202—An act to amend Section 165 of the Welfare and Institutions Code, relating to institution inmates' funds, and providing for the deposit and investment thereof.

Referred to Committee on Institutions.

Assembly Bill No. 1203—An act to amend Section 6663 of the Welfare and Institutions Code, relating to payments for the care and treatment of patients in State institutions.

Referred to Committee on Institutions.

Assembly Bill No. 1204—An act to amend Section 6662 of the Welfare and Institutions Code, relating to the position of Secretary of the Department of Institutions.

Referred to Committee on Institutions.

Assembly Bill No. 1207—An act to amend Sections 6500, 7302 and 7310 of the Welfare and Institutions Code, relating to State institutions, designating the Langley Porter Clinic as a State hospital, and providing for its operation and government and the powers of the secretary to the superintendent thereof.

Referred to Committee on Institutions.

Assembly Bill No. 1282—An act to amend Section 1347 of the Fish and Game Code, relating to elk.

Referred to Committee on Fish and Game.

Assembly Bill No. 1249—An act to amend Section 9609 of the Education Code, relating to special schools or classes for physically handicapped pupils.

Referred to Committee on Education.

Assembly Bill No. 941—An act to add Section 6500.3 to the Welfare and Institutions Code, relating to State institutions.

Referred to Committee on Institutions.

Assembly Bill No. 1375—An act to amend Sections 9, 44, 45, 48, and 55 of the Vehicle Parking District Act of 1943, relating to leasing or acquiring property for parking places, the administration of parking places, and the levying of taxes and assessments, and declaring the urgency of this act to take effect immediately.

Referred to Committee on Local Government.

Assembly Bill No. 1620—An act to add Chapter 7, consisting of Sections 880 and 881, to Division 1 of the Streets and Highways Code, relating to the acquisition, by the State, of shore line property adjoining State highways.

Referred to Committee on Transportation.

Assembly Bill No. 1796—An act to abolish the San Diego Harbor Improvement Fund in the State Treasury.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1847—An act to add Section 363i to the Political Code and Section 14037 to the Government Code, relating to the refund of moneys received or collected by the Department of Public Works.

Referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 593
Senate Bill No. 702

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 11
Senate Bill No. 14
Senate Bill No. 15
Senate Bill No. 88
Senate Bill No. 335

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, March 19, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 277
Senate Bill No. 364
Senate Bill No. 1256
Senate Bill No. 511

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 9; noes 0; absent 0.

FLETCHER, Chairman

Above reported bills ordered re-referred to Committee on Finance.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, March 19, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 1249

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 19, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 482

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 83

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 99
Senate Bill No. 499
Senate Bill No. 228

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 10; absent 2.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 340

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 10; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 227
Senate Bill No. 229
Senate Bill No. 230
Senate Bill No. 231

Has had the same under consideration, and reports the same back with the recommendation: That they be re-referred to Committee on Local Government.

Committee membership 12; committee vote: Ayes 10; absent 2.

KEATING, Chairman

Above reported bills ordered re-referred to Committee on Local Government.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 169

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 491

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; noes 2; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 888

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 45
Senate Bill No. 636
Senate Bill No. 875

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 174
Senate Bill No. 581

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 589
Senate Bill No. 1018
Senate Bill No. 1019
Senate Bill No. 1020
Senate Bill No. 1021
Senate Bill No. 1022

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 304

And reports the same correctly engrossed.

SEAWELL, Chairman

MOTION TO PRINT

Senator Biggar moved that the following editorial which appeared in the San Francisco Examiner regarding an address delivered by Prime Minister Winston Churchill, be printed in the Journal:

Motion carried.

Excerpt from San Francisco Examiner March 18, 1945

CHURCHILL SAYS: ENGLAND WILL SPURN TOTALITARIAN SHACKLES ON LIBERTY

Prime Minister Winston Churchill in an address delivered last Thursday in London expressed his deep-seated conviction that Britain will retain after the war her well-established liberties and refuse to accept the fraudulent controls of the totalitarian systems no matter what guise they appear in or what excuse has been given for their imposition.

Cautioning of difficulties ahead, Churchill declared:

"Let there be no mistake about it. It is no easy cheapjack Utopia of airy phrases that lies before us.

"This is no time for windy platitudes. The Conservative party had far better go down telling the truth and acting in accordance with the verities of our position than gain a span of shabbily bought office by easy and fickle froth and chatter.

"Woe betide those public men," Churchill cried, "who seek to slide into power down the slippery slope of vain and profligate undertakings. This is no time for humbug and blandishment, but for grim and stark facts and figures, and action to meet immediate needs.

"It would be very easy for us all to promise or even to give each other presents, bonuses and gratuities in the most enthusiastic manner but if we woke up in the morning and found that the pound sterling ($4) bought only five shillings ($1) worth of goods or services we should have committed the crime of cheating the soldiers and workers of the Country."

"British Fly Flag of Free Enterprise"

He asserted Britain would be able to recover from its exertions of the war "only by a large release from the necessary bonds and controls" imposed by war.

"No restrictions upon well-established British liberties * * * can be tolerated," he said. "Control for control's sake is senseless.

"At the head of our mainmast, we fly the flag of free enterprise.

"You hear all this talk by the stay-at-home leftwing intelligentsia that the Soldiers will hold us guilty if we do not have a new world waiting for them on their return. The brave new world is to be already waiting for them when they disembark at Liverpool, on the Clyde, at Southampton, or Tilbury Docks.

"But that is not what the fighting men are looking forward to.

"They are not looking forward to a new world constructed behind their backs by politicians who seek their votes. Most of them have lived long enough in uncomfortable proximity to another world to be thinking of that. * * *

"They do not regard themselves as a slumbered serf-population chased into battle from a land of misery and want. They love their Country and the scenes of their youth and manhood and they have shown themselves ready to die not only in defense of their material satisfactions but for its honor.

"They wish to see old England or Scotland or Wales or Northern Ireland playing their part in the forefront of all the nations in battles against tyranny. When they are home and settled down and our Country is again a going concern, paying its way and standing on its own in the postwar world, then will be the time for them to settle what form and shape our society should assume. * * *

"No restriction upon well-established British liberties that is not proved indispensable to the prosecution of the war and the transition from war to peace can be tolerated.

"Control for control's sake is senseless. Controls under the pretext of war or its aftermath which are in fact designed to favor the accomplishment of totalitarian systems, however innocently designed, whatever guise they take, whatever liveries they wear, whatever slogans they mouth are a fraud which should be mercilessly exposed to the British public."

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Parkman:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 14237 of the Health and Safety Code, relating to fire protection districts in unincorporated areas.

Respectfully submitted.

SENATOR H. L. PARKMAN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 20, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—32.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1259: By Senator Parkman—An act to amend Section 14237 of the Health and Safety Code, relating to fire protection districts in unincorporated areas.

Referred to Committee on Local Government.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 482. An act to amend Sections 595 and 1054 of the Code of Civil Procedure, relating to extensions of time and continuances in any civil or criminal action or proceeding in a court, or in any administrative proceeding before a State board, commission or officer.

Bill read third time.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

In line 5 of the title of the printed bill, as amended, after "officer", insert ", declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 3 of said bill, after line 37, insert

"SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The demands of the Legislature upon the time of its members in this critical period when many important measures require full and careful consideration, as well as the absence of many members of the legal profession in the armed services of our Country, render it impossible for lawyer members to protect fully the interests of their clients. In order that these clients be fully protected in their legal rights until the members can return to their practices and safeguard the rights of clients, it is necessary that this act take effect immediately."

Amendments read and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 63—An act to amend Section 737bbb of the Political Code, relating to the salaries of judges in counties of the thirteenth class.

Motion to Refer Bill to Inactive File

Senator Mixter moved that Senate Bill No. 63 be placed on the inactive file.

Motion carried.

Senate Bill No. 308—An act to add Section 2559.5 to the Health and Safety Code, relating to functions of health officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers,

Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1014—An act to add Section 271 to, and amend Section 254 of, the Health and Safety Code, relating to physically handicapped children.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1015—An act to amend Sections 254 and 270 of the Health and Safety Code, relating to physically handicapped children.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 352—An act to amend Section 103.7 of the Fish and Game Code, relating to District 103.7.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 654—An act to amend Section 103.6 of the Fish and Game Code, relating to District 103.6.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 655—An act to amend Section 103.5 of the Fish and Game Code, relating to District 103.5.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, Delap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 392—An act to amend Section 28 of the Agricultural Code, relating to funds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—38.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 394—An act to amend Section 106 of the Agricultural Code, relating to plant quarantine regulations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 400—An act to amend Section 123 of the Agricultural Code, relating to nursery stock shipments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 250—An act to amend Section 5 of the California Food and Fiber Production Act, relating to the period said act shall remain in effect.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 388—An act to amend Section 23 of the Agricultural Code, relating to organization of the Department of Agriculture.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 389—An act to add a new section, to be numbered 1044, to the Agricultural Code, relating to rules and regulations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 393—An act to amend Section 102 of the Agricultural Code, relating to pest certificates.

Bill read third time.

Motion to Amend

Senator Dilworth moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 8, of the printed bill, strike out "or misuse", and insert ", deface or wrongfully use".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 395—An act to add a new section, to be numbered 1030.5, to the Agricultural Code, relating to auxiliary plant chemicals.

Bill read third time.

Motion to Amend

Senator Dilworth moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 7, of the printed bill, immediately following the period, insert "The certificate of registration for an auxiliary plant chemical shall be obtained in accordance with the procedure stated in Section 1030 for commercial fertilizers and agricultural minerals except that no payment of fees shall be required."

Amendment No. 2

On page 1 of the printed bill, immediately following line 15, insert "The provisions of Sections 1039 and 1041 shall be comparably applicable to auxiliary plant chemicals as though the term 'auxiliary plant chemicals' were specifically named and set forth in each of such sections."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 397—An act to amend Section 1038 of the Agricultural Code, relating to tonnage license tax.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 398—An act to add a new section, to be numbered 1064.5, to the Agricultural Code, relating to economic poisons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 399—An act to amend Section 1066.5 of the Agricultural Code, relating to economic poisons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 404—An act to amend Section 281.5 of the Agricultural Code, relating to wax salvage plants.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 35—Relative to the ownership by the State of California of all tidelands and submerged lands within the boundaries of the State.

Motion to Re-refer Senate Concurrent Resolution No. 35

Senator Ward moved that Senate Concurrent Resolution No. 35 be re-referred to Committee on Judiciary.

Motion carried.

Senate Bill No. 365—An act to amend Section 5922 of the Education Code, relating to Revolving Fund for Warehouse Stock.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 574—An act to add Section 8007 to the Education Code, relating to the maintenance of public schools, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Tenney, Ward, and Weybret—30.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 840—An act to amend Sections 12291 and 13059.2 of the Education Code and to add Section 16482.1 to said code, relating to the authorization of persons to test the hearing of public school pupils.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Keating, Kuchel, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—27.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 274—An act to repeal Sections 19 and 19.1 of the Bank Act, relating to the ratio of the paid-up capital and surplus to deposits required to be maintained by banks.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 273—An act to amend Section 21 of the Bank Act, relating to maintenance of surplus account.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 664—An act to amend Section 10 of the Bank Act, relating to the qualifications of directors of banks and trust companies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Ward—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 163—An act to amend Section 3090 of the Civil Code, relating to negotiable instruments payable to bearer.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Ward—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 162—An act to amend Section 66 of the Bank Act, relating to the amount of loans which may be made by savings banks to any one person.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Ward—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 510—An act to repeal "An act creating the Napa State Farm Revolving Fund and making an appropriation therefor; providing for the expenditure and replenishment thereof, and providing for the disposition of any accrued surplus over and above such appropriation, declaring the urgency thereof and providing that this act shall take effect immediately," approved May 31, 1929, and to repeal Sections 13194 and 13195 of the Government Code, abolishing the Napa State Farm Revolving Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen,

Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Ward—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 620—An act to add Article 5a to Chapter 2, Part 1, Division 2 of the Welfare and Institutions Code, relating to the establishment of joint detention homes by counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Ward—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 419—An act to amend Section 2160 of the Welfare and Institutions Code, relating to aid to aged persons, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—33.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 133—An act to amend Section 6872 of the Public Resources Code, relating to oil and gas leases by the State Lands Commission of tide and submerged lands and beds of navigable rivers and lakes.

Motion to Refer Bill to Inactive File

Senator Ward moved that Senate Bill No. 133 be placed on the inactive file.

Motion carried.

RESOLUTIONS

The following resolution was offered:

By Senators Seawell, Mayo, Brown, and Dillinger:

Senate Resolution No. 68

WHEREAS, The Senate of the State of California has this day learned of the death of Mrs. Mary C. Thurman of Colfax, Placer County, California, who passed away Monday, March 19, 1945, and,

WHEREAS, The late Mrs. Mary C. Thurman was the mother of Hon. Allen G. Thurman, Assemblyman from the Sixth District of the State of California; now, therefore, be it

Resolved, That the Senate of the State of California extends to Hon. Allen G. Thurman, and members of his family, its heartfelt sympathy in the loss of his beloved mother, and be it further

Resolved, That the Secretary of the Senate is hereby directed to forward a copy of this resolution to the Hon. Allen G. Thurman, Assemblyman from the Sixth District.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

CONSIDERATION OF DAILY FILE (RESUMED)

READING OF SENATE BILLS (RESUMED)

Senate Bill No. 302—An act to amend Section 600 of the Probate Code, relating to the filing of the inventory and appraisement.

Bill read third time.

Motion to Amend

Senator DeLap moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "Inventory and Appraisement."

Amendment read and adopted.

Bill ordered printed and re-engrossed.

Motion to Refer Bill to Inactive File

Senator DeLap moved that Senate Bill No. 302 be placed on the inactive file.

Motion carried.

MOTION TO EXCUSE COMMITTEES

At 4.30 p.m., Senator Seawell moved that the Senate Committee on Fish and Game, and that the Senate Committee on Revenue and Taxation be excused for the purpose of holding committee meetings.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 343

Senator Fletcher moved that Senate Bill No. 343 be withdrawn from Committee on Natural Resources for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 343

Senate Bill No. 343—An act making an appropriation to the State Division of Beaches and Parks, Department of Natural Resources, for acquisition, development, and improvement of Mission Bay Park.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 1, of the printed bill, strike out "State Beach", and insert "General".

Amendment No. 2

In the printed bill strike out Section 2 in its entirety.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1239

Senator Tenney moved that Senate Bill No. 1239 be withdrawn from Committee on Labor for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 1239

Senate Bill No. 1239—An act to add Section 1106 to the Labor Code, relating to the hiring and discharging of employees with foreign philosophies of government.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 7, of the printed bill, after "defense," insert "or".

Amendment No. 2

On page 2 of said bill, strike out lines 19 to 30, inclusive.

Amendment No. 3

On page 2, line 34, of said bill, strike out "required", and insert "provided for".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1240

Senator Tenney moved that Senate Bill No. 1240 be withdrawn from Committee on Labor for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 1240

Senate Bill No. 1240—An act to add Section 1018 to the Labor Code, relating to membership in labor organizations of persons adhering to foreign philosophies of government.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

On page 2 of the printed bill, strike out lines 13 to 24, inclusive.

Amendment No. 2

On page 2, line 28, of said bill, strike out "required", and insert "provided for".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 1031

Senator Deuel moved that Senate Bill No. 1031 be withdrawn from Committee on Finance, and referred to Committee on Education.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 233—An act to amend Section 10505 of the Business and Professions Code, relating to persons exempt from the provisions regulating mineral, oil and gas brokers and salesmen.

Bill read third time.

Motion to Amend

Senator Seawell moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 12, of the printed bill, after "rights", insert ", and metal bearing and other mineral lands,".

Amendment No. 2

On page 1, line 13, of said bill, after "oil", insert "or mineral or metal".

Amendment No. 3

On page 1, line 14, of said bill, after "oil", insert "or mineral or metal".

Amendments read and adopted.

Bill ordered printed, and to third reading.

President Pro Tempore of the Senate Presiding

At 4.35 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 108
Senate Bill No. 331

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 77
Senate Bill No. 453
Senate Bill No. 513

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1138
Senate Bill No. 1140
Senate Bill No. 1141
Senate Bill No. 1145
Senate Bill No. 1147
Senate Bill No. 1149

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 611

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1139
Senate Bill No. 1142
Senate Bill No. 1143
Senate Bill No. 1144
Senate Bill No. 1146
Senate Bill No. 1148
Senate Bill No. 1150

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 756
Senate Bill No. 1190

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 252
Senate Bill No. 377
Senate Bill No. 406
Senate Bill No. 428

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

McCORMACK, Chairman

Above reported bills ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 25

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 9; committee vote: Ayes 6; absent 3.

COLLIER, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 36—Relative to the "Women's Army Corps Hospital Enlistment Month" and urging participation in such program.

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the twentieth day of March, 1945, at 2.30 p.m.

SEAWELL, Chairman

ADJOURNMENT

At 4.37 p.m., on motion of Senator Dorsey, the President declared the Senate adjourned until 2 p.m., Wednesday, March 21, 1945, out of respect to the memory of the late Mrs. Mary C. Thurman.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

TWENTY-NINTH LEGISLATIVE DAY
SEVENTY-THIRD CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Wednesday, March 21, 1945

The Senate met at 2 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:
Senator Burns, on motion of Senator Seawell, account of legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Major James G. Garabaldi, U. S. Army, of Merced County, former Assemblyman and former Judge of Merced County.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. Gypsy Smith, 84-year-old Evangelist, and Mrs. Smith, of London, England.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. James Davis of Yreka, and Mr. George A. Tebbe, Attorney-at-Law, of Yreka.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. O. U. Miricle of Oceanside, and Mr. Wayne E. Macy of San Diego.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Ed Law of Imperial County.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. L. C. Stetler of Whittier.

On request of Senators Crittenden and Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Grover Shannon, Vice President of the Reclamation Board, and the following board members: Messrs. George Wilson, William Hackey, and George E. Lodi.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Robert J. Craine, member of the Board of Supervisors, Hanford.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jim Viratos and Walter C. Renfero, both of Sacramento.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Veneta McPherson, Supervisor, Mono Lake.

COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

ASSEMBLY CHAMBER, SACRAMENTO 14, CALIFORNIA, March 20, 1945

Honorable Frederick F. Houser, President of the Senate
State Capitol, Sacramento 14, California

DEAR MR. HOUSER: Speaker of the Assembly, Charles W. Lyon, has requested me to extend to you and the Members of the State Senate, an invitation to be present in the Assembly Chamber at 2:30 Wednesday, March 21, 1945, to hear Mr. Joe E. Brown address the Assembly.

Very truly yours,

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

MOTION TO EXTEND AN INVITATION

Senator Seawell moved that the Secretary of the Senate be instructed to extend an invitation to Mr. Joe E. Brown to visit the Senate.

Motion carried.

COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

FEDERATION OF WESTERN OUTDOOR CLUBS
PORTLAND, OREGON, March 17, 1945

Hon. Lieutenant Governor, President of the Senate
Sacramento, California

MY DEAR SIR: I am writing you regarding a bill that I am informed is now pending in your General Assembly for the purpose of permitting the invasion of that PRIMITIVE AREA, the Mt. San Jacinto State Park near the City of Palm Springs, California, instigated by a winter sports club of that city, whereby a tramway is to be built from Chino Canyon, elevation about 2,700 feet, and to operate to Long Valley at a proximate elevation of 8,500 feet, for skiing and other winter sport purposes if this said bill is enacted into law.

As scarce as our Primitive and WILDERNESS areas are now getting in this United States of ours, it certainly behooves all conservationists and outdoor loving citizens to try and protect that small part that is now left for ourselves to enjoy, before any more inroads are made on these areas, or they will soon cease to exist if a halt is not called.

My thought is the skiiers can and should go to a real skiing area in the High Sierra's where there is lots more room, where they have plenty of facilities prepared for them and this kind of sport by others that know the game. We have eight member clubs in the State of California, representing about 6,500 members. All of our member clubs in your State are opposed to this proposed legislation.

So I appeal to you as a business man, an outdoor man, and a conservationist to please by-pass this bill and leave this beautiful park alone, by desecrating or despoiling its beauty for the mere pleasure of a few young folks, or a few paltry shekels that might be garnered in, in the passage of this bill, instead: We should be above both, in the protection of this area, that is helpless to protect itself, but rather for both ourselves and future generations to enjoy.

With my kindest regards and best wishes for any legislation that you may enact, I beg to remain

Yours very sincerely

ED. J. HUGHES, President

P.S. This letter is for the benefit of your honorable body of California State Senators. H.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 10

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Constitutional Amendment No. 10—A resolution to propose to the people of the State of California to amend Sections 2 and 34 of Article IV of the Constitution of said State, relating to Legislature.

Referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1489	Assembly Bill No. 632
Assembly Bill No. 1491	Assembly Bill No. 452
Assembly Bill No. 1492	Assembly Bill No. 1199
Assembly Bill No. 1756	Assembly Bill No. 108
Assembly Bill No. 501	Assembly Bill No. 1205
Assembly Bill No. 1693	Assembly Bill No. 379

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 1489—An act to add Section 1307 to the Education Code, relating to a superintendent of schools of a unified school district which is coterminous with the boundaries of a city and county.

Referred to Committee on Education.

Assembly Bill No. 1491—An act to add Section 26 to the Education Code, relating to city superintendent of schools.

Referred to Committee on Education.

Assembly Bill No. 1492—An act to add Section 27 to the Education Code, relating to city school district.

Referred to Committee on Education.

Assembly Bill No. 1756—An act amending Section 4300a of the Political Code, relating to fees of county clerk.

Referred to Committee on Local Government.

Assembly Bill No. 501—An act to add Section 5½ to the County Water District Act, relating to directors of county water districts.

Referred to Committee on Local Government.

Assembly Bill No. 1693—An act to amend Section 4 of an act entitled "An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties, to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency," approved March 21, 1938, relating to the creation, powers, duties and dissolution of housing authorities and to the powers, duties of governing bodies of cities, cities and counties, and counties with respect thereto.

Referred to Committee on Local Government.

Assembly Bill No. 632—An act to amend Section 136.5 of the Streets and Highways Code, relating to rental of tools or equipment for State Highway work.

Referred to Committee on Transportation.

Assembly Bill No. 452—An act adding Section 11.1 to an act entitled, "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, relating to retirement.

Referred to Committee on Local Government.

Assembly Bill No. 1199—An act to amend Sections 5500, 5502, 5502.5, 5512, and 5514 of the Welfare and Institutions Code, relating to sexual psychopaths, revising the definition thereof, and providing for their commitment, care, support, parole, and disposition.

Referred to Committee on Institutions.

Assembly Bill No. 108—An act to add Section 66c to the Code of Civil Procedure, and to repeal an act entitled "An act to provide one additional judge of the superior court of the County of Contra Costa," approved June 4, 1913, relating to the number of superior

court judges and providing for the appointment of an additional superior court judge in and for the County of Contra Costa.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1205—An act to amend Section 5048, to repeal Sections 5049, 5050.1, 5055 and 5100 of, to add Sections 5050.1, 5055 and 5100 to, the Welfare and Institutions Code, and to amend the article heading of Article 5 of Chapter 1 of Part 1 of Division 6 of said code, relating to court commitment of mentally ill persons to State hospitals and providing for the forms of the documents pertaining thereto.

Referred to Committee on Institutions.

Assembly Bill No. 379—An act to amend Section 2727.5 of the Business and Professions Code, relating to the existence of an emergency within the meaning of subdivision (d) of Section 2727 of said Business and Professions Code.

Referred to Committee on Business and Professions.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 27
Assembly Bill No. 695
Assembly Bill No. 710
Assembly Bill No. 924
Assembly Bill No. 1017
Assembly Bill No. 1019
Assembly Bill No. 1020
Assembly Bill No. 1021
Assembly Bill No. 1022
Assembly Bill No. 1023
Assembly Bill No. 1024
Assembly Bill No. 1025
Assembly Bill No. 1026
Assembly Bill No. 1195
Assembly Bill No. 1206
Assembly Bill No. 1338
Assembly Bill No. 1488

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 27—An act to amend Section 395.2 of the Military and Veterans Code, and to amend Sections 12009.1, 12894.1, and 13204.1 of the Education Code, all relating to employees of school districts entering, or in, military service, United States Merchant Marine, or the American Red Cross during time of war or National emergency.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 695—An act to add 1503.1 and 1503.2 to the Education Code, relating to the interdistrict attendance of pupils.

Referred to Committee on Education.

Assembly Bill No. 710—An act to amend Section 120.5 of the Welfare and Institutions Code, relating to the functions of the State Department of Social Welfare.

Referred to Committee on Social Welfare.

Assembly Bill No. 924—An act to add Section 41.3 to, and to amend Section 153 of, the State Civil Service Act, relating to State civil service.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1017—An act to amend Section 123, of Chapter 1, Part I, Division 1, and Section 4104, of Chapter 1, Part 7, Division 1, of the Revenue and Taxation Code, relating to amounts payable on redemption of delinquent real estate taxes.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1019—An act to amend Sections 4152 and 4155 of Chapter 2, Part 7, Division 1, of the Revenue and Taxation Code, relating to redemption of a portion of a parcel of tax sold real estate.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1020—An act to repeal Sections 3552.40 and 3728 and to add Sections 3728 and 3728.1 and to amend Section 3729 of the Revenue and Taxation Code, relating to suits involving the validity of tax deeds.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1021—An act to amend Sections 3695.4, 3696.5, 3700 and 3791 of the Revenue and Taxation Code, and to repeal Section 3695.5 of the Revenue and Taxation Code, relating to the sale of tax-deeded property.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1022—An act to amend Section 3635 of the Revenue and Taxation Code, relating to a taxpayer's action to contest the validity of tax sale or tax deed.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1023—An act to amend Sections 3355, 3477, 3513, 3516, 3552.16, 3552.24, 3631, 3691, 3701.5, 3704, 3706, 3710, 3712, 3797, 3802, 3805, 4662, and 5137.5 of the Revenue and Taxation Code, relating to real property taxation.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1024—An act to amend Sections 3793.5, 3806, 3807.3, 3807.5, 3811 and 3812 of the Revenue and Taxation Code, relating to sales of tax-deeded properties.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1025—An act to amend Section 3808 of the Revenue and Taxation Code, relating to sales of tax-deeded property.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1026—An act to amend Sections 3490, 3492, 3493, 3494 and 3495 of the Revenue and Taxation Code and to suspend and postpone the operation of Sections 3511.3, 3571, 3571.3, 3571.5, 3572, 3573, 3574, 3575, 3576, 3577 and 3578 of the Revenue and Taxation Code and declaring the urgency thereof to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1195—An act to add Section 6725.5 to and amend Sections 6729, 6730 and 6733 of the Welfare and Institutions Code, and to repeal Section 6739 thereof, relating to the release of patients from State hospitals, and providing for the various forms of leave of absence or discharge.

Referred to Committee on Institutions.

Assembly Bill No. 1206—An act to add Sections 6604 and 6605 to Article 3 of Chapter 1 of Part 4 of Division 6 of the Welfare and Institutions Code, relating to and providing for the temporary emergency admission of mentally ill persons to State hospitals without court commitment for not more than 10 days.

Referred to Committee on Institutions.

Assembly Bill No. 1338—An act to amend Sections 16687 and 16732 of the Education Code, relating to the employment of minors.

Referred to Committee on Education.

Assembly Bill No. 1488—An act to add Section 14143 to the Education Code, relating to the noncertificated employees of a unified school district conterminous with the boundaries of a city and county.

Referred to Committee on Education.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 28

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Joint Resolution No. 28—Relative to memorializing Congress to enact H. R. 2347, 79th Congress, 1st Session, relating to Guayule rubber.

Referred to Committee on Agriculture.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 302
Senate Bill No. 393
Senate Bill No. 395

And reports the same correctly re-engrossed.

SEAWELL, Chairman

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 931

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 1; absent 4.

GORDON, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 190
Senate Bill No. 638
Senate Bill No. 694
Senate Bill No. 378

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 695
Senate Bill No. 641
Senate Bill No. 639
Senate Bill No. 452
Senate Bill No. 640

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

GORDON, Chairman

Above reported bills ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, March 21, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 557

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended. Same should be held on the inactive file until after the passage of the Budget Bill.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 21, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 560

Has had the same under consideration, and reports the same back.

This bill was considered by the Committee on Natural Resources and sent to the Finance Committee because it was thought it carried an appropriation. The Legislative Counsel has informed us that the bill does not carry an appropriation, and for that reason it is returned to the Senate without any recommendation of any kind.

RICH, Chairman

Above reported bill ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 326

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 154
Senate Bill No. 914
Senate Bill No. 1012
Senate Bill No. 402

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 906

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 202
Senate Bill No. 459
Senate Bill No. 907
Senate Bill No. 909
Senate Bill No. 910
Senate Bill No. 911
Senate Bill No. 912
Senate Bill No. 913
Senate Bill No. 916
Senate Bill No. 918
Senate Bill No. 1226

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 332

Has had the same under consideration, and reports the same back with amendments, and with the recommendation: Do pass, as amended, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 221
Senate Bill No. 396
Senate Bill No. 908
Senate Bill No. 915
Senate Bill No. 917
Senate Bill No. 919

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 673
Senate Bill No. 1052

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 132
Senate Bill No. 672

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bills ordered to second reading.

RESOLUTIONS

The following resolution was offered:

By Senator Powers:

Senate Resolution No. 69

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law with the compensation set opposite their names, payable weekly seven days per week beginning on the dates set opposite their names and the Controller is hereby directed to draw his warrants in favor of the respective persons for the respective amounts, and the Treasurer is hereby directed to pay the same.

Monday, March 19, 1945	*Per day*
Marie Hawes, Assistant Engrossing and Enrolling Clerk	$8 00
Tuesday, March 20, 1945	
Richard Adams, Page	3 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—34.

NOES—None.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 379—An act to amend Section 891 of the Military and Veterans Code, relating to educational assistance to veterans' dependents, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Desmond moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 12, of the printed bill, after "completed", insert ", or until he attains the age of 27 years, whichever first occurs".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

SECOND READING OF SENATE BILLS

Senate Bill No. 1249—An act to amend Sections 14034 and 14036 of the Government Code, relating to the Division of Water Resources Revolving Fund, and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

In line 1 of the title of the printed bill, after "Sections", insert "14030, 14032,".

Amendment No. 2

Strike out lines 2 and 3 of the title of said bill, and insert "Code, relating to revolving funds, in the Department of Public Works."

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 14030 of the Government Code is amended to read:

14030. The "Division of Architecture Revolving Fund," is continued in existence. With the approval of the Department of Finance, there shall be transferred to, *or deposited in*, the fund all money appropriated [for], *or contributed, or made available from any source, including sources other than State appropriations, for expenditure on work within powers and duties of the Division of Architecture, including but not limited to the rendition of services, for* new construction, major construction and equipment, minor construction, improvements and equipment, and other building and improvement projects, as authorized by the State agency for which such an appropriation is made *or, as to funds other than State appropriations, as may be authorized by written agreement between the contributor of such funds and the Division of Architecture, when approved by the Department of Finance.* Money so transferred *or deposited* is available for the purposes for which appropriated *or deposited* without regard to fiscal years, *irrespective of the provisions of Section 16304.*

SEC. 2. Section 14032 of said code is amended to read:

14032. The Division of Architecture shall keep a record of all expenditures chargeable against each specific *portion of the revolving fund,* [appropriation,] and any unused balance *in any portion of the fund* [in such an appropriation] shall *on approval by the Department of Finance* be withdrawn from the *revolving* fund and credited the appropriation from which it was transferred *or, as to funds, other than State appropriations, be paid out or refunded as provided in the agreement relating to the contributions.*

SEC. 3. Section 14034 of said code is".

Amendment No. 4

On page 1, line 5, of said bill, after "to", insert ", or deposited in,".

Amendment No. 5

On page 1, line 6, of said bill, after "appropriated", insert ", or contributed,".

Amendment No. 6

On page 1, line 7, of said bill, strike out "the State treasury", and insert "State appropriations,".

Amendment No. 7

On page 1, line 9, of said bill, after "Resources", insert "or of the Department of Public Works, acting through the State Engineer".

Amendment No. 8

On page 1, line 15, of said bill, strike out "the State treasury", and insert "State appropriations".

Amendment No. 9

On page 1, line 17, of said bill, after "Resources", insert "or the Department of Public Works, acting through the State Engineer".

Amendment No. 10

On page 1 of said bill, strike out lines 19 to 26, inclusive, and insert

"Money so transferred or deposited is available for expenditure by the Division of Water Resources or the Department of Public Works, acting through the State Engineer, for the purposes for which appropriated, contributed, or made available without regard to fiscal years and irrespective of the provisions of Section 16304."

Amendment No. 11

On page 2 of said bill, lines 8 and 9, strike out "the State treasury, be paid out", and insert "State appropriations, be paid out or refunded".

Amendments read and adopted.

Bill ordered printed and re-referred to Committee on Water Resources.

Senate Bill No. 482—An act to abolish the Joint Navigation and Flood Control Project Fund and to repeal Article 1 of Chapter 7 of Part 4 of Division 5, comprising Sections 8900 to 8913, of the Water Code, relating to said fund.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 99—An act to add Section 1060 to the Civil Code, relating to the release of powers of appointment, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 499—An act to provide for the employment of prisoners in State prisons in the production and harvesting of crops and the fighting of forest and range fires, to permit their removal for such work, to provide the conditions and regulations for the governance of such work, to authorize the establishment of camps for their housing in such work, to provide for the financing of such work from prisoners' earnings and public funds by creating a Prisoners' Harvest Fund and appropriating said fund, by repealing Section 2715 of the Penal Code and by adding Article 6 to Chapter 5 of Title 1 of Part 3 of the Penal Code, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Deuel moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 1, of the printed bill, after "code", insert ", as added by Chapter 46, Statutes of 1943,".

Amendment No. 2

On page 3 of the printed bill, after line 9, insert

"Of the balance credited to any prisoner, there shall be paid to him, while he is confined in a penal institution, such amounts as may be determined by the Director of Corrections, upon his release on parole, such amount as may be determined by the Adult Authority, and upon his discharge from custody, the entire balance credited to him."

Amendment No. 3

On page 3, line 41, of the printed bill, strike out "be", and insert "remain".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 228—An act to amend Section 28a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to bail in municipal courts in cities of the first and one-half class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 340—An act to amend Sections 25 and 33 of the Civil Code, relating to minors.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "unmarried".

Amendment No. 2

On page 2, line 2, of said bill, strike out "unmarried".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 169—An act to amend Section 204 of the Code of Civil Procedure, relating to the selection of trial jurors.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 491—An act to amend Sections 2700 and 3323 of the Penal Code, relating to the employment of prisoners.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 888—An act to repeal Section 6061 of the Business and Professions Code, relating to exceptions to qualifications for admission to the bar.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "repeal", and insert "amend".

Amendment No. 2

On page 1, line 2, of said bill, strike out "repealed.", and insert "amended to read:".

Amendment No. 3

On page 1 of said bill, after line 2, insert

"6061. The provisions of subdivisions (e), (f) and (i) of Section 6060 do not apply to applicants *who apply to take the final bar examination prior to July 1, 1947, and* who started the study of law in good faith prior to the first day of July, 1937, and, subject to the approval of the board, the examining committee may adopt such reasonable rules and regulations as may be necessary or advisable for the purpose of exempting such applicants from these provisions."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 45—An act to add Article 7.5, comprising Sections 14490 to 14492, inclusive, to Chapter 2 of Part 3 of Division 12 of the Health and Safety Code, relating to capital outlays in county fire districts.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1 of the printed bill, strike out lines 16 to 23, and insert

"14492. Whenever a capital outlay fund is established, it shall be used only for such purpose, except that if it is found that the fund is no longer necessary or that there remain in the fund moneys which are no longer required for such purpose, the

board shall discontinue the fund or transfer so much thereof as is no longer required for capital outlay purposes to the district general fund."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 636—An act to add Section 2215.5 to, and to amend Section 2216 of the Health and Safety Code, relating to mosquito abatement districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In line 3 of the title of the printed bill, strike out the period, and insert ", declaring the urgency thereof, to go into immediate effect."

Amendment No. 2

On page 1 of said bill, after line 20, insert

"SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The measure is one designed to prevent the spread of malaria, sleeping sickness, and other diseases, by destroying the mosquito which carries them. Since many of our fighting forces now returning, and who will be returning, in increasing numbers, from the tropics, are and will be suffering from diseases carried by the mosquito, the organization of mosquito abatement districts as soon as possible is a matter of vital importance to the public peace, health or safety. To accomplish this purpose, it is necessary that this act go into immediate effect."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 875—An act to add a new article heading to Chapter 1, Part 1, Division 12 of the Health and Safety Code, to amend Sections 13101, 13104, 13107, 13108, 13109, 13111, 13316, and 13654 thereof, and to add Sections 13100.1, 13111.1 and 13111.2, and Article 2, comprising Sections 13140 to 13146, inclusive, to Chapter 1, Part 2, Division 12 thereof, relating to the State Fire Marshal.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1, line 8, of the printed bill, as amended, strike out "liberty", and insert "property."

Amendment No. 2

On page 2 of the printed bill, as amended, following line 48, insert

"Any appropriation heretofore or hereafter made payable out of the State Fire Marshal's Fund, on and after the first day of the month following the effective date of this act, shall be payable out of the General Fund.

Any appropriations heretofore or hereafter made to the Division of Fire Safety in the Department of Industrial Relations shall be deemed to have been made to the Office of the State Fire Marshal."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 174—An act to amend Section 14075 of, and to add Section 14114 to, the Health and Safety Code, relating to fire protection districts in unincorporated areas.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "ambulances,".

Amendment No. 2

On page 1, line 6, of said bill, strike out "and", and insert "may purchase and maintain ambulances, and shall".

Amendment No. 3

On page 1, line 8, of said bill, after "district.", insert

"The board is authorized, but not required, by resolution thereof, to provide for payment to each officer and empoyee of such fire department the sum of not more than one dollar ($1) for each fire attended by such officer or employee."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

Senate Bill No. 581—An act to amend Sections 1 and 9 of an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Public Health," approved May 23, 1925, relating to canneries.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In line 1 of the title of the printed bill, after "of,", insert ", and to add Section 6a to,".

Amendment No. 2

On page 2 of the printed bill between lines 6 and 7, insert

"SEC. 6a. In making estimates, determinations, assessments, and prorations under Sections 4 and 6 of this act, the Cannery Inspection Board and the State Board of Public Health may include as a part of the cost of inspection a reasonable charge for stand-by services of inspectors."

Amendment No. 3

On page 2, line 7, of the printed bill, strike out "2", and insert "3."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

Senate Bill No. 589—An act to amend Sections 1242 and 2104 and to repeal Section 1243 of the Health and Safety Code, relating to special funds.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1018—An act making an appropriation to The Regents of the University of California for the maintenance and operation of State Cerebral Palsy Diagnostic and Treatment Centers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1019—An act making an appropriation to The Regents of the University of California for the maintenance and operation of State Cerebral Palsy Schools.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1020—An act making an appropriation to The Regents of the University of California for the establishment, equipment and maintenance of State Cerebral Palsy Schools.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1021—An act making an appropriation for services for physically handicapped children suffering from cerebral palsy, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1022—An act making an appropriation for coordination of the education of physically handicapped minors in the public schools and in cerebral palsy schools, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 108—An act to amend Sections 1, 1.5, 4, and 5 of, to add Sections 1.1, 1.2, 1.3, 1.7, 4.5, and 4.7 to, and to repeal Section 2 of, the Judges' Retirement Act, and to amend Sections 2, 3, 4, 4.5, and 7 of, and to add Sections 4.7 and 4.9 to, the Judges' Retirement Fund Act, relating to retirement, with retirement allowances, of judges and justices, and to contributions to the Judges' Retirement Fund to provide such retirement allowances.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 7 of the printed bill, between lines 2 and 3, insert

"The statement shall include the amount of money in, and the cash value of all securities and other assets of, the Judges' Retirement Fund. If it appears from such report that the fund is in jeopardy, the Legislature shall take such action as it deems necessary to stabilize the fund."

Amendment No. 2

On page 7 of said bill, strike out lines 21 to 28, inclusive, and insert

"SEC. 19. The additions and amendments to the Judges' Retirement Act and the Judges' Retirement Fund Act made by this amendatory act shall apply to any judge who has heretofore retired under the terms and provisions of the Judges' Retirement Act upon his paying into the Judges' Retirement Fund within the period hereafter provided for making his election 5 per cent of the total retirement allowance he has received from the date of his retirement to the effective date of this act.

It shall be the duty of the State Controller to compute the amount which each retired judge shall be required to pay into the Judges' Retirement Fund in order to be entitled to the benefits of this act, and to notify, within 30 days of its effective date, each retired judge of the amount necessary to be paid by him for him to be entitled to the benefits of this act. It shall be optional with any judge retired before the effective date of this act to accept or reject its benefits and burdens. Every such retired judge shall notify the Controller in writing within 60 days of the effective date of this act whether he elects to come under this act or to remain under the law as it existed at the time of his retirement. Failure to so notify the Controller within such period shall constitute an election to reject the benefits of this act. Any retired judge who elects to reject the benefits of this act, either by doing so in writing or by failing to elect to accept its benefits, as to status, retirement allowances and rights and duties

shall be governed by the provisions of the law in effect at the time of his retirement, and the provisions of these amendments shall not be applicable to him."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 331—An act making an appropriation to the counties of this State for road and highway purposes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "making an", and insert "to amend an act entitled "An act providing for preparation of postwar county highway construction projects, and making an appropriation therefor, approved May 18, 1943," by adding a new section, numbered 9, thereto, relating to availability of the".

Amendment No. 2

In line 1 of the title of said bill, after "appropriation", insert "thereby made".

Amendment No. 3

On page 1 of said bill, strike out all of line 1 following "Section 1."; and strike out all of lines 2 to 29, inclusive, and insert "Section 9 is added to the act cited in the title hereof, to read:

SEC. 9. The appropriation made in Section 1 shall be available at all times during the Ninety-ninth and One Hundredth Fiscal Years."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 77—An act making an appropriation to the Salary Emergency Fund, providing wage increases for State employees who are compensated at daily or hourly rates of pay, and providing that this act take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, above the title, after "Introduced by Senators Desmond and Tenney", insert: "; Senators Swing and Shelley, joint authors."

Amendment No. 2

On page 3 of the printed bill, as amended, between lines 20 and 21, insert

"SEC. 3. This act shall not apply to the salary or compensation earned by any State officer or employee for services after June 30, 1947."

Amendment No. 3

On page 3, line 21, of the printed bill, as amended, strike out "3", and insert "4".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 453—An act to increase the statutory salary and the statutory compensation of State officers and State employees, and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, above the title in the heading after the language "Introduced by Senator Swing", insert "; Senators Desmond, Tenney, and Shelley, joint authors".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 513—An act making an appropriation to the Salary Emergency Fund, providing salary and wage increases for State employees who are compensated at monthly rates of pay, and providing that this act take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, as amended, above the title, in the heading after "Introduced by Senator Shelley", insert "; Senators Desmond, Tenney, and Swing, joint authors".

Amendment No. 2

On page 2 of the printed bill, as amended, strike out all of lines 6 and 7, and insert "otherwise appropriated, the sum of eleven million, one hundred ninety-three thousand, six hundred twenty-eight dollars ($11,193,628) is".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 47 to 50, inclusive; and on page 3, strike out all of lines 1 to 38, inclusive; and insert

"SEC. 3. This act does not apply to employees whose compensation is fixed at or is based upon prevailing rates of wages.

SEC. 4. This act shall not apply to the salary or compensation earned by any State officer or employee for services after June 30, 1947."

Amendment No. 4

On page 3, line 39, of the printed bill, as amended, strike out "7", and insert "5".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 1138—An act to add Chapter 7 to Part 1, Division 2, Title 2, to add Part 2 to said Division 2, to add Division 3 to said Title 2, of, and to add Sections 500016 to 500023, inclusive to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1140—An act to add Sections 13074 and 500024 to the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1141—An act to add Article 5 to Chapter 2, Part 3, Division 3, Title 2 of, and to add Section 500025 to, the Government

Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1145—An act to add Parts 5, 6, 7, and 8, to Division 3, Title 2 of, and to add Section 500030 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1147—An act to add Parts 2, 3 and 4 to Division 4, Title 2 of, and to add Section 500032 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1149—An act to add Article 3 to Chapter 2, Part 2, Division 4, Title 2 of, and to add Section 500034 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal certain acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1139—An act to add Parts 3 and 4 to Division 3, Title 2 of, and to add Section 500029 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2, line 21, of the printed bill, after "duties", strike out the comma.

Amendment No. 2

On page 2, line 40, of said bill, strike out "moneys", and insert "money".

Amendment No. 3

On page 4, line 14, of said bill, after "the State", strike out the comma.

Amendment No. 4

On page 4, line 45, of said bill, strike out "such".

Amendment No. 5

On page 5, line 39, of said bill, strike out the semicolon, and insert a comma.

Amendment No. 6

On page 7, line 40, of said bill, after "from", insert "the".

Amendment No. 7

On page 11, line 18, of said bill, after "if", insert a comma.

Amendments read and adopted.
Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1142—An act to add Chapter 4 to Part 3, Division 3, Title 2 of, and to add Section 500026 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 14, of the printed bill, strike out "State".

Amendment No. 2

On page 1, line 24, of said bill, strike out "Conotroller", and insert "Controller".

Amendment No. 3

On page 3, line 10, of said bill, after "fund", insert "and".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1143—An act to add Chapter 6 to Part 3, Division 3, Title 2, of, and to add Section 500027 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2, line 31, of the printed bill, after "of", strike out the comma.

Amendment No. 2

On page 2, line 50, of said bill, after "upon", strike out "a".

Amendment No. 3

On page 5, line 22, of said bill, strike out "same".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1144—An act to add Sections 13643, 13644, 16345 and 500028 to the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "16345", and insert "13645".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1146—An act to add Part 9 to Division 3, Title 2 of, to add Division 4 to said Title 2, and to add Section 500031 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 6, line 26, of the printed bill, strike out "payments", and insert "payment".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1148—An act to add Article 2 to Chapter 2, Part 2, Division 4, Title 2 of, and to add Section 500033 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, strike out line 13, and insert "purposes of the trust."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1150—An act to add Division 5 to Title 2 of, and to add Section 500035 to, the Government Code, to consolidate and revise the law relating to organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2, line 17, of the printed bill, strike out "to".

Amendment No. 2

On page 4, line 44, of said bill, strike out "times", and insert "time".

Amendment No. 3

On page 5, line 17, of said bill, strike out "acts", and insert "act".

Amendment No. 4

On page 11, line 47, of said bill, after "deposition", insert "to be taken".

Amendment No. 4a

On page 17, line 35, of said bill, strike out "moneys", and insert "money".

Amendment No. 5

On page 18, line 3, of said bill, after the comma, insert "or".

Amendment No. 6

On page 20, line 20, of said bill, after "For", strike out "a".

Amendment No. 7

On page 20, line 45, of said bill, after "action", insert "as".

Amendment No. 7a

On page 26, line 52, of said bill, strike out "thereunder", and insert "hereunder".

Amendment No. 8

On page 30, line 17, of said bill, strike out "and".

Amendment No. 9

On page 33, line 38, of said bill, strike out "grounds", and insert "ground".

Amendment No. 10

On page 34, line 32, of said bill, strike out "Immortality", and insert "Immorality".

Amendment No. 11

On page 35, line 49, of said bill, strike out "to".

Amendment No. 12

On page 36, line 18, of said bill, strike out "causes", and insert "cause".

Amendment No. 13

On page 41, line 38, of said bill, strike out "member", and insert "members".

Amendment No. 14

On page 42, line 29, of said bill, strike out "qaurters", and insert "quarters".

Amendment No. 15

On page 43, line 12, of said bill, strike out "theron", and insert "thereon".

Amendment No. 16

On page 49, line 47, of said bill, after "are", insert ", as to such service,".

Amendment No. 17

On page 50, line 44, of said bill, after "excluded", insert a comma.

Amendment No. 18

On page 52, line 31, of said bill, after "If", strike out the comma.

Amendment No. 19

On page 55, line 3, of said bill, strike out "conditions", and insert "condition".

Amendment No. 20

On page 61, line 1, of said bill, after "there", insert "is".

Amendment No. 21

On page 61 of said bill, strike out lines 16 and 17, and insert "because of State service of State members for which normal contributions have been made and on account".

Amendment No. 22

On page 64, lines 17 and 18, of said bill, strike out "retireing", and insert "retiring".

Amendment No. 23

On page 69, line 9, of said bill, after "granted", insert "by".

Amendment No. 24

On page 69 of said bill, strike out line 14, and insert "under this part and the money in the Retirement Fund is not".

Amendment No. 25

On page 71, line 15, of said bill, after "pensation", insert "or".

Amendment No. 26

On page 72, line 1, of said bill, after "for", insert "disability and every patrol and local safety member retired for".

Amendment No. 27

On page 72, line 35, of said bill, strike out "nonindustrial".

Amendment No. 28

On page 74 of said bill, strike out line 4, and insert "the special death benefit is not payable."

Amendment No. 29

On page 74, line 20, of said bill, strike out "and", and insert a comma.

Amendment No. 30

On page 74, line 22, of said bill, after "employees", insert ", and if there is a wife or child who qualifies under subdivision (b), Sections 21364".

Amendment No. 31

On page 74, line 49, of said bill, strike out "benefits", and insert "benefit".

Amendment No. 32

On page 75, line 18, of said bill, strike out "groups", and insert "group".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 756—An act to add Chapter 2.5, comprising Sections 619 to 648, inclusive, to Division 1 of the Streets and Highways Code, providing for a system of limited access urban-rural highways in this State and allocating and directing the expenditure of funds for the acquisition, construction, maintenance and improvement of such system of limited access highways.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation.

Amendment No. 1

On page 1, line 23, of the printed bill, after "postwar", insert "industry and".

Amendment No. 2

On page 1, line 23, of the printed bill, after "employment", strike out "and"; and on page 2, line 1, strike out "development".

Amendment No. 3

On page 2, line 30, of the printed bill, strike out the period, and insert "of State and county highways and city streets."

Amendment No. 4

On page 2 of the printed bill, strike out all of lines 46 to 48, inclusive, and insert "(e) In constructing the limited access highways provided for in Article 2 the department shall incorporate the basic features enumerated above as rapidly as traffic needs require and as revenues are available."

Amendment No. 5

On page 3, line 52, of the printed bill, after "legislative body", insert "and to the planning commission".

Amendment No. 6

On page 4 of the printed bill, at the end of line 3, insert

"The commission shall also consider any pertinent local master street plan and shall so far as practicable establish such route or routes as will be in fulfillment of or consistent with any such master street plan."

Amendment No. 7

On page 6 of the printed bill, at the end of line 50, insert

"649. (a) This section shall apply to the operation of motor carriers of property upon limited access highway routes provided for in this chapter.

(b) Whenever the California Highway Commission and the department have acquired the necessary rights of way, including rights of access in respect to any said route or portion thereof, and said route or portion thereof has been constructed or improved to standards specified in Section 621, the California Highway Commission shall by resolution and for the purposes of this section only declare a finding to such effect and thereafter the following provisions of this section shall be applicable.

(c) In order to accommodate the agricultural, business and industrial needs of this State and to avoid barriers to the operation of commercial transportation it shall be the policy of this State to permit the operation of motor carriers of property upon every such limited access highway route or portion thereof so acquired and constructed unless such operation upon any such route or portion thereof within an urban area would be detrimental to and inconsistent with the movement of other motor traffic thereon or would be detrimental to the lawful and customary use of property adjacent thereto.

(d) No city or county shall impose any restrictions by ordinance or otherwise in reference to the operation of motor carriers of property upon said route or the portion thereof so designated in resolution adopted by the California Highway Commission pursuant to this section, nor shall any city or county by ordinance or otherwise restrict the operation of any motor vehicle carrying property so as to prevent reasonable ingress to or egress from any such limited access highway route or portion thereof designated by any such resolution.

(e) In order to effectuate the purposes of this section the California Highway Commission may upon its own initiative or upon receipt of a petition from any city or county or from the department shall conduct a hearing in order to determine whether the operation of motor carriers of property upon any limited access highway or portion thereof within an urban area should be permitted or prohibited as may be consistent with the legislative policy declared in subdivision (c) of this section, but the operation of motor carriers of property shall not be prohibited on a limited access highway or portion thereof within an urban area unless an alternative route of travel is reasonably available. Upon such hearing said commission shall receive any and all evidence pertinent to the matter. In the event said commission finds and determines upon the basis of such evidence that the operation of vehicles transporting property upon any such limited access highway route or portion thereof would be contrary to the policies herein expressed, then said commission may by resolution prohibit the operation of motor vehicles transporting property or impose restrictions with reference to the operation of said vehicles upon any said limited access highway route or portion thereof within an urban area in this State which shall be effective when appropriate signs giving notice thereof are erected upon such limited access highway route or portion thereof."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 1190—An act to provide for postwar construction of highways and for State aid to counties and cities and counties therefor, and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, lines 5 and 6, of the printed bill, strike out "and employment", and insert "reconstruction, and improvement".

Amendment No. 2

On page 1, line 11, of said bill, after "Commission", insert "for State aid for expenditure on not to exceed 10 miles of county highways in said county in any one fiscal year".

Amendment No. 3

On page 2 of said bill, between lines 4 and 5, insert "Every such agreement shall provide that all work done shall be done in accordance with standards prepared by the Department of Public Works and that, if done by contract, the county shall advertise and award the contract after complying with the procedure for taking bids specified in the State Contract Act."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 252—An act to transfer to the City of Oakland a surface easement over certain tide and submerged lands and to define the powers and duties of the city in relation thereto.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 377—An act to add Section 207 to the Streets and Highways Code, relating to investment of moneys in the State Highway Fund.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 406—An act granting certain salt marsh, tide and submerged lands of the State of California to the City of Eureka, including the management, use, and control thereof.

Bill read second time.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 1 to 18, inclusive, and insert "SECTION 1. There is hereby granted to the City of Eureka, a municipal corporation of the State of California, and to its successors, all the right, title and interest now held by the State of California by virtue of its sovereignty, in and to all lands, salt marsh, tidelands, submerged lands, and swamp and overflowed lands lying on the southerly, easterly and southeasterly side of the thread of the main channel and the Arcata Channel as the same now exists in Humboldt Bay, and situated within the following described sections, to wit: All of Sections 14, 15, 22, 23, 24 and 33; the SW ¼ of the SW ¼ of Section 13; the SE ¼ of Section 16; the E ½ and the SE ¼ of the SW ¼ of Section 21; the NW ¼ of Section 27; the E ½ of the NW ¼, the E ½ of the SW ¼ and the SW ¼ of the SW ¼ of Section 28; the E ½ of the NE ¼ and the SE ¼ of Section 32; all in T. 5 N., R. 1 W., H.B.&M.; the N ½ of Section 4; the NE ¼ of Section 5; all in T. 4 N., R. 1 W., H.B.&M."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 428—An act to add Section 14.1 to an act entitled "An act to aid commerce and navigation by authorizing certain improvements in and about Islais Creek and as a means thereof creating a reclamation district to be called and known as the "Islais Creek Reclamation District," fixing the boundaries thereof, providing for the management and control thereof, vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district; and to aid and assist such works of reclamation granting to the City and County of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said Islais Creek Reclamation District," approved April 6, 1925, relating to the deposit of funds in the bond fund of the district.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 25—An act to amend Sections 3100, 3300, and 3325 of the Health and Safety Code, relating to grants in aid for the care and treatment of persons suffering from tuberculosis or susceptible thereto, and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

Strike out line 1 of the title of the printed bill, and insert "An act to amend Sections 3300 and 3301 of the Health".

Amendment No. 2

On page 1, line 1, of said bill, strike out "3100", and insert "3300".

Amendment No. 3

On page 1 of said bill, strike out lines 3 to 20, inclusive.

Amendment No. 4

On page 2, line 2, of said bill, after "expense", and before the comma, insert "or cared for in private hospitals or sanatoriums under contract with the county".

Amendment No. 5

On page 2, line 7, of said bill, after "ward", insert ", sanatorium".

Amendment No. 6

On page 2 of said bill, strike out line 11, and insert
SEC. 2. Section 3301 of said code is amended to read:".

Amendment No. 7

On page 2 of said bill, strike out lines 12 to 24, inclusive, and insert
"3301. The medical superintendent of each hospital receiving State aid under this chapter shall render semiannually to the Bureau of Tuberculosis a report under oath showing, for the period covered by the report:
(a) The number of patients suffering from tuberculosis cared for at public expense, and unable to pay for care.
(b) The number of weeks of treatment of each such patient.
With the consent of the respective cities, counties, or groups of counties, an exchange of patients may be arranged through the Bureau of Tuberculosis without expense to the county except for transportation when the exchange seems necessary or desirable to assist in the patients' recovery.
Counties may contract for the care and treatment of tuberculosis patients through their boards of supervisors, after consultation with the State Department of Public Health, with cities, counties, or groups of counties, who maintain a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis, which conforms to the regulations of, and is approved by, the State Department of Public Health, and may receive from the State the tuberculosis subsidy provided by the Health and Safety Code."

Amendment No. 8

On page 2, line 25, of said bill, strike out "Sec. 4.", and insert "SEC. 3."

Amendment No. 9

On page 2, line 28, of said bill, strike out "_____ dollars ($_____)", and insert "one million eight hundred thousand dollars ($1,800,000)".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 83—An act to amend Section 783 of the Penal Code, relating to jurisdiction of offenses committed on vessels navigating State waters or on railroad trains or cars or on aircraft.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 16 to 19, inclusive, and insert "provided that such jurisdiction under this section as to an offense committed on an aircraft shall be only in a county over or into which the aircraft passes prior to the first landing of such aircraft after the crime is discovered by or reported to the person in charge of such aircraft."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

THIRD READING OF SENATE BILLS

Senate Bill No. 758—An act to amend Section 63 of the Fish and Game Code, relating to District 1½.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 983—An act to amend Section 62 of the Fish and Game Code, relating to District 1.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

RECESS

At 2.55 p.m., on motion of Senator Seawell, the Senate recessed to allow the President of the Senate to introduce the following distinguished guests to the Senate: Governor Earl Warren, Joe E. Brown, Lt. Col. (A.C.) Daniel W. Wickland, Lt. Col. (A.C.) Stanley V. Young, and Lt. Col. (M.C.) Ellis D. Harmon; and to hear the remarks of Joe E. Brown.

REASSEMBLED

At 3.10 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Chief Assistant Secretary Cleve V. Taylor at the desk.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 249—An act to amend Section 16424 of the Education Code, relating to injuries to pupils.

Motion to Refer Bill to Inactive File

Senator Hatfield moved that Senate Bill No. 249 be placed on the inactive file.

Motion carried.

Senate Bill No. 1104—An act to amend Section 9.2 of the Unemployment Insurance Act, relating to unemployment insurance and the definition of unemployed contained therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1105—An act to amend Section 9.5 of the Unemployment Insurance Act, relating to unemployment insurance and the status of employers thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1106—An act to amend Section 9.8 of the Unemployment Insurance Act, relating to unemployment insurance and the authorization of agents to act on behalf of employers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1110—An act to amend Section 21 of the Unemployment Insurance Act, relating to the Unemployment Trust Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1111—An act to amend Section 23 of the Unemployment Insurance Act, relating to the Unemployment Administration Fund.

Bill read third time.

Motion to Re-refer Senate Bill No. 1111

Senator Shelley moved that Senate Bill No. 1111 be re-referred to Committee on Finance.

Motion carried.

Senate Bill No. 1111 ordered re-referred to Committee on Finance.

Senate Bill No. 1112—An act to repeal Sections 22.5 and 24.5 of the Unemployment Insurance Act, relating to unemployment insurance and adjustments with the Railroad Retirement Board authorized in said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keat-

ing, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1114—An act to amend Sections 37 and 38 of the Unemployment Insurance Act, relating to unemployment insurance and employer contributions required by said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1115—An act to amend Section 41.1 of the Unemployment Insurance Act, relating to unemployment insurance and the procedure for protesting benefit charges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, and Ward—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1117—An act to amend Section 42 of the Unemployment Insurance Act, relating to unemployment insurance and merit or experience rating.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1118—An act to amend Section 44 of the Unemployment Insurance Act, relating to worker contributions required thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1119—An act to repeal Sections 44.6, 45, 45.3 and 45.4 of, and to add Section 45 to the Unemployment Insurance Act,

relating to unemployment insurance, the time for reporting and penalties for delinquent payments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1120—An act to repeal Section 45.2 and to amend Section 45.1 of the Unemployment Insurance Act, relating to unemployment insurance and civil action for collection of delinquencies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1121—An act to repeal Section 45.5 of, and to add Section 45.5 to the Unemployment Insurance Act, relating to assessments thereunder and administrative proceedings on petitions for reassessment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, and Tenney—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1122—An act to amend Section 45.6 of the Unemployment Insurance Act, relating to jeopardy assessments thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—29.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1123—An act to amend Section 45.7 of the Unemployment Insurance Act, relating to unemployment insurance and successors in interest under said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1124—An act to amend Section 45.8 of the Unemployment Insurance Act, relating to the withholding of credits of a delinquent employer.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1125—An act to amend Section 45.9 of the Unemployment Insurance Act, relating to recording of summary judgments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1126—An act to repeal Sections 45.10 and 45.11 of and to add Sections 45.10 and 45.11 to the Unemployment Insurance Act, relating to unemployment insurance, and procedures for collection of delinquencies, claims for refund, and authorizing civil action against the commission for recovery.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 4 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Senate Bill No. 1127—An act to add Section 45.12 to the Unemployment Insurance Act, relating to the release or subordination of liens.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senator Carter Presiding

At 4.05 p.m., Senator Oliver J. Carter, of the Fifth District, presiding.

Secretary J. A. Beek at the Desk

Senate Bill No. 1129—An act to amend Section 52 of the Unemployment Insurance Act, relating to benefit payments thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1130—An act to amend Section 54 of the Unemployment Insurance Act, relating to the weekly benefit amounts payable thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1132—An act to repeal Section 56.7 of and to add Sections 56.7 and 56.8 to the Unemployment Insurance Act, relating to cooperation between State and Federal agencies, and reciprocal arrangements with foreign governments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Kuchel, McCormack, Mixter, Parkman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1133—An act to amend Section 57 of the Unemployment Insurance Act, relating to eligibility for benefits under said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1135—An act to amend Section 64 of the Unemployment Insurance Act, relating to overpayments to benefit claimants.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 6, of the printed bill, after the comma, strike out "in the discretion of".

Amendment No. 2

On page 2, line 7, of the printed bill, strike out "the appeals board,".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 1107—An act to amend Section 11 of the Unemployment Insurance Act, relating to the definition of wages contained therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1108—An act to amend Section 12 of the Unemployment Insurance Act, relating to the definition of week contained therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1109—An act to amend Sections 15 and 6.5 of the Unemployment Insurance Act, relating to unemployment insurance and the election to become subject thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 1113—An act to amend Section 25 of the Unemployment Insurance Act, relating to the benefit payment account provided for therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 4.30 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Senate Bill No. 1128—An act to repeal Section 46 of and to add Section 46 to the Unemployment Insurance Act, relating to priorities in insolvency proceedings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1136—An act to amend Sections 75, 90, 81 and 89 of the Unemployment Insurance Act, relating to unemployment insurance and the administration of said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swing, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1137—An act to amend Sections 66, 70, 71 and 72 of the Unemployment Insurance Act, relating to unemployment insurance and proceedings on disputed claims.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dilworth, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Hulse:

Senate Resolution No. 70

Relative to the passing of Dr. Burris A. Jenkins, Sr.

WHEREAS, In El Centro on March 13, 1945, Dr. Burris A. Jenkins, Sr., beloved and liberal minister of the Gospel, passed on in death to the Master whom he had served so faithfully in life.

There are many who look back with regard and affection for the benevolence of this man, who, by his faith, tolerance and understanding, gave inspiration and courage to the low of heart and pointed the way toward the better things of life.

Widely known also as an educator, journalist and author, Dr. Jenkins was possessed of a broad academic background—he had degrees from Bethany, Harvard, Kentucky Wesleyan and Rollins. Twice had he held the post of a university president—at the University of Kentucky and the University of Indianapolis. For long, El Centro had been his winter home, and it was there that he returned in November of last year when, with declining years, he resigned as pastor of the Community Church of Kansas City, Missouri.

Surviving him are his wife and three sons, Burris A. Jenkins, Jr., the noted cartoonist for the Hearst newspapers, Lieutenant Commander Logan Jenkins, now stationed with the Navy at San Diego, and Paul A. Jenkins, publisher of the Imperial Valley Press and Morning Star in El Centro. Now, therefore, be it

Resolved by the Senate of the State of California, That when the Senate adjourns this day it shall do so out of respect to the memory of Dr. Burris A. Jenkins, Sr., and be it further

Resolved, That the Secretary of the Senate is directed to convey to the bereaved family of Dr. Burris this expression of our sympathy and tribute.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 81—An act to amend Section 737n of the Political Code, relating to the salary of the judge of the superior court in and for the County of Inyo.

Motion to Refer Bill to Inactive File

Senator Brown moved that Senate Bill No. 81 be placed on the inactive file.

Motion carried.

MESSAGES FROM THE ASSEMBLY

SENATE CHAMBER, SACRAMENTO, March 21, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 10	Assembly Bill No. 905
Assembly Bill No. 64	Assembly Bill No. 902
Assembly Bill No. 1267	Assembly Bill No. 1018
Assembly Bill No. 1262	Assembly Bill No. 82

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 10—An act to add Section 8.3 to and to amend Section 4 of the Planning Act, relating to names of streets.

Re-referred to Committee on Local Government.

Assembly Bill No. 64—An act to amend Section 4252 of the Political Code, relating to compensation for public services in counties of the twenty-third class.

Re-referred to Committee on Local Government.

Assembly Bill No. 1267—An act to amend Section 676 of the Vehicle Code, relating to windshields and windows.

Re-referred to Committee on Transportation.

Assembly Bill No. 1262—An act to amend Sections 525, 531.5, 540, 551, 552 and 577 of the Vehicle Code, relating to rules of the road.

Re-referred to Committee on Transportation.

Assembly Bill No. 905—An act to renumber and amend Section 258.1 of, and to amend Sections 259.1 and 269.1 of, the Vehicle Code, relating to operators and chauffeurs of motor vehicles.

Re-referred to Committee on Transportation.

Assembly Bill No. 902—An act to amend Sections 331, 333 and 338 of, and to add Sections 339 and 340 to, the Vehicle Code, relating to drivers' licenses.

Re-referred to Committee on Transportation.

Assembly Bill No. 1018—An act to amend Section 3695 of the Revenue and Taxation Code, relating to real property taxation.

Re-referred to Committe on Revenue and Taxation.

Assembly Bill No. 82—An act to amend Section 4234 of the Political Code, relating to compensation for public service in counties of the fifth class.

Re-referred to Committee on Local Government.

REPORTS OF STANDING COMMITTEES

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, March 20, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 311

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

McCORMACK, Chairman

Above reported bill ordered to second reading.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 16: By Senators Crittenden, Hatfield, Weybret, Hulse, McCormack, Jespersen, Sutton, Mixter, Gordon, Donnelly, and Powers—Relative to memorializing the Congress of the United States in relation to prices for fresh fruits.

Referred to Committee on Agriculture.

ADJOURNMENT

At 4.43 p.m., on motion of Senator Swing, the President declared the Senate adjourned until 2 p.m., Thursday, March 22, 1945, out of respect to the memory of the late Dr. Burris A. Jenkins, Sr.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

THIRTIETH LEGISLATIVE DAY
SEVENTY-FOURTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Thursday, March 22, 1945

The Senate met at 2 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Kuchel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Leslie H. Eckel, Auditor for Orange County; Hon. Willis Warner, Chairman, Orange County Board of Supervisors, of Huntington Beach; Hon. Willard Smith, member of Orange County Board of Supervisors, Orange.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. R. J. Yates, member, Board of Supervisors, of Madera.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. W. F. Morebeck; and Major Denton J. Rees, of Sacramento.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Howard Way, County Engineer, San Bernardino County; and Mr. Frank H. Mogle, Chairman, Board of Supervisors, San Bernardino County.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. David N. Bird.

Chairman, Board of Supervisors, San Diego; also Supervisors Dan Rossi, James Robbins, and Dean Howell.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. C. E. Steinegal and Mr. E. H. Remmington, Supervisors of San Joaquin County; Mr. Julius B. Manthey, County Engineer, San Joaquin County; and Mr. Leon Hoeppel, Former Commander of the American Legion, of Stockton.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Roger Jessup of Los Angeles.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Wayne T. Switzer, County Surveyor, Tulare County, Visalia.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. A. C. Fulmor, County Engineer, Riverside.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 381
Assembly Bill No. 386
Assembly Bill No. 770
Assembly Bill No. 904
Assembly Bill No. 925
Assembly Bill No. 1751
Assembly Bill No. 1798

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 381—An act to amend Section 556 of the Agricultural Code, relating to milk products.

Referred to Committee on Agriculture.

Assembly Bill No. 386—An act to add Section 155.1 to the State Civil Service Act, and Section 19398 of the Government Code, relating to the computation of time during which a veteran may apply for reinstatement to State service after resignation.

Referred to Committee on Local Government.

Assembly Bill No. 770—An act to add Section 114.5 to the Welfare and Institutions Code, relating to the rules and regulations of the State Department of Social Welfare.

Referred to Committee on Social Welfare.

Assembly Bill No. 904—An act to amend Sections 293, 315 and 316 of, to repeal Section 307 of, and to add Section 307 to, the Vehicle Code, relating to suspensions and revocations.

Referred to Committee on Transportation.

Assembly Bill No. 925—An act to amend Section 884 of the Welfare and Institutions Code, relating to medical, surgical, or dental care for persons alleged to come within the provision of Section 700 of the Welfare and Institutions Code.

Referred to Committee on Social Welfare.

Assembly Bill No. 1751—An act to amend Section 22 of the State Civil Service Act and Section 18540 of the Government Code, relating to veterans.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1798—An act to amend Section 149 of the State Civil Service Act and to add Section 19393.5 to the Government Code, relating to leaves of absence.

Referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Education

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 409
Assembly Bill No. 584
Assembly Bill No. 1244

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 760

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bill ordered to second reading.

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Senate Bill No. 1102
Senate Bill No. 1131

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 1080

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 989

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; noes 1.

MAYO, Chairman

Above reported bill ordered to second reading.

Committee on Institutions

SENATE CHAMBER, SACRAMENTO, March 21, 1945

MR. PRESIDENT: Your Committee on Institutions, to which was referred:

Senate Bill No. 288

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 21, 1945

MR. PRESIDENT: Your Committee on Institutions, to which was referred:

Senate Bill No. 621

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bill ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 261
Senate Bill No. 1031

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bills ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 62

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

DELAP, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 21, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 99
Senate Bill No. 169
Senate Bill No. 228
Senate Bill No. 252
Senate Bill No. 377
Senate Bill No. 428
Senate Bill No. 482
Senate Bill No. 491
Senate Bill No. 589
Senate Bill No. 1018
Senate Bill No. 1019
Senate Bill No. 1020
Senate Bill No. 1021
Senate Bill No. 1022
Senate Bill No. 1140
Senate Bill No. 1141
Senate Bill No. 1145
Senate Bill No. 1149
Senate Bill No. 1147
Senate Bill No. 1138

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 45
Senate Bill No. 340
Senate Bill No. 1144
Senate Bill No. 1148

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 379
Senate Bill No. 1135

And reports the same correctly re-engrossed.

SEAWELL, Chairman

MOTION TO PRINT

Senator Rich moved that the Report of the Legislative Auditor to the Legislative Budget Committee be printed in the Senate Journal of Monday, March 26, 1945.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 343

Senator Fletcher moved that Senate Bill No. 343 be withdrawn from Committee on Natural Resources for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 343

Senate Bill No. 343—An act making an appropriation to the State Division of Beaches and Parks, Department of Natural Resources, for acquisition, development, and improvement of Mission Bay Park.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "act", insert "to amend Section 5032 of the Public Resources Code, relating to Mission Bay State Park, and".

Amendment No. 2

On page 1 of said bill, strike out lines 1 and 2, and insert

"SECTION 1. Section 5032 of the Public Resources Code is amended to read:

5032. The State-owned waters of Mission Bay in San Diego County, together with all the tidelands and *submerged lands* of Mission Bay which are now in the possession of the State or which may hereafter come into the possession of the State, are a State park, administered under the control of the State Park Commission. *The provisions of Sections 6216 and 6301 relating to jurisdiction of the State Lands Commission do not apply to the tidelands and submerged lands comprising Mission Bay State Park.*

SEC. 2. Out of any money in the State treasury not otherwise appropriated, the sum of two million dollars".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Fletcher:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act granting certain lands, tidelands and submerged lands of the State of California to the City of San Diego upon certain trusts and conditions.

Respectfully submitted.

SENATOR ED FLETCHER

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 22, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1260: By Senator Fletcher—An act granting certain lands, tidelands and submerged lands of the State of California to the City of San Diego upon certain trusts and conditions.

Referred to Committee on Transportation.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 931—An act to add Section 495 to the Fish and Game Code, for the protection of fish in the Sacramento River above the confluence of Battle Creek, to that end prohibiting the bringing in of water from without the Sacramento River Watershed.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 190—An act to amend Section 48 of Chapter 4, Division 1 of the Fish and Game Code, relating to the disposition of fines and forfeitures imposed or collected for violations of any of the provisions of said code.

Bill read second time.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out the quotation mark, and insert "48."

Amendment No. 2

On page 1, line 16, of said bill, strike out the quotation mark.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 694—An act to amend Sections 407, 408 and 409 of the Fish and Game Code, relating to licenses.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 638—An act to amend Sections 709, 711 and 712 of the Fish and Game Code, relating to fish.

Bill read second time.

Motion to Amend

Senator Gordon moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 16, of the printed bill, after "daily", insert "bag".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 639—An act to amend Sections 721, 722, 724, and 724.5 and to repeal Section 724.3 of the Fish and Game Code, relating to catfish.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "724.5 and".

Amendment No. 2

In line 2 of the title of said bill, after the comma, insert "and to add Section 724.7 to the Fish and Game Code,".

Amendment No. 3

On page 1, line 15, of said bill, strike out "catfish taken in District 2¼, or".

Amendment No. 4

On page 2 of said bill, strike out lines 2 to 10, inclusive, and insert

"SEC. 5. Section 724.7 is added to said code to read:

724.7. In District 2¼ it is unlawful to take catfish in any manner other than by angling or to take catfish for any commercial purposes."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 378—An act to add Section 1348 to the Fish and Game Code, relating to tule elk.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 695—An act to amend Sections 611.6, 612, 613, 615, and 615.5 of the Fish and Game Code, relating to trout.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 10, of the printed bill, after "2", insert ", 2¼".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 640—An act to amend Section 65.5 of the Fish and Game Code, relating to districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "vision", and insert "visions".

Amendment No. 2

On page 1, line 9, of said bill, after "2", strike out "to".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 641—An act to amend Section 66.5 of the Fish and Game Code, relating to Lake County.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "from", and insert "of".

Amendment No. 2

On page 1, line 9, of said bill, after the period, insert "Except as otherwise provided, all of the provisions of this code relating to District 2 apply to District 2½."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 452—An act to amend Sections 615.6, 615.7, and 615.8 of the Fish and Game Code, relating to trout.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1 of the printed bill, strike out lines 15 and 16, and insert "Big Sur River or its tributaries any spears, gaffs, or nets, other than landing nets."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 557—An act to amend Section 4015 of the Public Resources Code, relating to money received by this State pursuant to the Clarke-McNary Act or under cooperative agreements or contracts, creating the Clarke-McNary Fund, and making an appropriation, to take effect July 1, 1945.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 10, of the printed bill, as amended, strike out "now".

Amendment No. 2

On page 1, line 13, of said bill, as amended, after "code", insert "or any other provision authorized by law".

Amendments read and adopted.

Bill ordered printed, engrossed, and be placed on the inactive file.

Senate Bill No. 560—An act to add Article 6, comprising Sections 4421 to 4435, inclusive, to Chapter 2 of Division 4 of the Public Resources Code, relating to the acquisition, their management as State forests and administration, protection and reforestation of forest lands, the management for demonstration purposes and sale of forest products therefrom.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 154—An act to amend Section 239 of the Agricultural Code, relating to indemnity paid owners of condemned bovine animals.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committe on Agriculture:

Amendment No. 1

On page 1, line 9, of the printed bill, strike out "thirty-five dollars ($35)", and insert "twenty-five dollars ($25)".

Amendment No. 2

On page 1, line 10, of the printed bill, strike out "sixty dollars ($60)", and insert "fifty dollars ($50)".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 914—An act to amend Section 354 of the Agricultural Code, relating to record of meat purchases and unlawful meat purchases.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 10, of the printed bill, immediately following the comma, strike out "and the time".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 1012—An act to amend Sections 391 and 401 of, and to add Section 391.5 to, the Agricultural Code, relating to estrays.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "Section 391.5", and insert "Sections 391.5, and 391.6".

Amendment No. 2

On page 1, line 5, of said bill, strike out "theron", and insert "thereon".

Amendment No. 3

On page 1, line 28, of said bill, after "said", insert "dissolved Happy Valley Irrigation".

Amendment No. 4

On page 2, line 1, of said bill, after "along", insert "section lines".

Amendment No. 5

On page 2 of said bill, strike out lines 2, 3, and 4; and in line 5, strike out "any", and insert "to the westerly boundary".

Amendment No. 6

On page 2, line 9, of said bill, after "northerly", insert "boundary".

Amendment No. 7

On page 2 of said bill, between lines 11 and 12, insert

"SEC. 3. Section 391.6 is added to said code to read:

391.6. The board of supervisors of any county excepted from any provision of this article may, if it determines that all or any part of said county has ceased to be devoted chiefly to grazing, provide by ordinance that estray animals may thereafter be taken up on unenclosed property in such county or part of county. It is the intent and purpose of this section that the provisions of law generally applicable throughout the State shall be extended to the excepted counties or parts thereof when the conditions upon which the exceptions were based have ceased to exist."

Amendment No. 8

On page 2, line 12, of said bill, strike out "Sec. 3", and insert

"SEC. 4".

Amendment No. 9

On page 2, lines 25 and 26, of said bill, strike out "except in that portion of Shasta County described in Section 391.5,".

Amendment No. 10

On page 2, line 31, of said bill, after "counties", insert "until such time as action is taken in accordance with Section 391.6".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 402—An act to add Sections 796.3, 796.4, and 796.5 to the Agricultural Code, relating to citrus fruits.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "and 796.5", and insert "796.5, 796.8 and 796.9".

Amendment No. 2

On page 1 of the printed bill, strike out all of lines 4 and 5, and insert "numbers 53 and 54 and the number marked on the containers as required in Section 796.1 shall be one of the numbers tabulated in Column A, below, and the average diameter marked on the containers shall be the corresponding measurement in Column B, below. The average diameter in inches of the".

Amendment No. 3

On page 1 of the pinted bill, between lines 18 and 19, insert

"216	2.640".

Amendment No. 4

On page 1 of the printed bill, after line 26, insert

"540	1.920".

Amendment No. 5

On page 2 of the printed bill, strike out all of lines 3 and 4, and insert "tainers numbers 53 and 54 and the number marked on the containers as required in Section 796.1 shall be one of the numbers tabulated in Column A, below, and the average diameter marked on the containers shall be the corresponding measurement in Column B, below. The average diameter in inches of the".

Amendment No. 6

On page 2 of the printed bill, between lines 9 and 10, insert

"18	6.200
24	5.640
28	5.350
32	5.120".

Amendment No. 7

On page 2 of the printed bill, between lines 12 and 13, insert

"46 4.540".

Amendment No. 8

On page 2 of the printed bill, strike out all of line 24, and insert

"796.5. The count of lemons packed in standard container number 56 and the number marked on the containers as required in Section 796.1 shall be one of the numbers tabulated in Column A, below, and the average diameter marked on the containers shall be the corresponding measurement in Column B, below. The average diameter in inches of the lemons in the container, as determined by inspection of a representative sample, shall be not less than the corresponding measurement tabulated in Column B.

Column A	Column B
126	2.925
150	2.775
180	2.625
210	2.475
252	2.345
270	2.270
300	2.190
360	2.065
432	1.940
442	1.920
490	1.850
540	1.800
588	1.750
638	1.685
688	1.640

SEC. 4. Section 796.8 is added to said code, to read:

796.8. The compliance or noncompliance with the provisions of Sections 796.2, 796.3, 796.4 and 796.5 of this chapter, may be determined from a representative sample which shall consist of not less than 10 per cent, by count, of the oranges, grapefruit or lemons in a container.

SEC. 5. Section 796.9 is added to said code, to read:

796.9. As applied to citrus fruits:".

Amendment No. 9

On page 2 of the printed bill, after line 27, insert

"(b) 'Regularly packed throughout' means that the individual fruits shall be packed in the container in straight rows.

(c) 'Uniform in size' means that none of the fruit in any one container may be more than 15 per cent larger or smaller in diameter than the average diameter of the fruit in the container."

Amendments read and adopted.

Bill ordered printed and re-referred to Committee on Agriculture.

Senate Bill No. 906—An act to amend Section 368 of the Agricultural Code, relating to transportation license fee and penalty.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3, 4, 5, 6, 7, and 8 to the end of the sentence, and insert

"368. It is unlawful for any person, firm, association, or corporation or their agent who buys cattle for resale or slaughter to receive for transportation or to transport said cattle in his or their own or borrowed conveyance without having first procured from the director a license to do so; provided that licensed cattle slaughterers shall not be subject to the provisions of this section."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 202—An act to amend Section 307 of the Agricultural Code, relating to meat.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 459—An act to amend Section 1103 of the Agricultural Code, relating to eggs.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 907—An act to amend Section 366 of the Agricultural Code, relating to the transportation of cattle and hides.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 909—An act to amend Section 343 of the Agricultural Code, relating to brands and marks inspection.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 910—An act to amend Section 360 of the Agricultural Code, relating to tagging hides.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 911—An act to amend Section 334.5 of the Agricultural Code, relating to branded cattle moving from one district to another.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 912—An act to amend Section 332.5 of the Agricultural Code, relating to exempt brands on dairy cattle.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 913—An act to amend Section 358 of the Agricultural Code, relating to cattle slaughterer reports.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 916—An act to amend Section 336 of the Agricultural Code, relating to brand recordation fees, penalties and elimination of old brands.

Bill read second time.

Motion to Amend

Senator Powers moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 17, of the printed bill, after "forfeiture", insert "or cancellation".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 918—An act to add Section 363.4 to the Agricultural Code, relating to penalties for public sales yards.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1226—An act to amend Section 212 of the Agricultural Code, relating to importation of animals.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 332—An act to amend Section 312 of the Agricultural Code, and making an appropriation for carrying out the provisions of said code, relating to meat inspection.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 312", and insert "Sections 306 and 312".

Amendment No. 2

On page 1, line 1, of said bill, strike out "312", and insert "306".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, between lines 2 and 3, insert

"306. In counties where inspection is not mandatory State inspection may be conducted by the department whenever requested [and paid for]. Whenever such inspection is requested by the governing body of any county or city and such inspection is inaugurated the provisions of this article shall apply throughout such county or city, as the case may be.

SEC. 2. Section 312 of said code is amended to read:".

Amendment No. 4

On page 1, line 5, of said bill, after "effective", insert ", or as provided in Section 306,".

Amendment No. 5

On page 1, lines 10 and 11, of said bill, strike out "health authority, on blanks furnished by the department or municipal".

Amendment No. 6

On page 2, line 20, of said bill, strike out "of the Agricultural Code".

Amendment No. 7

On page 2, line 21, of said bill, strike out "Sec. 2", and insert "SEC. 3".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 221—An act to repeal Section 1881.3 of the Civil Code, relating to the period during which the chapter of said code relating to private bulk storage of grain shall remain in effect.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "repeal", and insert "amend".

Amendment No. 2

On page 1, line 1, of the printed bill, strike out "repealed.", and insert "amended to read as follows:

1881.3. The provisions of this chapter shall have no force or effect after December 31, 1947."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 396—An act to amend Section 1037 of the Agricultural Code, relating to sampling fertilizing materials.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "manure,".

Amendment No. 2

On page 1 of the printed bill, immediately following line 9, insert "Any method for drawing samples of the materials mentioned in this section, under rules and regulations of the director, shall conform as closely as possible to a method therefor established by the Association of Official Agricultural Chemists.

In the event any of such material is packaged in containers of less than 10 pounds, one package of the material may be taken as a sample to represent the lot of which it is a part."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 908—An act to amend Section 363 of the Agricultural Code, relating to cattle bills of sale.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, lines 12 and 13, of the printed bill, strike out "to have been freeholders of the county".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 915—An act to amend Section 348 of the Agricultural Code, relating to cattle slaughterer license fees.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, in line 12, immediately following "per", insert "month".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 917—An act to amend Section 333.8 of the Agricultural Code, relating to venting of brands.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, strike out all of lines 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, and insert

"333.8. Venting a brand consists of rebranding a branded animal, *by the owner thereof*, for the purpose of canceling *his* prior brand on the animal, to indicate relin-

quishment of title to said animal by the owner of the vented brand. A permit from the director *shall be obtained* by the owner of the recorded brand to use said brand, *or any brand*, for venting purposes. The director shall record said permit, when granted, in the brand records and it shall remain in effect so long as the recorded brand remains valid *or until the permittee request the director in writing to revoke said permit.* Such permit shall be granted when such use of a venting brand will not, in the judgment of the director, conflict with another recorded brand used in the same or any adjacent district. The director shall specify the place upon the animal where the venting brand shall be applied, which shall be a place on the same side of the animal as the brand vented thereby. Notwithstanding any provision in this article it shall be lawful to use a brand in conformity with a permit issued pursuant to this section.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 919—An act to amend Section 363.2 of the Agricultural Code, relating to license and operation of public sales yards.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 31, of the printed bill, after "tions", insert ", nor to the sale by an auctioneer of cattle on the premises of the owner thereof whether or not such sale includes the sale of cattle of other livestock owners in the vicinity of such premises".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 673—An act to add Sections 987 and 2190.1 to the Revenue and Taxation Code, relating to the assessment of and payment of taxes on possessory interests in real estate of the Veterans Welfare Board.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1052—An act to add Chapter 3 consisting of Section 175 to Part 1, Division 1, Revenue and Taxation Code, relating to real property taxation.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 132—An act to add Section 6359.5 to the Revenue and Taxation Code, relating to the sale and use taxes and exemptions therefrom, including the declaration of a continuing legislative intent to exempt containers, ice, packing materials and labels used or employed in packing, shipping, or transporting food products for human consumption, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation.

Amendment No. 1

On page 1, lines 6 and 7, of the printed bill, strike out "containers, ice, packing materials and labels", and insert "ice".

Amendment No. 2

On page 1, lines 14 and 15, of said bill, strike out "containers, ice, packing materials or labels", and insert "ice".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 672—An act to add Section 4986.4 to the Revenue and Taxation Code, relating to the cancellation of taxes on property acquired by the Veterans' Welfare Board.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Revenue and Taxation.

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "Section 3515.5", and insert "Division 4 of the Military and Veterans Code".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 311—An act to repeal Sections 3800 and 3801 of, and to add Sections 3800 and 3801 to, the Harbors and Navigations Code, relating to the administration of the Port of Eureka, creating a Board of Harbor Commissioners for Humboldt Bay and transferring the powers and duties of the Department of Public Works over such port and bay to said Harbor Commission.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 6, of the printed bill, after "Governor", insert ", by and with the consent and advice of the Senate, State of California,".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 260

Senator Fletcher moved that Senate Bill No. 260 be withdrawn from Committee on Natural Resources for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 260

Senate Bill No. 260—An act to add Sections 4000.2, 4000.3, 4000.4, and 4000.5 to the Public Resources Code, relating to prevention and suppression of fires.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 21, of the printed bill, strike out "areas which are available", and insert "or hilly areas which are principally used or useful".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

RESOLUTIONS

The following resolution was offered:

By Senator Shelley:

Senate Resolution No. 71

Endorsing the San Francisco Chronicle's proposed War and Postwar Forum.

WHEREAS, The San Francisco Chronicle has announced plans for a forum of representatives of the various groups and the various sections of California with a view to exploring the State's war and postwar problems and attaining a meeting of the minds of men of good will who will place community service above the service of individuals or groups; and

WHEREAS, Such a forum holds the possibility of unlimited good for all of California; now, therefore, be it

Resolved by the Senate of the State of California, That this body hereby endorses the proposed Forum of the San Francisco Chronicle and offers whatever support it can to the undertaking.

Resolution read, and, on motion of Senator Shelley, adopted.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill No. 391—An act to amend Section 28.5 of the Agricultural Code, relating to refunds.

Motion to Refer Bill to Inactive File

Senator Dilworth moved that Senate Bill No. 391 be placed on the inactive file.

Motion carried.

Senate Bill No. 390—An act to amend Section 28.6 of the Agricultural Code, relating to collections.

Motion to Refer Bill to Inactive File

Senator Dilworth moved that Senate Bill No. 390 be placed on the inactive file.

Motion carried.

Senate Bill No. 393—An act to amend Section 102 of the Agricultural Code, relating to pest certificates.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 395—An act to add a new section, to be numbered 1030.5, to the Agricultural Code, relating to auxiliary plant chemicals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Judah, Keating, Kuchel,

Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1134—An act to amend Section 60 of the Unemployment Insurance Act, relating to unemployment insurance and benefits payable under said act.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 11, of the printed bill, after "deceased or", insert "legally declared".

Amendment read and adopted.
Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1135—An act to amend Section 64 of the Unemployment Insurance Act, relating to overpayments to benefit claimants.

Bill read third time.
The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1103—An act to amend Section 9 of the Unemployment Insurance Act, relating to unemployment insurance and the definition of employer therein.

Bill read third time.
The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 35—An act to amend Section 4133 of the Political Code, relating to certificates of sale.

Bill read third time.
The roll was called, and the bills passed by the following vote:

AYES—Senators Brown, Burns, Collier, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 702—An act to amend Sections 47, 936, 953d, 956a, 1034, 1178, and 1199, and to repeal Sections 648, 649, 650, 651, 653, 939, 940, 950, 951, 952, 953, 953a, 953b, 953c, 954 and 954a, of the Code of Civil Procedure; to amend Sections 1176, 1235, 1239, 1243, 1246, 1248,

and 1252, and to repeal Sections 1241, 1249 and 1264, of the Penal Code; and to amend Sections 1232 and 1233 of the Probate Code, relating to appeals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 554—An act to add Section 652 to the Penal Code, relating to offers of rewards for the apprehension or capture of persons.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Shelley moved a call of the Senate.

Motion carried. Time, 3.12 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 71—An act to amend Section 1161 of the Civil Code, relating to the recordation of instruments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 266—An act to amend Section 986.5 of the Military and Veterans' Code, relating to farm and home aid for veterans.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.
NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3.34 p.m., on motion of Senator Shelley, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 554 passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Quinn, Salsman, Shelley, Slater, Swing, Tenney, Ward, and Weybret—27.

NOES—Senators Collier, Deuel, Dillinger, Dilworth, Mayo, Mixter, Parkman, Powers, Rich, Seawell, and Sutton—11.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 267—An act to amend Section 691 of the Military and Veterans Code, relating to the Veterans' Welfare Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 379—An act to amend Section 891 of the Military and Veterans Code, relating to educational assistance to veterans' dependents, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

RECESS

At 3.46 p.m., on motion of Senator Desmond, the Senate recessed to hear the remarks of Major Denton J. Rees.

REASSEMBLED

At 4.03 p.m., the Senate reconvened.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 117—An act to amend Section 6031 of the Business and Professions Code, relating to attorneys.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 366—An act to add Section 10177.5 to the Business and Professions Code, relating to suspension or revocation of licenses of real estate licensees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 499—An act to provide for the employment of prisoners in State prisons in the production and harvesting of crops and the fighting of forest and range fires, to permit their removal for such work, to provide the conditions and regulations for the governance of such work, to authorize the establishment of camps for their housing in such work, to provide for the financing of such work from prisoners' earnings and public funds by creating a Prisoners' Harvest Fund and appropriating said fund, by repealing Section 2715 of the Penal Code and by adding Article 6 to Chapter 5 of Title 1 of Part 3 of the Penal Code, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Deuel moved the adoption of the following amendment:

Amendment No. 1

On page 3 of the printed bill, strike out lines 12 to 17, inclusive.

Amendment read and adopted.
Bill ordered printed, engrossed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 800

Senator Swing moved that Senate Bill No. 800 be withdrawn from Committee on Governmental Efficiency for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 800

Senate Bill No. 800—An act to amend Sections 2, 5, 6, 6.5, 7, 7.2, 12, 16½, 18, 20, 22, 22b, 22c, 22d, 23b, 23c, 24.2, 24.3, 24.4, 24.5, 24.55, 26, 27a, 27b, 28, 34, 34b, 36a, 36b, 37, 39, 46, 49.2, 51c, 51g, 54, 57, and to repeal Sections 6.4, 33e, 35, 35a, 35b, 35c, 36, 36c, 54.1, 54.3 of the Alcoholic Beverage Control Act, and to add thereto Sections 4.1, 6.2, 47.5, and 59.6, relating to alcoholic beverages, and to provide that this act shall go into effect immediately.

Bill read second time.

Motion to Amend

Senator Swing moved the adoption of the following amendments:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 1

In the title of the printed bill, strike out lines 1, 2, and 3, and insert "An act to amend Sections 2, 5, 6, 6.5, 6.6, 7, 7.2, 11, 12, 16, 16½, 18, 19, 20, 22, 22a, 22b, 22c, 22d, 23, 23a, 23b, 23c, 23d, 24.2, 24.3, 24.4, 24.5, 24.55, 26, 27a, 27b, 28, 34, 34b, 36a, 36b, 37, 39, 46, 48, 49, 49.2, 51, 51c, 51g, 53.9, 54, 54.5, 57,".

Amendment No. 2

In line 5 of the title of the printed bill, before "54.1," insert "47,".

Amendment No. 3

In line 6 of the title of the printed bill, after "6.2,", insert "21.1,".

Amendment No. 4

On page 1, Section 1, of the printed bill, strike out "1", and insert "1a".

Amendment No. 5

On page 1, line 20, of the printed bill, after "Japanese", insert "rice".

Amendment No. 6

On page 2, line 9, paragraph (e), of the printed bill, strike out "fortified"; and in line 10, strike out "with", and insert "to which is added".

Amendment No. 7

On page 2, line 20, of the printed bill, after the comma following "manufacture", and before "sale", insert "production,".

Amendment No. 8

On page 2, line 25, of the printed bill, before "manufacture", insert "production,".

Amendment No. 9

On page 2, line 46, paragraph (i2), of the printed bill, strike out "manufacturer", and insert "grower".

Amendment No. 10

On page 2, line 47, paragraph (i2), of the printed bill, after "the", strike out "manufacture", and insert "production".

Amendment No. 11

On page 2, line 47, paragraph (i2), following "who", strike out "manu-"; and in line 48, strike out "factures", and insert "produces".

Amendment No. 12

On page 2, line 49, paragraph (i2), of the printed bill, strike out "manufacture", and insert "production".

Amendment No. 13

On page 2, line 50, paragraph (i2), strike out "manufacturer", and insert "grower".

Amendment No. 14

On page 3 of the printed bill, strike out lines 48 to 52, inclusive, and insert "means and shall be deemed to be premises maintained and operated for the disposal of intoxicating liquors, other than beer, to be consumed on the premises without meals."

Amendment No. 15

On page 4 of the printed bill, strike out lines 1 to 4, inclusive, and insert

(m.1) "Hotel", "restaurant", "cafe", "cafeteria" or "other public eating place" means premises maintained and operated in good faith for selling and serving meals to the public to be consumed upon the premises.

(m.2) "State Liquor Administrator" means the Chief of the Alcoholic Beverage Control Division, and he shall have the powers and duties in this provided, and that may be assigned him by the board.

(m.3) "Referee" means the person appointed or authorized by the board to conduct hearings and investigations in proceedings with respect to the granting, denial, suspension or revocation of licenses under this act."

Amendment No. 16

On page 4, line 20, paragraph (s), of the printed bill, after "manufacturer", and before "or", insert ", wine grower".

Amendment No. 17

On page 4, line 48, paragraph (z), of the printed bill, after "manufacturer", and before "in", insert "or wine grower".

Amendment No. 18

On page 5, line 16, Section 3, of the printed bill, strike out "manufacturer's", and insert "grower's".

Amendment No. 19

On page 5, line 17, Section 3, of the printed bill, strike out "manufactured", and insert "produced".

Amendment No. 20

On page 5, line 47, of the printed bill, after "year", insert a period; and strike out "(to become effective July 1,".

Amendment No. 21

On page 5, line 48, of the printed bill, strike out "1946)".

Amendment No. 22

On page 6, line 15, of the printed bill, after "6", insert ")".

Amendment No. 23

On page 7, line 4, Section 3, of the printed bill, strike out "manufactured", and insert "produced".

Amendment No. 24

On page 7, line 6, Section 3, of the printed bill, strike out "manufactured", and insert "produced".

Amendment No. 25

On page 7, line 16, Section 4, of the printed bill, after "manufacturer's", and before "license", insert "or wine grower's".

Amendment No. 26

On page 7, line 17, Section 4, of the printed bill, strike out "manufacture", and insert "manufacturer or producer".

Amendment No. 27

On page 7, line 19, Section 4, of the printed bill, after "factured", and before "by", insert "or produced".

Amendment No. 28

On page 7, line 22, Section 4, of the printed bill, after the comma following "manufacturer's," and before "manufacturer's", insert "wine grower's,".

Amendment No. 29

On page 7, line 29, Section 4, of the printed bill, strike out "manufacturers", and insert "growers".

Amendment No. 30

On page 7, line 31, Section 4, of the printed bill, after "and", and before "to", insert "also".

Amendment No. 31

On page 7, line 35, Section 4, of the printed bill, strike out "manufacturer's", and insert "grower's".

Amendment No. 32

On page 7, line 36, Section 4, of the printed bill, strike out "for forti-"; and in line 37, strike out "fying purposes", and insert "in the production of wine".

Amendment No. 33

On page 7, line 37, Section 4, of the printed bill, strike out the semicolon following "issued", and insert "and also the sale of grape brandy to licensed wine growers to be used exclusively in the production of wine;".

Amendment No. 34

On page 7, line 44, Section 4, of the printed bill, strike out "manufacturers", and insert "growers".

Amendment No. 35

On page 7, line 44, Section 4, of the printed bill, strike out "fortifying", and insert "the production of".

Amendment No. 36

On page 7, line 45, Section 4, of the printed bill, strike out the period following "wine", and insert ", and the production or manufacturing of alcohol for the United States Government only, and not for beverage purposes.".

Amendment No. 37

On page 8, line 45, paragraph (f), of the printed bill, following the period, insert "A beer and wine wholesaler's license shall not permit the sale or delivery of wine to consumers in containers supplied, furnished or sold by the consumer".

Amendment No. 38

On page 9, line 22, Section 4, paragraph (g), of the printed bill, strike out "five", and insert "52".

Amendment No. 39

On page 10, line 14, Section 4, paragraph (k), of the printed bill, after the period following "manufacturer's", and before "manufacturer's", insert "wine grower's,".

Amendment No. 40

On page 10, line 17, Section 4, paragraph (k), of the printed bill, after the period following "manufacturers", and before "distilled", insert "wine growers,".

Amendment No. 41

On page 10, line 23, Section 4, paragraph (k), of the printed bill, after the period following "manufacturers", and before "manufacturer's", insert "wine growers,".

Amendment No. 42

On page 10, line 44, paragraph (m), of the printed bill, after the comma following "manufacturer's", and before "manufacturer's", insert "wine grower's,".

Amendment No. 43

On page 10, line 47, paragraph (m), of the printed bill, after the comma following "manufacturers", and before "manufacturer's", insert "wine grower's,".

Amendment No. 44

On page 12, Section 4, of the printed bill, strike out lines 9 to 29, inclusively, and insert

"(p) A licensed wine grower or brandy manufacturer in addition to exercising all the privileges of his license at his licensed premises, may exercise all his license privileges at or from branch offices or warehouses, or United States bonded storerooms located away from his place of production or manufacture, other than production or manufacture and the sale or delivery of wine to consumers in containers supplied, furnished or sold by the consumer. The board shall upon request issue such wine grower or brandy manufacturer a duplicate of his original license for a location or locations other than his wine production or brandy manufacture premises. Such duplicate license shall authorize the maintenance and operation of each branch or warehouse or United States bonded storeroom declared and designated by said wine grower or brandy manufacturer at the location for which such duplicate license is issued and shall authorize the exercise of all privileges granted by the original wine grower's or brandy manufacturer's license other than production or manufacture or the sale or delivery of wine to consumers in containers supplied, furnished or sold by the consumer.

The fee for each such duplicate license shall in the case of a wine grower's license be an amount equal to the license fee payable for a like period for a wholesale beer and wine license, and for a duplicate brandy manufacturer's license an amount equal to the fee paid for the original license for each such duplicate; provided that in case any violation of any provision of this act or of any regulation of the board shall be committed in the exercise of the license privileges hereby

authorized to be exercised at any such branch office, in the event such violation shall become a matter of investigation or hearing or decision by the board with relation to the license of the licensee, the board, in making its ruling or decision, where such violation shall be found to be one committed in connection with the operation of said branch office and not a violation in connection with production or the production premises, shall not suspend or revoke or interfere with the wine grower's license privileges or license at his place of production but shall limit the application of its decision, permissible under this act, to and in connection with the particular duplicate license and the premises in the operation of which the violation occurred, and in the case of any violation of any provision of this act or of any regulation of the board committed in connection with the premises where the act of producing wine is performed, the board in making its ruling or decision in connection with any such violation shall limit any such decision, permissible under this act, to and in connection with the license upon the premises of production and to the particular function exercised by the licensee wherein a violation occurred, such as production, importing, exporting, packaging, labelling, selling to wholesalers or selling to retailers, and any existing duplicate license for any branch office, unless such branch office actually participated in the commission of the violation, shall not be effected or interfered with by such decisions or by reason of such violation. Notwithstanding any other provisions of this act, a licensed wine grower or brandy manufacturer may be issued and may hold an off sale distilled spirits license for the premises for which he holds a wine grower's or brandy manufacturer's license and for any branch office maintained by such wine grower or brandy manufacturer."

Amendment No. 45

On page 12, line 36, Section 4, paragraph (r), of the printed bill, strike out the second "manufacturer", and insert "grower".

Amendment No. 46

On page 12, line 48, of the printed bill, after "toms", insert "bond".

Amendment No. 47

On page 13, line 16, Section 7, of the printed bill, after the comma following "manufacturer's," and before "manufacturer's", insert "wine grower's".

Amendment No. 48

On page 13 of the printed bill, between Section 7 and Section 8, insert

"SEC. 7.1. Section 6.6 of said act is hereby amended to read as follows:

Sec. 6.6. No retail on- or off-sale licensee shall purchase alcoholic beverages for resale from any person except a person holding a beer *manufacturer's*, or wine [manufacturer's,] *grower's*, a rectifier's or a wholesaler's license issued under this act."

Amendment No. 49

On page 15, line 30, of the printed bill, after the period, insert "A copy of the notice of intended transfer, certified by the county recorder, shall be filed with the board together with a transfer application."

Amendment No. 50

On page 15, line 31, of the printed bill, strike out "2."

Amendment No. 51

On page 16 of the printed bill, between lines 8 and 9, insert

"SEC. 9.1. Section 16 of said act is hereby amended to read as follows:

Sec. 16. No retailer's on-sale license shall be issued to any person to whom or for any premises for which a manufacturer's, *wine grower's*, importer's, wholesaler's or rectifier's license shall have been issued, and no manufacturer's, *wine grower's*, importer's, wholesaler's or rectifier's license shall be issued to any person to whom or for any premises for which a retailer's on-sale license is issued."

Amendment No. 52

On page 16 of the printed bill, between lines 8 and 9, insert

"SEC. 9.5. Section 11 of said act is amended to read:

Sec. 11. Upon receipt of an application for a license and the license fee the board shall make a thorough investigation to determine whether the applicant and the premises for which a license is applied *for* qualify for a license. The board must deny an application for a license if either the applicant or the premises for which a license is applied *for* do not qualify for a license under this act.

If an application is denied *or withdrawn*, three-fourths of the license fee paid, or an amount equal to the license fee paid less ten dollars ($10), whichever is greater, shall be credited on any taxes then due from the applicant under this act, the Retail Sales Tax Act of 1933, as amended, or the Use Tax Act of 1935, as amended, the remaining portion of such amount shall be returned to the applicant and the balance of the license fee shall be deposited in the Alcoholic Beverage Control Fund hereinafter created."

Amendment No. 53

On page 16 of the printed bill, strike out lines 42 to 45, inclusive, and insert

"The board shall, before issuing any on-sale license for the sale of alcoholic beverages, other than beers, to be consumed or otherwise disposed of in any hotel, resaturant, cafe, cafeteria or other public eating place, determine whether such hotel, restaurant, cafe, cafeteria or other public eating place is equipped and maintained in good faith for sales to and consumption by the public of meals upon the premises.

Whenever a verified complaint has been filed with the board charging that any hotel, restaurant, cafe, cafeteria or other public eating place for which an alcoholic beverage license has been issued is not maintained and operated in good faith as a hotel, restaurant, cafe, cafeteria or other public eating place, the board shall after notice to the licensee, revoke such license if such charge be established.

In determining whether any such hotel, cafe, cafeteria or other public eating place is equipped and being maintained and operated in good faith for the sale to and consumption by the public of meals upon the premises, the board shall not be bound by any percentage of sales of food as compared with the sales of alcoholic beverages nor by the number of patrons who are served alcoholic beverages without food as compared with the number of persons who are served with food, nor by the volume of sales of alcoholic beverages as compared with the volume of sales of meals, but shall in all cases determine whether such hotel, cafe, cafeteria or other public eating place is in good faith equipped for and is in good faith being maintained and operated for the purpose of selling and serving meals to the public for consumption upon the premises."

Amendment No. 54

On page 16 of the printed bill, between lines 45 and 46, insert

"SEC. 12.1. Section 19 of said act is hereby amended to read as follows:

Sec. 19. A wine [manufacturer's] *grower's* license shall only be issued to, or held by, a person *qualified to operate or* operating a winery, wine storeroom or field warehouse bonded under the Internal Revenue Laws of the United States. Every person operating a winery or wine storeroom bonded under the Internal Revenue Laws of the United States shall apply for, and hold, a wine [manufacturer's] *grower's* license."

Amendment No. 55

On page 17 of the printed bill, before line 1, insert "SEC. 13.1. Section 21.1 is hereby added to said act to read as follows:

"When it appears to the satisfaction of the board that any alcoholic beverage licensee is conducting his business contrary to the provisions of the act, or that any premise for which an alcoholic beverage license has been issued is not being maintained and operated as required by law, or that the continuance of any such license would be contrary to public welfare and morals, the board shall cause an order to show cause to be issued to and served upon the licensee notifying him to be and appear at a time and place to be therein fixed, but not exceeding 15 days from the date thereof, and then and there show cause, if any he has why his license shall not be revoked. The service of such order may be personal or by mail and shall be served at least seven days before the date of hearing.

All applications for an alcoholic beverage license or for a transfer of such a license, both on-sale and off-sale, shall be immediately referred to the State Liquor Administrator for investigation and report. The State Liquor Administrator shall cause a complete investigation to be made of the applicant and the premises to determine whether they qualify under this act and whether the provisions of this act have been complied with and he shall investigate all matters connected therewith which may affect the public welfare and morals, and shall report the result of such investigation to the board for consideration when acting upon such application.

If a protest is filed against the granting of any such license or transfer, the matter shall be set for hearing before a referee as in this act provided.

Whenever the holder of an alcoholic beverage license is notified to show cause why his license should not be revoked, the hearing thereon shall be set before a referee, at a time and place specified in such order. All such hearings and all hearings on an application for or for a transfer of such a license shall be held before a referee in the county where the premises are located.

At any such hearing the applicant or any protestant may either in person or by attorney be present, examine and cross-examine witnesses, and may present such relevant evidence as he shall deem pertinent. All evidence produced at any such hearing shall be taken down and transcribed and preserved until the matter has finally been disposed of. The referee shall certify to the board in addition to the matters required by Section 43 of this act such evidence and record as the board shall deem necessary in order for it to exercise a discretion conferred upon it by Section 22 of Article XX of the Constitution. The applicant, licensee or protestant participating in any such hearing shall pay his own costs including costs of transcribing and making a copy of such record if requested by him. All hearing before a referee shall be conducted as provided in this act and so as to give the licensee, protestant or other interested party a fair and impartial hearing.

When the State Liquor Administrator has made his report on any application or when the referee makes his report and has transmitted to the board his findings and

recommendations, the board shall at it next regular meeting, unless for good cause the matter be continued, hear and determine the matter involved and may deny, suspend or revoke the license if it shall be determined for good cause that the granting or continuance of any such license would be contrary to public welfare or morals, or make any other disciplinary order as shall be in the interest of and consistent with public welfare and good morals.

This section shall not be deemed to repeal Sections 11, 40, 40.5, 41, 42, 43, 44, 47 or 48 of this act, but shall be deemed to be in amplification thereof and the procedure therein provided.

Amendment No. 56

On page 17 of the printed bill, between lines 19 and 20, insert

"SEC. 14.1. Section 22a of said act is hereby amended to read as follows:

Sec. 22a. Any applicant for a wine [manufacturer's] *grower's* license shall, at the time of filing application for license, accompany such application with a license fee based upon a reasonable estimate of the amount of wine gallonage to be [manufactured] *produced* by such applicant. Persons holding wine [manufacturers'] *growers'* licenses shall report annually at the end of each fiscal year, at such time and in such manner as the board may prescribe, the amount of wine [manufactured] *produced* by them during the fiscal year.

If the total amount of wine [manufactured] *produced* during the year exceeds the amount permitted annually by the license fee already paid the board, the licensee shall pay such additional license fee as may be unpaid in accordance with the schedule provided in Section 5."

Amendment No. 57

On page 17, line 32, Section 15, of the printed bill, strike out "manufactured", and insert "produced".

Amendment No. 58

On page 17, lines 36 and 37, of the printed bill, strike out "adding to the sum thus arrived at a penalty equal to 10 per cent thereof".

Amendment No. 59

On page 17, line 41, of the printed bill, strike out "and penalty".

Amendment No. 60

On page 18, lines 1 and 2, of the printed bill, strike out "A penalty equal to 10 per cent of the additional license fees shall be added to the assessment."

Amendment No. 61

On page 18, lines 6 and 7, of the printed bill, strike out "and against penalties on such underpayments".

Amendment No. 62

On page 18 of the printed bill, between lines 36 and 37, insert

"SEC. 17.1. Section 23 of said act is hereby amended to read as follows:

Sec. 23. An excise tax is hereby imposed upon all beer and wine sold in this State by a manufacturer, *wine grower* or importer, except as otherwise in this act provided, at the following rates:

(a) On all beer sixty-two cents ($0.62) for every barrel containing 31 gallons and at a proportionate rate for any other quantity; (b) on all still wines containing not more than 14 per cent of absolute alcohol by volume, one cent ($0.01) per wine gallon and at a proportionate rate for any other quantity; (c) on all still wines containing more than 14 per cent of absolute alcohol by volume two cents ($0.02) per wine gallon and at a proportionate rate for any other quantity; (d) on champagne, sparkling wine, excepting sparkling hard cider, whether naturally or artificially carbonated one and one-half cents ($0.01½) on each bottle or other container for each half pint or fraction thereof contained therein; (e) on sparkling hard cider two cents ($0.02) per wine gallon and at a proportionate rate for any other quantity."

Amendment No. 63

On page 19, line 27, Section 19, of the printed bill, strike out "manufacturer", and insert "grower".

Amendment No. 64

On page 19, line 28, Section 19, of the printed bill, strike out "manufacturer", and insert "wine grower".

Amendment No. 65

On page 19, line 31, Section 19, of the printed bill, strike out "manufacturer", and insert "wine grower".

Amendment No. 66

On page 19, line 41, Section 19, of the printed bill, strike out "manufacturer", and insert "grower".

Amendment No. 67

On page 19 of the printed bill, between lines 41 and 42, insert

"SEC. 19.1. Section 23d of said act is hereby amended to read as follows:

Sec. 23d. It shall be presumed, for the purposes of this act, that all beer and wine imported into this State by a beer *manufacturer* or wine [manufacturer] *grower* or importer has been sold in this State at the time such alcoholic beverage is received by such licensee unless proven to the satisfaction of the board, on forms prescribed by the board, that such beer or wine (1) is still in the possession of such wine [manufacturer] *grower* in internal revenue bond within this State, or (2) has been exported from this State by the licensee making the report, or has been sold by such licensee for export and actually exported from this State, or (3) is otherwise exempt under this act. In the event excise taxes under this act have been paid on beer or wine subsequently exported from the State or sold for export and actually thereafter exported from this State, a taxpayer may claim and shall be allowed credit with respect to such tax in any report filed or assessment made under this act."

Amendment No. 68

On page 21, lines 14 and 15, of the printed bill, strike out "first day of the second calendar month following each calendar month.", and insert "fifteenth day of each calendar month."

Amendment No. 69

On page 21 of the printed bill, strike out line 16, and insert "the fifteenth day of August, 1945, and on or before the fifteenth day of".

Amendment No. 70

On page 21, line 18, of the printed bill, strike out "the month preceding the previous", and insert "the preceding".

Amendment No. 71

On page 22 of the printed bill, between lines 40 and 41, insert

"SEC. 29. Section 33e of said act is repealed."

Amendment No. 72

On page 22, line 41, of the printed bill, strike out "29", and insert "30".

Amendment No. 73

On page 23 of the printed bill, strike out line 33.

Amendment No. 74

On page 25, line 2, of the printed bill, after the period, insert "Moneys in said fund are hereby appropriated as follows:".

Amendment No. 75

On page 25 of the printed bill, strike out line 23, and insert

"(a) Fifty per cent of all moneys collected from fees, to".

Amendment No. 76

On page 25, line 31, of the printed bill, strike out the period, and insert a semicolon.

Amendment No. 77

On page 25 of the printed bill, between lines 31 and 32, insert

"(b) Such amount as is necessary for the allowance of the refunds provided for in this act;

(c) From the remainder of said moneys such amounts as may be made available pursuant to Section 661 of the Political Code for expenditure by the board in carrying out the provisions of this act;

(d) Any remaining balance to be transferred to the General Fund on the order of the Controller."

Amendment No. 78

On page 26 of the printed bill, between lines 2 and 3, insert

SEC. 33a. Section 39.1 is hereby added to the act to read as follows:

Sec. 39.1. Except as hereinafter provided, no off-sale distilled spirits license, other than seasonal, shall be issued by the board whenever the number of licensed premises in any county operating under such license, shall exist in proportion to the population of one such licensed premise for each 1,000, or fraction thereof, inhabitants of such county, as such population is or may be established by law.

Notwithstanding the limitation in licenses hereinbefore provided for, any applicant for any license limited by this provision may apply to and petition the board for such license, and shall affirmatively show (1) that he is a qualified applicant and that his premises qualify under the law and rules and regulations of the board, (2) that the issuance of the license applied for would serve the public convenience or necessity, (3) that the issuance of the license applied for would not be contrary to public welfare and morals, (4) that inequality in the ratio of licenses exists between the community in which the applicant's premises are located and other communities in the State, (5)

that the population in the county for which such license is applied has so increased that the limitation hereinbefore provided works an inconvenience to the people within such county and that because of such increased population, such limitation in respect to such county, is contrary to public welfare.

When any such application is filed with the board, the board shall refer it to the State Liquor Administrator for investigation and report, and if it satisfactorily appears to the board after receiving the report of said State Liquor Administrator, that the granting of the license applied for would be in the interest of public welfare and morals and is necessary to accommodate the public convenience, the board shall have power to grant the same notwithstanding the aforesaid limitation.

The board shall provide by rule for limiting the number of wholesalers' and rectifiers' licenses which shall be issued to such number as shall be reasonably necessary for public convenience and public welfare, and shall not issue any such licenses contrary to the public welfare and morals. The board shall, by rule, limit the number of on-sale distilled spirits licenses, and off-sale distilled spirits licenses for seasonal business to such number as it shall determine the public interest and convenience require."

Amendment No. 79

On page 26, line 35, of the printed bill, after "Sec. 46", strike out the balance of such section, and insert "Subject to the provisions of Section 22, Article XX, of the Constitution, any ruling, order or decision of the board shall be subject to review as provided by law, in any court of competent jurisdiction in the county in which the person affected resides, provided, that any action brought for such purpose shall be commenced within ten days after notice of the ruling, order or decision sought to be reviewed."

Amendment No. 80

On page 27 of the printed bill, between lines 3 and 4, insert

"SEC. 35.5. Section 47 of said act is repealed."

Amendment No. 81

On page 27 of the printed bill, between lines 11 and 12, insert

"SEC. 36.2. Section 48 of said act is amended to read:

Sec. 48. Notice of any act of the board required by this act to be given may be signed and given by the board, its secretary or an employee of the board and may be made personally or by mail; if by mail service shall be made in the manner prescribed by Section 1013 of the Code of Civil Procedure. *In case of service by mail of any notice required to be given by the board by this act, the service is complete at the time of deposit in the United States Post Office.*"

Amendment No. 82

On page 27 of the printed bill, between lines 11 and 12, insert

"SEC. 36.5. Section 49 of said act is amended to read:

Sec. 49. Alcoholic beverages shall be brought into this State from without this State for delivery or use within the State only by common carriers and only when such alcoholic beverages are consigned to a licensed importer, and only when consigned to the premises of such licensed importer or to *a licensed importer or customs broker at* the premises of a public warehouse licensed under this act; provided, however, that a shipment shall be deemed to be consigned to a licensed importer, although originally consigned to a person not so licensed, when such shipment is, before delivery and without leaving the possession of the common carrier transporting the same, reconsigned or diverted in transit by either the consignor or the consignee or consignees to a licensed importer to whom final delivery by the common carrier is made. It is further provided that a railroad, sleeping car, dining car, boat or steamship company carrying interstate or foreign passengers on trains or boats shall not be deemed to be importers or subject to an importer's license for bringing into this State from without this State alcoholic beverages for the purpose of sale within this State on the trains, cars or boats on which the same are brought into this State, exclusively to passengers or employees, and carrying the same or any unsold portion thereof out of this State in due course of operation. Alcoholic beverages which are consigned to a destination within this State shall be presumed to be for delivery or use within this State. *It is further provided that any common carrier, except railroad and steamship companies, before engaging in the business of transporting shipments of alcoholic beverages into this State, shall register with the board and make application to the board for an inter-State alcoholic beverage transporter's permit, which, upon issuance, shall be valid until revoked by the board.* Alcoholic beverages imported into this State contrary to the provisions hereof shall be seized by the board. Every person violating the provisions of this section shall be guilty of a misdemeanor."

Amendment No. 83

On page 27, line 16, of the printed bill, after "State", insert "or common carriers making delivery of alcoholic beverages so transported".

Amendment No. 84

On page 27 of the printed bill, between lines 39 and 40, insert

"SEC. 37.1. Section 51 of said act is hereby amended to read as follows:

Sec. 51. The board shall also have the power to seize the following alcoholic beverages:

1. Alcoholic beverages manufactured *or produced* in this State by any person other than a licensed manufacturer[,] *or wine grower*, regardless of where found;

2. Beer and wine upon the sale of which the excise tax imposed by this act has not been paid, regardless of where found;

3. Distilled spirits except (a) distilled spirits located upon premises for which licenses authorizing the sale of such distilled spirits have been issued; (b) distilled spirits consigned to and in the course of transportation to a licensee holding licenses authorizing the sale of such distilled spirits or for delivery without this State; (c) distilled spirits upon the sale of which the excise tax imposed by this act has been paid; (d) alcohol or distilled spirits in the possession of a person who has lawfully purchased the same for use in the trades, professions or industries and not for beverage use;

4. Any alcoholic beverage possessed, kept, stored or owned with the intent to sell the same without a license in violation of the provisions of this act.

Any person who shall possess alcoholic beverages which are subject to seizure under this section shall be guilty of a misdemeanor."

Amendment No. 85

On page 27, line 41, Section 38, of the printed bill, after "manufactured" and before "in", insert "or produced".

Amendment No. 86

On page 27, line 42, Section 28, of the printed bill, between "manufacturer", and the comma following said word "manufacturer", insert "or wine grower".

Amendment No. 87

On page 28, line 29, Section 39, of the printed bill, after "manufacture", insert "or production".

Amendment No. 88

On page 28 of the printed bill, between lines 44 and 45, insert

"SEC. 39.1. Section 53.9 of said act is hereby amended to read as follows:

Sec. 53.9. Every [manufacturer] *wine grower* or bottler of wine of any kind within the 13 counties specified in Section 53.75 of this act shall keep a record of all wine not produced [or manufactured] by him and obtained and used by him for any purpose. Such record shall show the date said wine is obtained, the amount thereof, the source from which obtained, the kind or type of wine, and, in detail, the purpose or purposes for which it is used. Each [manufacturer] *wine grower* or bottler of wine shall keep a complete record showing the total amount of wine [manufactured] *produced* by him, or bottled by him, made entirely from grapes grown within the 13 counties mentioned in Section 53.75 of this act.

All records required to be kept by this section shall be open for inspection by the board or the State Department of Public Health."

Amendment No. 89

On page 28, line 46, Section 40, of the printed bill, after the comma following "manufacturer", and before "manufacturer's", insert "wine grower,".

Amendment No. 90

On page 31 of the printed bill, between lines 17 and 18, insert

"SEC. 41.1. Section 54.5 of said act is hereby amended to read as follows:

Sec. 54.5. No on-sale licensee or any officer, director, employee or agent of such licensee shall hold any ownership or interest, directly or indirectly, in any manufacturer's, *wine grower's*, rectifier's, importer's, or wholesaler's license issued under this act or the business conducted under such license or the property used in such business."

Amendment No. 91

On page 31 of the printed bill, strike out lines 40 to 44, inclusive, and insert

"Sec. 59.6. During the time in which the United States is engaged in war, it shall be a misdemeanor for any on- or off-sale licensee to sell, give or deliver to any person any alcoholic beverage during hours restricted by rule and regulation of the board. In fixing the hours in which the selling, giving or delivering of alcoholic beverages for consumption on the premises by on-sale licensees is unlawful, the board shall adopt no rule or regulation placing restrictions on the selling, giving or delivering of alcoholic beverages between the hours of 10 o'clock a.m. and 12 o'clock midnight. In fixing the hours in which the selling, giving or delivering of alcoholic beverages consumed on the premises by off-sale licensees is unlawful, the board shall adopt no rule or regulation placing restrictions on the selling, giving or delivering of alcoholic beverages between the hours of 10 o'clock a.m. and 8 o'clock p.m. In adopting any rule and regulation pursuant to the provisions of this section, the board shall give consideration to the requests or promulgations of the United States Army and Navy."

Amendment No. 92

On page 31 of the printed bill, between lines 44 and 45, insert

"SEC. 43.1. Section 60 of said act is hereby amended to read as follows:

Sec. 60. Except as otherwise provided in this section, no person licensed as a manufacturer, *wine grower*, distilled spirits manufacturer's agent, rectifier or wholesaler of any alcoholic beverage shall deliver or cause to be delivered any alcoholic beverage to or for any person holding an on-sale or off-sale license except between the hours of 6 a.m. and 8 p.m. of any day other than Sunday. No delivery of any distilled spirits shall be made nor caused to be made by any licensee in any precinct where an election is in progress during the hours when by law the polls are required by law to be kept open for voting. Beer and wine may be delivered at the platform of the manufacturing, *producing* or distributing plant at any time. Nothing herein contained shall be construed to prohibit the transportation or the carriage and delivery in transit at any time of beer or wine between the premises of a manufacturer, *wine grower*, wholesaler, distiller, importer or any of them. Every person violating the provisions of this section shall be guilty of a misdemeanor."

Amendment No. 93

On page 31 of the printed bill, between lines 44 and 45, insert

"SEC. 43.2. Section 67.1 of said act is hereby amended to read as follows:

Sec. 67.1. No tax under this act shall be imposed upon the sale of alcohol, distilled spirits, or wine by distilled spirits manufacturers, brandy manufacturers, rectifiers, industrial alcohol dealers, or wine [manufacturers] *growers* for use in the trades, professions, or industries, but not for beverage use. Complete information concerning sales of distilled spirits or wine for use in the trades, professions or industries by persons holding industrial alcohol dealers' licenses, distilled spirits manufacturers' licenses, brandy manufacturer's licenses, rectifiers and wine [manufacturers'] *growers'* licenses shall be reported to the board each month by such licensees on forms prescribed by the board.

Any person who shall divert or who shall conspire with others to divert for beverage use any alcohol or other distilled spirits or wine sold tax free for use in the trades, professions or industries shall be guilty of a felony."

Amendment No. 94

On page 31 of the printed bill, between lines 44 and 45, insert

"SEC. 43.3. Section 67.5 of said act is hereby amended to read as follows:

Sec. 67.5. No tax under this act shall be imposed upon the sale of alcoholic beverages by a licensee in this State to a common carrier or to a person licensed to sell alcoholic beverages on boats or trains operated by a common carrier with such alcoholic beverages are to be used without this State; nor in such case need such common carrier procure a license under this act for purposes of purchasing such alcoholic beverages from a licensed manufacturer, *wine grower*, rectifier, importer or wholesaler.

Whenever distilled spirits are sold by manufacturers, rectifiers, importers or wholesalers to common carriers engaged in interstate or foreign passenger service for use or sale by such carriers partly within the State and partly without the State on board boats or trains, or to persons licensed to sell distilled spirits on board such boats or trains, the tax imposed by Section 24 of this act shall not be levied on the sales made by manufacturers, rectifiers, importers or wholesalers.

An excise tax is hereby levied on sales of distilled spirits made by common carriers on board boats and trains, or by persons licensed to sell distilled spirits on board such boats and trains, in California at the same rates as set forth in Section 24. On or before the first day of each month such common carriers and such other licensed persons shall forward to the board a verified report of the sales of distilled spirits made by such common carriers, or by such other licensed persons, on board boats and trains in California in the calendar month preceding the previous calendar month, in such detail and form as the board may prescribe, together with a payment sufficient to pay the distilled spirits excise tax at the rate set forth in Section 24 on such sales made in said month.

The board shall from time to time make examinations to determine the accuracy of the reports of sales submitted by common carriers, and by persons licensed to sell distilled spirits on board boats and trains operated by common carriers. The board shall have the power and is hereby authorized to make such rules and regulations for the enforcement of the provisions of this section as it shall deem necessary to adequately insure the collection of the excise tax."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on March 21 adopted:

Assembly Concurrent Resolution No. 36.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 36—Approving certain amendments to the charter of the City of Pasadena, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fifteenth day of March, 1945.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 36, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 36

Assembly Concurrent Resolution No. 36—Approving certain amendments to the charter of the City of Pasadena, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fifteenth day of March, 1945.

Resolution read, and presented by Senator Tenney.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

MOTION TO RE-REFER SENATE BILLS NOS. 1018, 1019, 1020, 1021, AND 1022

Senator Seawell moved that Senate Bills Nos. 1018, 1019, 1020, 1021, and 1022 be re-referred to Committee on Finance.

Motion carried.

Senate Bills Nos. 1018, 1019, 1020, 1021, and 1022 ordered re-referred to Committee on Finance.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 981

Senator Quinn moved that Senate Bill No. 981 be withdrawn from Committee on Water Resources for purpose of amendment, and re-referred to committee.

CONSIDERATION OF SENATE BILL NO. 981

Senate Bill No. 981—An act to add Section 1256 to the Water Code, relating to the appropriation of water and the use thereof within and without the watershed of a stream, and declaring the respective priorities thereof.

Bill read second time.

Motion to Amend

Senator Quinn moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "add Section 1256 to", and insert "amend Sections 10000 and 10001 of".

Amendment No. 2

Strike out lines 2 to 4, inclusive, of the title of said bill, and insert "State Water Plan.".

Amendment No. 3

On page 1 of said bill, strike out lines 1 to 15, inclusive, and insert

"SECTION 1. Section 10000 of the Water Code is amended to read:

10000. The coordinated plan for the conservation, development, and utilization of the water resources of the State *(except the project known as the "Trinity River Diversion," which is not approved)* as set forth in the report thereon formulated and prepared by the department and transmitted to the Forty-ninth Session of the Legislature pursuant to Chapter 832 of the Statutes of 1929 shall be known as the "State Water Plan."

SEC. 2. Section 10001 of said code is amended to read:

10001. The approval and adoption of the State Water Plan by Chapter 1185 of the Statutes of 1941 are continued in effect, *except that the project known as the "Trinity River Diversion," constitutes no part of the State Water Plan.*"

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 536

Senator Gordon moved that Senate Bill No. 536 be withdrawn from Committee on Military and Veterans Affairs for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 536

Senate Bill No. 536—An act to add Section 1032.1 to the Military and Veterans Code, relating to the band of the Veterans' Home of California and making an appropriation therefor.

Bill read second time.

Motion to Amend

Senator Gordon moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "act to", insert "amend Section 1032 and to".

Amendment No. 2

Strike out line 2 of the title of said bill, and insert "wages of veterans employed at the Veterans Home of California".

Amendment No. 3

On page 1 of said bill, strike out lines 1 and 2, and insert

"SECTION 1. Section 1032 of the Military and Veterans Code is amended to read:

1032. The board shall fix a schedule of wages for veterans who are employed at the home. *When such employment is the same as or substantially similar to any*

classification in the State civil service, the wages to be paid shall be three-fourths the rates established for the classified positions.

SEC. 2. Section 1032.1 is added to said code, to read:".

Amendment No. 4

On page 1, line 6, of said bill, strike out "2", and insert "3".

Amendment No. 5

On page 1, line 11, of said bill, strike out "this act", and insert "Section 1032.1 of the Military and Veterans Code".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly this day passed:

Assembly Bill No. 484
Assembly Bill No. 1065
Assembly Bill No. 1077

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 484—An act to amend Sections 220, 330, 3823 and 3944 of the Elections Code, and to add Section 330.5 to said code, relating to elections and matters incidental thereto.

Re-referred to Committee on Elections.

Assembly Bill No. 1065—An act to amend Section 7050 of the Elections Code, relating to ballots.

Re-referred to Committee on Elections.

Assembly Bill No. 1077—An act to add Section 19628 to the Business and Professions Code, relating to the availability and reversion of appropriations and allocation from the Fair and Exposition Fund.

Re-referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 72
Senate Bill No. 461
Senate Bill No. 547
Senate Bill No. 696
Assembly Bill No. 14

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 139

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 414

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Finance.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 504
Senate Bill No. 431
Senate Bill No. 1215

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bills ordered to second reading.

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 271

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

QUINN, Chairman

Above reported bill ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 676

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 407

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; noes 2; absent 2.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 237

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 688

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be re-referred to committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which were referred:

Assembly Joint Resolution No. 5
Assembly Joint Resolution No. 6
Assembly Joint Resolution No. 11
Assembly Concurrent Resolution No. 14
Assembly Concurrent Resolution No. 21

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 7; absent 2.

QUINN, Chairman

Above reported resolutions ordered to third reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, March 21, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 120
Senate Bill No. 121
Senate Bill No. 122
Senate Bill No. 123
Senate Bill No. 126
Senate Bill No. 127

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

McBRIDE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 344
Senate Bill No. 507
Senate Bill No. 269
Senate Bill No. 561
Senate Bill No. 562
Senate Bill No. 564
Senate Bill No. 565
Senate Bill No. 568
Senate Bill No. 571
Senate Bill No. 787

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

McBRIDE, Chairman

Above reported bills ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 179

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

DeLAP, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 1046
Senate Bill No. 1047

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 9.

DELAP, Chairman

Above reported bills ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 1250

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 953

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 21, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 406
Senate Bill No. 499
Senate Bill No. 636
Senate Bill No. 875
Senate Bill No. 888
Senate Bill No. 1139
Senate Bill No. 1142
Senate Bill No. 1146

And reports the same correctly engrossed.

SEAWELL, Chairman

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Constitutional Amendment No. 13: By Senators Dilworth and Mayo—Proposed amendment to Article XII, Section 22, of the Constitution, relative to the organization and powers of the Public Utilities Commission.

Referred to Committee on Governmental Efficiency.

ADJOURNMENT

At 4.40 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10.30 a.m. Friday, March 23, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

THIRTY-FIRST LEGISLATIVE DAY
SEVENTY-FIFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Friday, March 23, 1945

The Senate met at 10.30 a.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator DeLap, on motion of Senator Seawell, account of legislative business.

Senator Swing, on motion of Senator Seawell, account of legislative business.

Senator Fletcher, on motion of Senator Seawell, account of legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Major William D. McKittrick, U. S. Army, Camp Stinson, Texas; home address: Arcata, Humboldt County, California.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. J. E. Combs, Attorney-at-Law, Visalia, California.

MOTION TO PRINT

Senator Desmond moved that the following editorial, which appeared in Sacramento Union March 23, 1945, be printed in the Journal:

Motion carried.

Excerpt From Sacramento Union—March 23, 1945

Honest Harold Ickes, the job-grabbing member of President Roosevelt's Cabinet and the so-called "hatchet man" of the Administration, has been laying down the law to California. It isn't entirely the law of Congress' making, but a law embellished with Ickes' own decrees and dictums. He says if California wants to run the Central Valley Project, let it reimburse the Federal Government for all the money spent so far on the project and show itself capable of financing the remainder of the construction.

To hear Ickes talk, one would think that the Central Valley Project was being built with his money and according to rules laid down personally by him. We had, mistakenly it seems, assumed that Congress authorized the project and the taxpayers put up the money. We also had, and again it seems mistakenly, assumed that no Federal project could be carried out except under the rules and regulations laid down by Congress or enacted into law by the people of the United States.

Ickes is all hot and bothered about Central Valley Project because a movement has been started to set up a State commission to help in the future operation of the great system of dams, canals, power houses and other facilities. These will all be situated within California, and the water that will keep them in operation descends on California and actually belongs to the people of this State. They have been irrigating with that water for years, no matter how large or small their ranches may be.

Now, because Uncle Sam has generously assisted California in erecting this great combination irrigation, flood control and power project with money contributed by all the taxpayers of the United States, Ickes insists that the State accept his rules and regulations along with the dams and other public works. Had California foreseen that Ickes some day might be running the Interior Department in so autocratic a manner it might have been more wary about committing itself to a project financed by Uncle Sam but directed by the Reclamation Bureau, a unit of Ickes' department. Ickes not only wants to usurp their water and divert it where he chooses but now he tells the larger ranchers they must reduce their holdings to 160 acres if they expect to get any of it.

Central Valley is different from the Colorado River Project, or the Tennessee Valley one. The California Project is wholly intrastate. The rivers form in California and their waters serve only this State. It is not an interstate project. Nor is it a project designed solely to make fertile a desert country that never before has been irrigated or received water. It is a harnessing project, a holdback to prevent quick flow off of excess seasonal waters. The dams impound the waters for the dry months of the year so that the flow of the streams can be controlled and power can be produced.

Carried away by his enthusiasm over this great project, which was first conceived by the State of California as a general development plan to spread the use of water and control floods, Ickes now acts as if the whole thing was his own pet invention and as if it belonged almost entirely to him. In his usual dictatorial fashion, he is now telling California what it must do, while seeking to take possession of California's own water—the life blood of its existence.

The State and California's people want to join with the Roosevelt Administration in making Central Valley a great and successful project that will benefit the State, the Nation and many millions of California residents in the future. But this doesn't mean that California must surrender all her rights, or that ranchers of the State must dissolve their holdings and give away their lands just because Ickes demands it. Nor does it mean that the State shall be excluded from any voice in whatever authority is set up to administer the project in the future. Mr. Ickes makes a big noise and does a lot of blustering but there is one way to answer him and that with a loud Bronx cheer. If California ever takes over the completion of the Central Valley Project, it will be on terms prescribed by Congress and not by Honest Harold.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 202
Senate Bill No. 459
Senate Bill No. 560
Senate Bill No. 673
Senate Bill No. 694
Senate Bill No. 907
Senate Bill No. 909
Senate Bill No. 910
Senate Bill No. 911
Senate Bill No. 912
Senate Bill No. 913
Senate Bill No. 918
Senate Bill No. 931
Senate Bill No. 1052
Senate Bill No. 1226

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 660

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

POWERS, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 448

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

POWERS, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 363

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

POWERS, Vice Chairman

Above reported bill ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 347
Senate Bill No. 625
Senate Bill No. 752
Senate Bill No. 803

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

POWERS, Vice Chairman

Above reported bills ordered to second reading.

RESOLUTIONS

The following resolution was offered:

By Senator Slater:

Senate Resolution No. 72

Relative to adjournment on Good Friday during the hours of 12 m. to 3 p.m.

In compliance with long established tradition and custom in the observance of Good Friday by the Legislature of the State of California and expressive of the hope this may be the last time the commemoration will find the world at war; be it

Resolved, That the Senate in conformity with the action always adopted by both branches of the Legislature do adjourn its business on Good Friday March 30, 1945, between the hours of 12 m. and 3 p.m. of said day.

Resolution read, and, on motion of Senator Slater, adopted.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator McBride:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 8 of the Ventura County Flood Control Act, relating to salaries of district supervisors.

Respectfully submitted.

SENATOR McBRIDE

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 22, 1945

The Committee on Rules recommends that permission be granted to introduce a bill as requested.

SEAWELL, Chairman

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time, 10.40 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 773

Senator Tenney moved that Assembly Bill No. 773 be withdrawn from Committee on Judiciary, and referred to Committee on Local Government.

Motion carried.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 409—An act to amend Section 2206 of the Education Code, relating to gifts, donations, bequests and devices to school districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 760—An act to add Section 14143 to the Education Code, relating to the noncertificated employees of a unified school district coterminous with the boundaries of a city and county.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 9, of the printed bill, after "provisions", insert "provided, however, that the governing board of the school district, shall have the right to fix the duties of all of its non-certificated employees."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1102—An act to amend Section 7 of and to add Section 7.1 to the Unemployment Insurance Act, relating to unemployment insurance and excluded employments thereunder.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1 of the printed bill, strike out lines 9 to 11, inclusive, and insert

"Services of an officer or member of the crew of a vessel not an American vessel if such officer or crew member is employed on and in connection with such vessel when outside the United States, and services on or in connection with an American vessel under a contract of service which is not entered into within the United States and during the performance of which the vessel does not touch at a port in the United States;".

Amendment No. 2

On page 3, line 39, of said bill, strike out "of", and insert "or".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

Senate Bill No. 1131—An act to repeal Section 56.6 of, and to add Sections 56.5 and 6.6 to the Unemployment Insurance Act, relating to reciprocal arrangements for covering multi-State employments.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

In line 2 of the title of the printed bill, after "6.6", insert "and to amend Section 19".

Amendment No. 2

In line 3 of the title of the printed bill, strike out "rocal arrangements for covering multi-State employments.", and insert "rocal arrangements with other States and to advances under Title 12 of the Social Security Act."

Amendment No. 3

On page 1, line 15, of the printed bill, after "unit", insert "with the acquiescence of such individual,".

Amendment No. 4

On page 2 of the printed bill, between line 34 and line 35, insert

"The commission is also authorized to apply for an advance to the State Unemployment Fund to accept the responsibility for the repayment of such advance in accordance with the conditions specified in Title 12 of the Social Security Act, as amended, in order to secure to this State and its citizens the advantages available under the provisions of such title."

Amendment No. 5

On page 2 of the printed bill, after line 40, insert

"SEC. 4. Section 19 of said act is amended to read:

SEC. 19. There is hereby established as a special fund, separate and apart from all public moneys or funds of this State, an Unemployment Fund, which shall be administered by the commission exclusively for the purposes of this act. This fund shall consist of (1) all contributions collected under this act; (2) interest earned upon any moneys in the fund; (3) any property or securities acquired through the use of moneys belonging to the fund; and (4) all earnings of such property or securities; *and (5) all other moneys received for the fund from any other source.* All moneys in the fund shall be mingled and undivided."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

Senate Bill No. 1080—An act to amend Section 7 of the Unemployment Insurance Act, relating to unemployment insurance and the definition of employment thereunder.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 989—An act to add Section 7.6 to the Unemployment Insurance Act, relating to excluded employments under said act.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1 of the printed bill, strike out all of lines 9 and 10.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 288—An act to add Article 4 to Chapter 1 of Title 1 of Part 3 to, and to amend Section 5003 of, the Penal Code, providing for the establishment of the California Vocational Institution, relating to the commitment and transfer of persons thereto and therefrom, and to make an appropriation for the temporary establishment, support, and operation thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Institutions:

Amendment No. 1

In line 6 of the title of the printed bill, after "thereof", insert "declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 2 of the printed bill, strike out all of lines 6, 7, and 8; and in line 9, strike out "Youth Authority over such persons."

Amendment No. 3

On page 2 of the printed bill, after line 49, insert

"SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The facts constituting such necessity are as follows:

There is at the present time an acute shortage of facilities for the confinement and care of persons committed to the Youth Authority. Present facilities are not designed to provide sufficient security to enable the Youth Authority to retain custody over persons committed to it, and many of these persons are being confined in county jails over long periods of time. Likewise, the number of commitments of young men to the Department of Corrections is increasing. It is necessary, therefore, to the security

of the people that the California Vocational Institution be established immediately upon a temporary basis, and that proceedings be commenced immediately to establish it upon a permanent basis."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 621—An act to add Article 5 to Chapter 1 of Title 1 of Part 3 to, and to amend Section 5003 of the Penal Code, providing for the establishment of a Medium Security Prison, relating to the commitment and transfer of persons thereto and therefrom.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Institutions:

Amendment No. 1

On page 2, line 14, of the printed bill, italicize "(e) The California Vocational Institution".

Amendment No. 2

On page 2, line 15, of the printed bill, italicize "(f) The Medical Center".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 261—An act to add Chapter 10 to Division 4 of the Education Code; to add Chapters 4.5, 15.5 and 16.5 to Division 3 of said code; to amend Sections 7302, 8702, 9051, 9071 and 9191 of said code; to repeal Article 3 of Chapter 7 of Division 4 of said code and to repeal Sections 6758, 7103, 7105, 7136, 7137, 8951, 8952, 8953 and 10604 of said code, all relating to the Public School System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 3 of the title of the printed bill, after "Sections", insert "7105, 7137".

Amendment No. 2

In line 4 of the title of said bill, strike out "Article", and insert "Articles 1 and".

Amendment No. 3

In line 5 of the title of said bill, strike out "7105".

Amendment No. 4

In line 6 of the title of said bill, strike out "7137, 8951, 8952, 8953".

Amendment No. 5

On page 3, line 12, of said bill, after "classes", insert "except for such classes as are maintained within and for the inmates of a State or Federal institution".

Amendment No. 6

On page 4, line 21, of said bill, strike out "Article", and insert "Articles 1 and".

Amendment No. 7

On page 4 of said bill, beginning in line 23, strike out "7105, 7136, 7137, 8951, 8952, 8953", and insert "7136".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 8

On page 4 of said bill, following line 24, insert

"SEC. 12. Education Code Section 7105 is amended to read:

7105. He shall apportion to each high school district on account of each separate high school, each combined junior high school and senior high school, each separate junior college, and each combined high school and junior college maintained eighty dollars ($80) for each unit or major fraction of a unit of the first 10 units of average daily attendance [in special day classes, special evening classes, evening high school classes, and evening junior college classes, including] *of minors in special classes maintained for physically handicapped minors and of minors under 18 years of age in* compulsory continuation classes for persons under 18 years of age, maintained [in connection with each] *by such* school *district* during the preceding school year; sixty dollars ($60) for each unit or major fraction of a unit of the second 10 units of average daily attendance; and forty dollars ($40) for each unit or major fraction of a unit of the third 10 units of average daily attendance.

SEC. 13. Education Code Section 7137 is amended to read:

7137. He shall allow to each high school district on account of each separate high school, each combined junior high school and senior high school, each separate junior college, and each combined high school and junior college maintained forty dollars ($40) for each unit or major fraction of a unit of the first 10 units of average daily attendance [in special day classes, special evening classes, evening high school classes, and evening junior college classes, including] *of minors in special classes maintained for physically handicapped minors and of minors under 18 years of age in* compulsory continuation classes for persons under 18 years of age, maintained *in connection* [with each] *by such school district* during the preceding school year; thirty dollars ($30) for each unit or major fraction of a unit of the second 10 units of average daily attendance; and twenty dollars ($20) for each unit or major fraction of a unit of the third 10 units of average daily attendance."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 1031—An act making an appropriation for the acquisition of purchase of real property for Chico State College.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "purchase", and insert "real property, and authorizing the exchange".

Amendment No. 2

On page 1 of said bill, after line 26, insert

"SEC. 2. The Director of Finance is authorized, with the approval of the Director of Education, to exchange with the city of Town of Mt. Shasta, for other land of equal value suitable for the purpose, that certain parcel of land, including improvements thereon, belonging to the State of California and now the site of the summer school of the Chico State College, located in the County of Siskiyou, State of California, and more particularly described as follows:

Beginning at the one-quarter section corner common to Sections Eight (8) and Nine (9) in Township Forty (40) North, Range Four (4) West, Mount Diablo Meridian; thence South on section line 123.65 feet to a point; thence West 755.5 feet to a point; thence North 848.4 feet; more or less, to a point on the Southern Pacific Railroad Company's right of way line, which point is 100 feet southerly from the center line of said railroad; thence following said right of way easterly 770 feet more or less to a point on the section line between said Sections Eight (8) and Nine (9); thence south 87° 12′ east following the said railroad right of way line 100 feet more or less to a point; thence South 40° 55′ 30″ east 89.83 feet following said railroad right of way to a point, which point is the beginning of a curve to the right said curve having a radius of 875.04 feet; thence continuing along said curve a distance of 684.46 feet to a point; thence continuing southerly on said railroad right of way line 20 feet more or less to a point on the quarter section line in said Section Nine (9); thence West on said quarter section line 590.35 feet more or less to the point of beginning, containing 19 acres more or less.

Upon the approval by the Director of Education of the land to be received by the State as suitable for the purpose of a Summer School for Chico State College, the Director of Finance shall ascertain whether the land is of value equal to that to be exchanged by the State. If he so determines, he shall complete the exchange.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 62—An act to add Section 18679.5 to the Business and Professions Code, relating to the regulation of boxing and wrestling.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 72—An act to add Section 541.1 to the Probate Code and to amend Section 51 of the Bank Act, relating to the deposit of money or securities of decedents.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 461—An act to amend Section 315 of the Code of Civil Procedure, relating to the time of commencing civil actions.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 547—An act amending Sections 3017, 3018, 3019, 3020, 3021, 3022, and 3024 of the Civil Code, relating to the giving of notice of assignment of accounts receivable.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 696—An act to amend Section 3065 of the Civil Code, providing for liens on logs, lumber and other timber products by persons who by their own labor, or by using their livestock, machinery or appliances, or both, assist in felling, preparing, or transporting logs or in manufacturing lumber or other timber products from such logs, providing for means by which the owner of such logs and products manufactured therefrom may protect himself by a contractor's bond against any liens in excess of the contract price agreed upon between the said owner and any contractor and making such liens prior to all other liens, claims or encumbrances, except the land-owner's claim for a reasonable stumpage in cases where the land-owner himself is not the direct employer or contractor, as the case may be.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 139—An act to amend an act entitled "An act relating to the rights, powers, and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and adopted and approved by the electors of the State of California, November 2, 1920, as amended, by amending Sections 7, 7.5, 8 and 9, relating to the escheat of property acquired in violation of the act, the duties of the Attorney General and of district attorneys and county counsels in enforcing the provisions of the act, the sale of real property acquired by the State under the act and the disposition of the proceeds therof, and the burden of proof

in certain instances; and declaring that this act shall take effect immediately.

Consideration of Committee Amendments

Bill read second time.

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 16, of the printed bill, as amended, strike " direct and coordinate ", and insert " supervise ".

Amendment No. 2

On page 3, line 40, of the printed bill, as amended, insert after " act ", the following: " and of other State laws ".

Amendment No. 3

On page 4, line 19, of the printed bill, as amended, strike " direct and coordinate ", and insert " supervise ".

Amendment No. 4

On page 6, line 2, of the printed bill, as amended, strike " direct and coordinate ", and insert " supervise ".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 414—An act making an appropriation for the purpose of investigating, discovering and prosecuting evasions and violations of the Alien Land Laws.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "investigat-"; and strike out the balance of the title, and insert "enforcing the provisions of the Alien Land Laws and investigating evasions and violations thereof and instituting and carrying on escheat proceedings thereunder."

Amendment No. 2

Strike out all of lines 2 and 3 of the title of the printed bill.

Amendment No. 3

On page 1, line 1, of the printed, strike out "Attorney".

Amendment No. 4

On page 1 of the printed bill strike out all of lines 2, 3, 4, 5, 6, 7, 8 and 9 and insert "Department of Justice, out of the moneys in the State treasury not otherwise appropriated, the sum of two hundred thousand dollars ($200,000), or so much thereof as may be necessary to be expended by it in enforcing the provisions of the Alien Land Laws of this State and in investigating and discovering violations and evasions thereof and instituting and carrying on escheat proceedings thereunder, including (but not limited to) an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and adopted and approved by the electors of the State of California, November 2, 1920, as amended, and as the same shall hereafter be amended.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 504—An act to amend Section 193 of the Penal Code, relating to punishment of manslaughter.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 8, of the printed bill, after "jury", strike out the balance of the sentence.

On page 1, line 8, of said bill, after "jury" insert "may recommend by their verdict that the punishment shall be by imprisonment in the county jail. If such recommendation is made the court shall not have authority to sentence the defendant to imprisonment in the state prison, but may nevertheless place the defendant on probation as provided in this code."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 431—An act to amend Section 2957 of the Civil Code, relating to chattel mortgages.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 40, of the printed bill, after "mortgage", insert "covering crops which are to be harvested later than the 12 months after the date of the mortgage".

Amendment No. 2

On page 2, line 42, of the printed bill, after "record", insert "or a memorandum of which is of record".

Amendment No. 3

On page 2, line 44, of the printed bill, after "lease", insert "or memorandum of lease".

Amendment No. 4

On page 2, line 46, of the printed bill, after "lease", insert "or memorandum of lease".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 1215—An act to amend Section 4115, and to repeal Sections 4116, 4146, and 4146a, and to add Sections 4116 and 4146 to the Political Code, relating to the duties of the coroner and the receipt and disposition of money and property.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, lines 19 and 20, of the printed bill, strike out "county and be placed in the General Fund", and insert "State of California and be delivered to the State Treasurer".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 676—An act to provide for the construction of urban and suburban dwelling accommodations for and acquisition for

occupancy of farms and aid in establishing businesses for veterans of World War II at costs within their ability to pay, and provide means of employment for such veterans, including authority for the Veterans Welfare Board in the Department of Military and Veterans' Affairs to put into operation such facilities as may become necessary to guarantee mortgage loans financed by any chartered institution, having right of succession, in respect of construction of homes, acquisition occupancy of farms and creation of means of employment for veterans of World War II, to add Sections 67.3 and 80.3 to the Bank Act, to add Section 9.20 to the Building and Loan Association Act, to add Sections 1176.7, 1176.8 and 12443 to the Insurance Code, all of these additions being in aid of the aforesaid purposes, declaring the urgency thereof to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 4, line 11, of the printed bill, as amended in the Senate March 12, 1945, after "cent", insert "per annum".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

Senate Bill No. 407—An act to add Section 1225 to the Government Code, relating to and prohibiting conscientious objectors from holding public office.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 1, line 9, of the printed bill, after the period, insert "The provisions of this section do not apply to those who, having claimed exemption on either of said grounds, nevertheless have performed military service, or have served in noncombat areas or on duty not requiring bearing arms."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 237—An act to add Sections 301, 590, and 650 to the Military and Veterans Code, relating to the granting of honorable discharges and service medals to members of the military forces of the State.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 301, 590, and 650", and insert "Section 301".

Amendment No. 2

On page 1, lines 6 and 7, of said bill, strike out "sixty (60) days' service, under honorable conditions", and insert "ninety (90) days' service, and shall have continuously served under honorable conditions up to the time of his separation from such organization".

Amendment No. 3

On page 1 of said bill, strike out lines 14 to 26, inclusive; and on page 2, lines 1 to 12, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 688—An act to amend Sections 820 and 987 of the Military and Veterans Code, relating to the rate of interest on veteran farm and home loans, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "4", and insert "3".

Amendment No. 2

On page 1, line 10, of said bill, strike out "4", and insert "3".

Amendment No. 3

On page 2, line 4, of said bill, strike out "4", and insert "3".

Amendment No. 4

On page 2, line 7, of said bill, strike out "4", and insert "3".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

Senate Bill No. 120—An act to amend Section 7015 of the Insurance Code, relating to county mutual fire insurers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 121—An act to amend Section 5056 of the Insurance Code, relating to county mutual insurers and the election and terms of directors thereof.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 122—An act to add Section 5081 to the Insurance Code, relating to county mutual fire insurers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 123—An act to amend Section 6047 of the Insurance Code, relating to county mutual fire insurers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 126—An act to amend Sections 8071 and 8072 of the Insurance Code, relating to the county mutual fire reinsurers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 127—An act to amend Sections 6014 and 6017 of the Insurance Code, relating to county mutual insurers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 344—A bill to amend the Building and Loan Association Act by amending Section 1.01 thereof, relating to definitions and Sections 6.01, 6.02, 6.03, 6.04, and 6.05 thereof, relating to withdrawals, and to repeal Sections 6.01a, 6.01b, and 6.06 thereof, relating to withdrawals.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In the last line of the title of the printed bill, after "withdrawals", insert "and to add a new section thereto to be numbered 6.10, relating to acquisition of certificates and shares".

Amendment No. 2

On page 1, line 11, of the printed bill, strike out "Association on notice"; and strike out all of line 12.

Amendment No. 3

On page 2, line 12, of the printed bill, strike out the period, and insert "; provided, however, that in the case of any association which shall provide by its by-laws, pursuant to any provisions of this act, that every person, firm, copartnership, association or corporation holding a certificate of membership as a borrower from such association shall be a member thereof, each person, firm, copartnership, association or corporation holding such certificate of membership shall be a member thereof."

Amendment No. 4

On page 11, lines 2 and 3, of the printed bill, strike out "on notice", and insert "having matured withdrawal claims for the payment of any of which funds have not been set aside by the association".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 5

On page 11, line 14, of the printed bill, after "[period]", insert "an association having matured withdrawal claims or".

Amendment No. 6

On page 11, line 46, of the printed bill, strike out "After One Year".

Amendment No. 7

On page 12 of the printed bill, after line 6, insert:

"SEC. 9. Said act is hereby amended by adding thereto a new section to be numbered 6.10, to read as follows:

Sec. 6.10. Acquisition of certificates or shares. No association shall acquire in any manner, directly or indirectly, any investment certificates or shares issued by it except by payment of the full withdrawal value or redemption price in the manner provided in this act, or by offset of such certificates or shares as may be pledged as provided in this act as security for the payment of loans, or in any conversion of a State to a Federal savings and loan association as authorized in Section 12.11, or in any plan of reorganization (as defined in Section 16.01) as authorized in Article 16, or in such other manner as may have the prior approval of the commissioner. No officer, director or employee of any association shall acquire any certificates or shares issued by the association with which he is connected by any method of acquisition other than (a) by investing his funds directly with the association or (b) by gift, bequest or descent, unless such other method of acquisition has the prior approval of the commissioner."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 507—A bill to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 9.02a, relating to investment in real property for sale or income.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "and such investment may"; strike out lines 6 and 7; and in line 8 strike out "dential use", and insert "for the purpose of developing such real property, including subdivision thereof and building thereon homes and other buildings principally for residential use, each building (except garages and other outbuildings) being designed to be occupied by not more than four families in the aggregate".

Amendment No. 2

On page 1, line 17, of the printed bill, strike out "10", and insert "5".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 269—An act to amend the Building and Loan Association Act by amending Sections 9.07 and 9.11 thereof and by adding thereto a new section to be numbered 9.12a, all relating to loans.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 1

On page 2, line 11, of the printed bill, after "[surrendered.]", insert "Any loans which are wholly secured by the pledge of such shares or investment certificates, together with the interest and arrearages due or accrued thereon, may be repaid at any time without the payment of any premium or bonus interest, and upon such payment being made the security pledged therefor shall be surrendered.".

Amendment No. 2

On page 2, line 17, of the printed bill, before "value", insert "appraised".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 561—An act to add Section 7.1 to the Industrial Loan Act, relating to the establishment and maintenance of reserves.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "adequate", and insert "reasonable".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 562—An act to add Section 22.1 to the Industrial Loan Act, relating to loans to officers, directors and others.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 5, of the printed bill, after "indirectly", strike out the comma and "or to", and insert a period and "No industrial loan company shall make any loan of money or property to or guarantee the obligation of".

Amendment No. 2

On page 1 of the printed bill, after line 11, insert "Any officer or director held liable under this section who satisfies any such liability shall be entitled to contribution from any other officer or director who participates in authorizing, making or allowing any such loan or guaranty, and shall be subrogated to any and all rights of the corporation against the borrower or principal obligor."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 564—An act to amend Section 4 of the Industrial Loan Act, relating to the establishment of offices and places of business.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 4 of the printed bill, between lines 3 and 4, insert

"Sixth—To make loans, purchase or discount notes, mortgages, contracts or other commercial paper, which loans or commercial paper are insured by the Federal Housing Administrator, Veterans' Administration, or other Federal agency. Loans so insured may be made for a term up to but not to exceed 20 years."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 565—An act to amend Section 3 of the Industrial Loan Act, relating to minimum capital stock and paid in surplus or reserve.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 26, of the printed bill, after "each", insert "or such other par value as may be approved by the commissioner".

Amendment No. 2

On page 2, line 1, of the printed bill, strike out "the articles of incorporation of".

Amendment No. 3

On page 2, line 2, of the printed bill, strike out "are filed", and insert "commences business".

Amendment No. 4

On page 2, lines 3 and 4, of the printed bill, strike out "to a treasurer, elected by the subscribers,".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 568—An act to add Section 21.1 to the Personal Property Brokers Act as revised by Chapters 952 and 1044 of the Statutes of 1939, relating to desist and refrain orders.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 8, of the printed bill, strike out "the further conduct of such business", and insert "any acts or omissions to act which result in such unfairness, dishonesty or inefficiency".

Amendment No. 2

On page 1, line 19, of the printed bill, strike out "the further conduct of such business", and insert "any acts or omissions to act which result in such unfairness, dishonesty or inefficiency".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 571—An act to add Section 20.1 to the California Small Loan Act, Chapters 953 and 1045 of the Statutes of 1939, relating to desist and refrain orders.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, lines 6 and 7, of the printed bill, strike out "the further conduct of such business", and insert "any acts or omissions to act which result in such unfairness, dishonesty or inefficiency".

Amendment No. 2

On page 1, lines 16 and 17, of the printed bill, strike out "the further conduct of such business", and insert "any acts or omissions to act which result in such unfairness, dishonesty or inefficiency".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 787—An act to amend Section 15a and to add Section 15b to the Industrial Loan Act, relating to costs of examinations and supervision.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In line 1 of the title of the printed bill, after "15a", insert "of".

Amendment No. 2

On page 1, line 13, of the printed bill, after "expenses", insert "(excepting from such computation all costs provided to be charged against a particular industrial loan company pursuant to Section 15b of this act)".

Amendment No. 3

On page 1, line 25, of the printed bill, strike out "5", and insert "1".

Amendment No. 4

On page 2, line 23, of the printed bill, strike out "23", and insert "15a".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 179—An act to amend Sections 10137, 10162, 10200, 10208, 10213, 10258, 10285, 10320, 10328, 10333, 10386, 10420, 10427, 10432, 10460, 10461, 10525, 10580, 10588, and 10593 of, and to add Sections 10141, 10142, 10143, 10144, 10145, 10146, 10150.5, 10156.5, 10156.6, 10156.7, 10156.8, 10209.5, 10214.5, 10262, 10263, 10264, 10265, 10266, 10267, 10275.5, 10279.5, 10279.6, 10279.7, 10279.8, 10462 and 11011.6 to, and to repeal Section 10455 of, the Business and Professions Code, relating to fees and licensees of the State Division of Real Estate of the Department of Investments.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 12 to 20, inclusive, and insert "shall inform or cause the information to be given to the seller and purchaser in writing of the selling price thereof and in event an exchange of real property is involved, such information shall include a description of said property and amount of added money consideration, if any. If the transaction is closed through escrow and the escrow holder renders a closing statement which reveals such information, that shall be deemed compliance with this section on the part of the broker. Liability of such broker shall cease one year after closing of such transaction unless the seller or purchaser has in the meantime served a written demand in the premises."

Amendment No. 2

On page 2, line 37, of said bill, after "shown", insert "or presented".

Amendment No. 3

On page 2, line 38, of said bill, after "knowledge", insert "of such showing or presentation".

Amendment No. 4

On page 2, line 40, of said bill, after "showing", insert "or presentation".

Amendment No. 5

On page 2, line 42, of said bill, strike out "receives", and insert "prepares or has prepared".

Amendment No. 6

On page 3 of said bill, strike out lines 5 to 13, inclusive, and insert

"10145. It is unlawful for a real estate broker to enter into an agreement authorizing or employing such broker to purchase, sell or exchange real estate for compensation or commission unless such agreement provides that such compensation or commission shall be a specified amount of money, specific property or a specified percentage of the selling or exchange price or combination thereof. Nothing herein shall be construed to deprive a broker of the legal right to recover a fair and reasonable commission or compensation or prohibit or restrict the lawful use of options."

Amendment No. 7

On page 5 of said bill, strike out lines 34 to 43, inclusive, and insert "inform or cause the information to be given to the seller and purchaser in writing of the selling price. In the exchange of properties, such information shall include a description of said property and amount of added money consideration, if any. If the transaction is closed through escrow and the escrow holder renders a closing statement which reveals such information, that shall be deemed compliance with this section on the part of the broker. Liability of such broker shall cease one year after closing of such transaction unless a party to the transaction has in the meantime served a written demand in the premises."

Amendment No. 8

On page 6, line 18, of said bill, after the comma, insert "or made presentation".

Amendment No. 9

On page 6, line 20, of said bill, after "knowledge", insert "of such negotiation or presentation".

Amendment No. 10

On page 6, line 21, of said bill, after "negotiation", insert "or presentation".

Amendment No. 11

On page 6, line 23, of said bill, strike out "receives", and insert "prepares or has prepared".

Amendment No. 12

On page 7 of said bill, strike out lines 3 to 8, inclusive, and insert "agreement provides that the compensation or commission of the broker shall be a specified amount of money, specific property or a specified percentage of a definitely ascertainable amount such as selling or exchange price or combination thereof. Nothing herein shall be construed to deprive a broker of the legal right to recover a fair and reasonable commission or compensation or prohibit or restrict the lawful use of options."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1046—An act to add Section 2326 to the Business and Professions Code.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 2326 to", and insert "Sections 2245a and 2326 to, and repeal Sections 2320, 2321, 2322, 2323 and 2324 of,".

Amendment No. 2

In line 2 of the title of said bill, strike out the period, and insert", relating to chiropodists."

Amendment No. 3

On page 1 of said bill, strike out lines 1 to 3, inclusive, and insert

"SECTION 1. Section 2245a is added to the Business and Professions Code to read:

2245a. In lieu of the requirements of Section 2245.5, an applicant who is a discharged veteran of World War Two may present satisfactory evidence to the board that he has taken a course of study under the auspices of the United States Government by virtue of the laws and regulations of the Congress provided, or under the auspices of the State by virtue of cognate laws and regulations by the Legislature provided, if such course is recognized by a college or school approved by the board as constituting the equivalent of the one-year resident course prescribed by Section 2245.5.

SEC. 2. Section 2326 is added to the Business and Professions Code to read:

2326. In every case an".

Amendment No. 4

On page 1, lines 11 to 13, inclusive, strike out "Provided further, that in addition to the provisions of Section 2316, any such applicant shall", and insert "In addition to the qualifications prescribed by Section 2316, such applicant shall".

Amendment No. 5

On page 1 of said bill, after line 18, insert

"SEC. 3. Sections 2320, 2321, 2322, 2323, and 2324 of the Business and Professions Code are repealed."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 1047—An act to add Chapter 4.5, comprising Sections 1800 to 1953, inclusive, to Division 2 of the Business and Professions Code, relating to the licensing and regulation of chiropodists; to amend Section 2135 and repeal Sections 2139, 2143, 2148, 2245, 2245.5, 2246, 2292, 2398, and 2410, all of the Business and Professions Code.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 7 of the printed bill, between lines 12 and 13, insert

"1858.5. If Chapter 5, relating to administrative procedure, is added to Part 1 of Division 3 of Title 2 of the Government Code at the Fifty-sixth Regular Session of the Legislature, proceedings for disapproval of a school or rejection of an applicant for examination under this chapter shall be conducted in accordance with the provisions of said Chapter 5, and the board shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of said Chapter 5, the latter provisions shall prevail."

Amendment No. 2

On page 8 of the printed bill, between lines 37 and 38, insert

"1880.5. If Chapter 5, relating to administrative procedure, is added to Part 1 of Division 3 of Title 2 of the Government Code at the Fifty-sixth Regular Session of the Legislature, proceedings for the suspension or revocation of licenses under this chapter shall be conducted in accordance with the provisions of said Chapter 5, and the board shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of said Chapter 5, the latter provisions shall prevail."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 1250—An act to amend Sections 5151 and 5185 of, to add Chapter 13.5, comprising Sections 7001 to 7086, inclusive, to Division 3 of, and to repeal Sections 5151.1, 5181, 5182, 6787, 6788, and 6789, and Articles 2, 3, and 4, comprising Sections 6926 to 6979, inclusive, of Chapter 13 of Division 3 of, the Education Code, relating to the support of the public elementary schools, and to repeal certain acts and parts of acts specified herein, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 2, line 16, of the printed bill, strike out "the maximum", and insert "a".

Amendment No. 2

On page 2, line 22, of the printed bill, strike out "twenty cents ($0.20)", and insert "eighteen cents ($0.18)".

Amendment No. 3

One page 2, line 24, of the printed bill, strike out "for such purposes".

Amendment No. 4

On page 2 of the printed bill, strike out all of lines 42 to 49, inclusive.

Amendment No. 5

On page 2, line 50, of the printed bill, strike out "(c)" and insert "(b)".

Amendment No. 6

On page 3 of the printed bill, strike out all of lines 11 to 16, inclusive, and insert "(c) Each classroom unit and each supervision unit shall be allowed the following:

1. $2,250 for each classroom unit in districts where the average daily attendance during the preceding school year was less than 300 units.
2. $2,470 for each classroom unit in districts where the average daily attendance during the preceding school year was 300 or more.
3. $2,470 for each supervision unit."

Amendment No. 7

On page 3, line 22, of the printed bill, strike out "twenty cents ($0.20)", and insert "eighteen cents ($0.18)".

Amendment No. 8

On page 3, line 32, of the printed bill, after "code", insert "For the purpose of this determination the Superintendent of Public Instruction shall consider that allocations of State funds and revenues other than tax receipts are expended first during each school year."

Amendment No. 9

On page 4, line 27, of the printed bill, after "balances", insert "required to meet the foundation program".

Amendment No. 10

On page 4, line 29, of the printed bill, strike out "67½ per cent", and insert "62½ per cent".

Amendment No. 11

On page 5, line 7, of the printed bill, strike out "6772 and 6773", and insert "7083 and 7084".

Amendment No. 12

On page 5, line 23, of the printed bill, after "General Fund", insert "Appropriation of such additional amounts from the General Fund as are needed to comply with the provisions of this section is hereby made."

Amendment No. 13

On page 5, line 26, of the printed bill, strike out "twenty cents ($0.20)", and insert "eighteen cents ($0.18)".

Amendment No. 14

On page 5, line 41, of the printed bill, strike out "6773", and insert "7083".

Amendment No. 15

On page 5, line 43, of the printed bill, after "school year", insert "from the school fund".

Amendment No. 16

On page 6, line 4, of the printed bill, strike out "the Constitution", and insert "this code".

Amendment No. 17

On page 6, line 6, of the printed bill, strike out "Fund", and insert "aid".

Amendment No. 18

On page 6, line 10, of the printed bill, after "Public Instruction", insert "and the State Emergency Education Commission".

Amendment No. 19

On page 6, of the printed bill, between lines 10 and 11, insert

"Article 7. Transfer of Classroom Allowances Not Used

Sec. 7088. At the end of each school year each school district shall pay to the unapportioned county elementary school fund one-tenth of the amount of State apportionments received for each classroom unit for each full month of the school year in which a teacher was not employed for such classroom unit.

It shall be the duty of the county superintendent of schools to make demand upon each school district for amounts payable to the unapportioned county elementary school fund under the provisions of this article."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 953—An act to amend Section 1144 of the Probate Code, relating to administration by the public administrator of estates of a value not exceeding two hundred dollars ($200).

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 24, of the printed bill, strike out the period, and insert "and be delivered to the State Treasurer."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 584—An act to amend Section 9485 of the Education Code, relating to real and personal property of emergency schools maintained by county superintendent of schools.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1244—An act to add Section 22023 to the Education Code, relating to libraries.

Bill read second time, and ordered to third reading.

Assembly Bill No. 14—An act to amend Section 4131 of the Political Code, relating to writings to be recorded.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 694—An act to amend Sections 407, 408 and 409 of the Fish and Game Code, relating to licenses.

Bill read third time.

Motion to Amend

Senator Carter moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 22, of the printed bill, after "amended," insert "insofar as they apply to licenses issued on the basis of the calendar year,".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 482—An act to amend Sections 595 and 1054 of the Code of Civil Procedure, relating to extensions of time and continuances in any civil or criminal action or proceeding in a court, or in any administrative proceeding before a State board, commission or officer.

Bill read third time, and presented by Senator Rich.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 503—An act to amend Section 560 of the Vehicle Code, relating to pedestrians' rights of way at crosswalks and to the punishment for violations thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—Senators Carter, Collier, Desmond, Donnelly and Salsman—5.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 11—Relative to the establishment of an Optometry Corps in the United States Army.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 11—An act to amend Section 4279 of the Political Code, relating to compensation for public services in counties of the fiftieth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 15—An act to amend Section 4275 of the Political Code, relating to compensation for public services in counties of the forty-sixth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Desmond, Dillinger, Donnelly, Dorsey, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 14—An act to amend Section 4282 of the Political Code, relating to compensation for public service in counties of the fifty-third class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah,

Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 304—An act to validate the organization, boundaries, trustees, acts, proceeding and bonds of recreation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 335—An act to amend the title of, and to add Section 1.5 to, an act entitled "An act authorizing any county, city and county, city, town, district, or any political subdivision of the State, or any public or municipal corporation of the State, in the letting of contracts for public work, or the doing of such work, to comply with requirements of Federal laws and of regulations and orders issued under authority thereof with respect to the awarding of contracts, hours of labor, employment preferences, and other matters covered thereby, and imposed as a condition or prerequisite to the loan or grant of Federal funds or the funds of any Federal corporation or agency in aid of such public work, and declaring this act to be an urgency measure, and providing that it take effect immediately," approved July 6, 1935, relating to contributions or loans to local agencies, declaring this act to be an urgency measure, and providing that it take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 119—An act to amend Sections 4075 and 4076 of, and to add Section 4076.5 to, the Political Code, relating to claims against counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keat-

ing, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 8—An act to add Section 4041n to the Political Code, relating to the installation and maintenance of watering troughs by county boards of supervisors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 64—An act to amend Section 4242 of the Political Code, relating to compensation for public service in counties of the thirteenth class.

Motion to Refer Bill to Inactive File

Senator Mixter moved that Senate Bill No. 64 be placed on the inactive file.

Motion carried.

Senate Bill No. 220—An act to amend Section 5 of, and to add Section 22a to, the California Water District Act, relating to qualification of officers, and deposit of funds, of districts organized under said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly

Senate Bill No. 83—An act to amend Section 3041 of the Elections Code, relating to independent nominations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—34.
NOES—Senators Carter, McBride, and Shelley—3.

Bill ordered transmitted to the Assembly.

Senate Bill No. 84—An act to amend Section 10601.5 of the Elections Code, relating to candidates for judicial offices.

Bill read third time.

Motion to Amend

Senator Mayo moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 10, of the printed bill, after the period, insert "This section shall apply to all judicial offices whether numerically designated or not."

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 88—An act to amend Sections 2893, 2896, 2897 and 2898 of the Elections Code, relating to ballots in case of the death or disqualification of a candidate.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Motion to Amend Title

Senator Salsman moved the adoption of the following amendment to the title:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "2893, 2896, 2897, and 2898", and insert "2893 and 2896".

Amendment read and adopted.

Bill ordered reprinted, and transmitted to the Assembly.

Senate Bill No. 99—An act to add Section 1060 to the Civil Code, relating to the release of powers of appointment, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 228—An act to amend Section 28a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23,

1925, relating to bail in municipal courts in cities of the first and one-half class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—37.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 340—An act to amend Sections 25 and 33 of the Civil Code, relating to minors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—37.

NOES—None.

Senate Bill No. 169—An act to amend Section 204 of the Code of Civil Procedure, relating to the selection of trial jurors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 45—An act to add Article 7.5, comprising Sections 14490 to 14492, inclusive, to Chapter 2 of Part 3 of Division 12 of the Health and Safety Code, relating to capital outlays in county fire districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 636—An act to add Section 2215.5 to, and to amend Section 2216 of the Health and Safety Code, relating to mosquito abatement districts.

Bill read third time.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 2216", and insert "Sections 2216 and 2270".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, between lines 20 and 21, insert

"SEC. 3. Section 2270 of said code is amended to read:

2270. The district board may:

(a) Take all necessary or proper steps for the extermination of mosquitoes, flies, or other insects either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district.

(b) Subject to the paramount control of the county or city in which they exist, abate as nuisances all stagnant pools of water and other breeding places for mosquitoes, flies, or other insects either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district.

(c) Purchase such supplies and materials, employ such personnel and contract for such services as may be necessary or proper in furtherance of the objects of this chapter.

(d) If necessary or proper, in the furtherance of the objects of this chapter, build, construct, repair, and maintain, necessary dikes, levees, cuts, canals, or ditches upon any land, and acquire by purchase, condemnation, or by other lawful means, in the name of the district, any lands, rights of way, easements, property, or material necessary for any of those purposes.

(e) Make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the use or taking of property for dikes, levees, cuts, canals, or ditches.

(f) Enter upon without hindrance any lands, within or without the district, for the purpose of inspection to ascertain whether breeding places of mosquitoes, flies, or other insects exist upon such lands; or to abate public nuisances in accordance with this article; or to ascertain if notices to abate the breeding of mosquitoes, flies, or other insects upon such lands have been complied with; or to treat with oil or other larvicidal material any breeding places of mosquitoes, flies, or other insects upon such lands.

(g) Sell or lease any land, rights of way, easements, property or material acquired by the district.

Every sale of real property pursuant to this subdivision shall be made to the highest bidder at public auction after five days' notice given pursuant to Section 2204 of this code, and at such place within the district as the district board shall specify.

(h) Borrow money.

(i) Issue warrants payable at the time stated therein to evidence the obligation to repay money borrowed or any other obligation incurred by the district, warrants so issued to draw interest at a rate fixed by the board not to exceed 5 per cent per year, payable annually or semiannually as the board may prescribe.

(j) Do any and all things necessary or incident to the powers granted by, and to carry out the objects specified in, this chapter."

Amendment No. 3

On page 1, line 21, of said bill, strike out "Sec. 3", and insert "Sec. 4".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 589—An act to amend Sections 1242 and 2104 and to repeal Section 1243 of the Health and Safety Code, relating to special funds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 12.48 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senator McBride was granted permission to introduce a Bill by the following vote:

AYES—Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1261: By Senator McBride—An act to amend Section 8 of the Ventura County Flood Control Act, relating to salaries of district supervisors.

Referred to Committee on Water Resources.

MOTION TO RECONSIDER

Senator Desmond moved to reconsider the vote whereby Senate Bill No. 340 was passed.

Postponement of Reconsideration

On motion of Senator Desmond, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 340 was passed, was continued until the next legislative day.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Judah:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 3420 and 3472 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, increasing the amount thereof, and making an appropriation.

Respectfully submitted.

SENATOR H. R. JUDAH

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 22, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1262: By Senator Judah—An act to amend Sections 3420 and 3472 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, increasing the amount thereof, and making an appropriation.

Referred to Committee on Finance.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 500

Senator Salsman moved that Senate Bill No. 500 be withdrawn from Committee on Governmental Efficiency for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 500

Senate Bill No. 500—An act to create and provide for a Prepaid Health Service System for the people of the State of California, and making an appropriation therefor.

Bill read second time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 3, of the printed bill, strike out "2.1", and insert "5".

Amendment No. 2

On page 2, line 6, of said bill, strike out "2.2", and insert "6".

Amendment No. 3

On page 2, line 8, of said bill, strike out "2.3", and insert "7".

Amendment No. 4

On page 2, line 10, of said bill, strike out "2.4", and insert "8".

Amendment No. 5

On page 2, line 13, of said bill, strike out "2.5", and insert "9".

Amendment No. 6

On page 2, line 15, of said bill, strike out "2.6", and insert "10".

Amendment No. 7

On page 2, of said bill, strike out lines 30 to 39, inclusive; and in line 40, strike out "(c)", and insert "(b)".

Amendment No. 8

On page 2, line 47, of said bill, strike out "(d)", and insert "(c)".

Amendment No. 9

On page 2, line 48, of said bill, strike out "as and to the extent set forth in", and insert a period.

Amendment No. 10

On page 2 of said bill, strike out line 49; and in line 50, strike out "Sec. 2.7", and insert "Sec. 11".

Amendment No. 11

On page 3 of said bill, strike out lines 1 to 4, inclusive, and insert

"(c) Services performed by an officer or member of the crew of a vessel which is not an American vessel;".

Amendment No. 12

On page 3, line 13, of said bill, strike out "an unemployment", and insert "a".

Amendment No. 13

On page 3, line 14, of said bill, strike out "unemployment compensation", and insert "health insurance".

Amendment No. 14

On page 3, line 21, of said bill, strike out "provided further,"; and strike out lines 22 to 28, inclusive, and insert

"(f) Service performed by clergymen and members of a religious order, if they receive no compensation as such other than sustenance pursuant to the rules of their respective order."

Amendment No. 15

On page 3, line 46, of said bill, after "college", strike out the comma.

Amendment No. 16

On page 4, line 40, of said bill, strike out "of", and insert "or".

Amendment No. 17

On page 5, line 10, of said bill, before "If", insert

"SEC. 12."

Amendment No. 18

On page 5, line 22, of said bill, before "All", insert

"SEC. 13."

Amendment No. 19

On page 5, line 23, of said bill, strike out "section", and insert "act".

Amendment No. 20

On page 5 of said bill, strike out lines 28 to 33, inclusive.

Amendment No. 21

On page 5, line 34, of said bill, strike out "2.67", and insert "14".

Amendment No. 22

On page 5, line 35, of said bill, after "Act", insert "and includes this State, any county, city and county, municipality, district, or other political subdivision thereof.

SEC. 15. "Employer" has the meaning set forth in Article 2 of the Unemployment Insurance Act except that "employment" as used therein shall have the meaning set forth in this act".

Amendment No. 23

On page 5 of said bill, strike out lines 36 to 40, inclusive.

Amendment No. 24

On page 5, line 41, of said bill, strike out "2.91", and insert "16".

Amendment No. 25

On page 5 of said bill, strike out line 42, and insert "services in employment for an employer subject to this act and includes public officials whether elected or appointed."

Amendment No. 26

On page 5, line 43, of said bill, strike out "2.92", and insert "17".

Amendment No. 27

On page 5, line 44, of said bill, after "Act", insert "except that subdivision (c) (1) of said section shall not be applicable for the purposes of this act".

Amendment No. 28

On page 5, line 45, of said bill, strike out "2.93", and insert "18".

Amendment No. 29

On page 5, line 48, of said bill, strike out "2.94", and insert "19".

Amendment No. 30

On page 5, line 50, of said bill, strike out "2.95", and insert "20".

Amendment No. 31

On page 6, line 3, of said bill, strike out "2.96", and insert "21".

Amendment No. 32

On page 6 of said bill, between lines 5 and 6, insert

"SEC. 22. "American Vessel" means any vessel documented or numbered under the laws of the United States; and includes any vessel which is neither documented or numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State."

Amendment No. 33

On page 6, line 6, of said bill, strike out "2.97", and insert "23".

Amendment No. 34

On page 6, line 11, of said bill, strike out "3.1", and insert "40".

Amendment No. 35

On page 6, line 15, of said bill, strike out "Such registration shall not"; and strike out lines 16 to 21, inclusive, and insert "Registration of any physician and surgeon, dentist, optometrist or hospital shall not be denied, revoked or suspended except upon notice and hearing as herein provided."

Amendment No. 36

On page 6, line 22, of said bill, strike out "3.2", and insert "41".

Amendment No. 37

On page 6, line 26, of said bill, strike out "3.3.", and insert "42. The determination of an individual's right to health services under this act, the hearing and determination of appeals relating thereto, and".

Amendment No. 38

On page 6, line 43, of said bill, after "body.", insert "If such rule or regulation would conflict with the powers vested in the other coordinate body,".

Amendment No. 39

On page 6, line 50, of said bill, strike out "4.1", and insert "50".

Amendment No. 40

On page 7, line 1, of said bill, strike out "4.2", and insert "51".

Amendment No. 41

On page 7, line 5, of said bill, strike out "preventative", and insert "preventive".

Amendment No. 42

On page 7 of said bill, strike out lines 19 to 21, inclusive, and insert "surgeon, when used in course of treatment in a hospital, except that if a preventive biologic is required the patient need not be in a hospital."

Amendment No. 43

On page 7 of said bill, strike out lines 25 to 28, inclusive, and insert

"(g) Dental services for the treatment of the diseases and injuries of the jaws and their dependent tissues, including tooth removal, but excluding tooth replacement, tooth restoration, orthodontics, and treatment for Periodontoclasia (Pyorrhea).

SEC. 52. Basic services shall not include ocular refraction or the provision of ophthalmic materials."

Amendment No. 44

On page 7, line 29, of said bill, strike out "4.3", and insert "53".

Amendment No. 45

On page 7, line 33, of said bill, strike out "4.4", and insert "54".

Amendment No. 46

On page 7 of said bill, strike out lines 36 and 37, and insert

"SEC. 55. Basic services provided by Section 51 (d) shall be limited to ward accommodations, but nothing contained herein shall be construed to prohibit any registered hospital from charging or receiving fees or charges from a patient in addition to those provided by the authority from the Health Service Fund for higher priced accommodations furnished at the request of the patient."

Amendment No. 47

On page 7, line 38, of said bill, strike out "4.6", and insert "56".

Amendment No. 48

On page 7, line 50, of said bill, strike out "4.65", and insert "57".

Amendment No. 49

On page 8, line 3, of said bill, strike out "4.7", and insert "58".

Amendment No. 50

On page 8, line 9, of said bill, strike out "optometrical services", and insert "ocular refraction or the providing of ophthalmic materials by licensed optometrists or licensed physicians and surgeons".

Amendment No. 51

On page 8, line 11, of said bill, strike out "the materials to be used", and strike out line 12, and insert "methods of treatment or materials to be used for tooth replacement or tooth restoration. In order to allow for a difference in cost of materials, the authority may pay any part of the whole costs of dental services exclusive of those provided for under Section 51 for any period it designates."

Amendment No. 52

On page 8 of said bill, between lines 12 and 13, insert

"(c) In case of ocular refraction or the providing of ophthalmic materials by a licensed optometrist, the authority shall not, in providing additional benefits, require a prior referral or prescription by a physician and surgeon."

Amendment No. 53

On page 8 of said bill, strike out lines 16 to 30, inclusive, and insert

"SEC. 70. Every employee and each of his dependents shall be eligible to receive basic services as provided by this act, during the six month period beginning July 1, 1947 and during each six month period thereafter beginning with the first day of January or the first day of July if the employee has been paid wages in employment under this act of not less than $150 during the corresponding six month period in the preceding calendar year.

SEC. 71. Employers shall furnish to each of their employees evidence of eligibility for benefits at such time and in such form as the commission by regulation prescribes."

Amendment No. 54

On page 8, line 31, of said bill, strike out "5.3", and insert "72".

Amendment No. 55

On page 8, line 50, of said bill, strike out "5.4", and insert "73".

Amendment No. 56

On page 9, line 4, of said bill, strike out "5.5", and insert "74".

Amendment No. 57

On page 9, line 21, of said bill, strike out "5.6", and insert "75".

Amendment No. 58

On page 9 of said bill, strike out lines 42 to 51, inclusive.

Amendment No. 59

On page 10, line 3, of said bill, strike out "6.1", and insert "90".

Amendment No. 60

On page 10, line 29, of said bill, strike out "6.2", and insert "91".

Amendment No. 61

On page 10, line 42, of said bill, strike out "6.3", and insert "92".

Amendment No. 62

On page 10, line 48, of said bill, strike out "6.4", and insert "93".

Amendment No. 63

On page 11, line 31, of said bill, strike out "The authority may, after hear-"; and strike out lines 32 to 37, inclusive, and insert

"(g) To contract for furnishing services to persons entitled thereto under this act, with any employer, registrant, or group of registrants organized and maintaining facilities for furnishing to their employees or other individuals or both health services at least equal to the standards prescribed by the authority. Each organization contracting with the authority for furnishing services to individuals eligible thereto under this act shall be deemed to be a single registrant, and no individual entitled to receive services provided by such organization under a contract with the authority shall be permitted any choice of the individual practitioners other than as provided or permitted by the organization. Such contracts may provide for payment for services on a per capita or any other basis found to be fair and reasonable by the authority."

Amendment No. 64

On page 12 of said bill, strike out lines 10 to 19, inclusive, and insert

"(n) To deny registration to and to revoke or suspend the registration of any physician and surgeon, dentist, optometrist, or hospital after notice and hearing. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the authority shall have all the powers granted therein. The authority shall have the power to delegate the duty of hearing and deciding to a committee of registrants holding the same professional license if any, as the person who is the subject of the hearing.

SEC. 94. The authority and the commission shall prepare and submit to the Legislature through the Governor within the first 30 days of the Fifty-seventh Regular Session, reports with respect to the operations of the Health Service System established by this act. Such reports shall include recommendations of proposed legislation deemed necessary and a statement of the accumulated reserve in the Health Service Fund and an estimate of probable future expenditures and of the solvency of the fund to fulfill the purposes of this act."

Amendment No. 65

On page 12, line 20, of said bill, strike out "6.5", and insert "95".

Amendment No. 66

On page 12, line 26, of said bill, strike out "6.6", and insert "96".

Amendment No. 67

On page 13, line 12, of said bill, strike out "6.7", and insert "97".

Amendment No. 68

On page 13, line 13, of said bill, strike out "California", and insert "State of California:".

Amendment No. 69

On page 13 of said bill, strike out line 14.

Amendment No. 70

On page 13 of said bill, strike out line 33, and insert "of departments by Article 2 of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code. The provisions of this section shall not apply to proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code."

Amendment No. 71

On page 13, line 34, of said bill, strike out "6.8", and insert "98".

Amendment No. 72

On page 13, line 36, of said bill, after the comma, insert "and all other information furnished to the authority or the commission by an employing unit, an applicant for health services, or a registrant, pursuant to this act".

Amendment No. 73

On page 13, line 39, of said bill, strike out "claimant", and insert "parties, nor admissible in evidence in any action or special proceeding, other than one arising out of the provisions of this act."

Amendment No. 74

On page 13, line 40, of said bill, strike out "6.9", and insert "99".

Amendment No. 75

On page 13, line 47, of said bill, strike out "6.95", and insert "100"

Amendment No. 76

On page 13 of said bill, strike out lines 51 and 52, and insert "of this act: (1) the splitting of a fee or the rebate of any part of a fee received out of the Health Service Fund, to any person; (2) any viola-".

Amendment No. 77

On page 14, line 4, of said bill, after "State", insert "; (5) the charging or receiving of a fee by a registrant other than a hospital in addition to that provided by the authority from the Health Service Fund".

Amendment No. 78

On page 14, line 17, of said bill, strike out "7.1", and insert "110".

Amendment No. 79

On page 14, line 23, of said bill, strike out "7.15", and insert "111".

Amendment No. 80

On page 14, line 33, of said bill, strike out "7.2", and insert "112".

Amendment No. 81

On page 14, line 44, of said bill, strike out "7.25", and insert "113".

Amendment No. 82

On page 14 of said bill, strike out lines 49 to 52, inclusive.

Amendment No. 83

On page 15 of said bill, strike out lines 1 to 3, inclusive.

Amendment No. 84

On page 15, line 4, of said bill, strike out "7.35", and insert "114".

Amendment No. 85

On page 15 of said bill, strike out lines 7 to 11, inclusive.

Amendment No. 86

On page 15, line 12, of said bill, strike out "7.45", and insert "115".

Amendment No. 87

On page 15, line 16, of said bill, strike out "7.5", and insert "116".

Amendment No. 88

On page 15, line 19, of said bill, strike out "7.55", and insert "117".

Amendment No. 89

On page 15, line 21, of said bill, strike out "7.6", and insert "118".

Amendment No. 90

On page 15, line 26, of said bill, strike out "7.65", and insert "119".

Amendment No. 91

On page 15, line 28, of said bill, after "act.", insert "The assets of the fund shall be applicable to the payment of claims for authorized services performed in accordance with this act and the rules and regulations of the authority, to the payment of the salaries and other expenses necessarily incurred in the operation of the fund, and to the payment of refunds."

Amendment No. 92

On page 15, line 31, of said bill, strike out "7.7", and insert "120".

Amendment No. 93

On page 15, line 41, of said bill, strike out "7.75", and insert "121".

Amendment No. 94

On page 15, line 48, of said bill, strike out "7.8", and insert "122".

Amendment No. 95

On page 16, line 7, of said bill, strike out "7.85", and insert "123".

Amendment No. 96

On page 16, line 14, of said bill, strike out "7.9", and insert "124".

Amendment No. 97

On page 16, line 16, of said bill, strike out "_____", and insert "ten".

Amendment No. 98

On page 16, line 17, of said bill, strike out "the next preceding", and insert "such".

Amendment No. 99

On page 16 of said bill, strike out line 21, and insert

"SEC. 136. Every employer shall pay into the Health Service Fund taxes equal to the following amount: From July 1, 1946, to December 31, 1946, both dates inclusive, with respect to wages paid during that period and for each calendar year commencing after December 31, 1946, with respect to wages paid by him during such year, one and one-half per cent (1½%) of all wages paid by him for employment subject to this act.

SEC. 137. (a) Taxes shall accrue".

Amendment No. 100

On page 16, line 33, of said bill, strike out "by", and insert "to".

Amendment No. 101

On page 16, line 34, of said bill, strike out "employed".

Amendment No. 102

On page 16, line 35, of said bill, after "act", insert "; except that taxes shall be payable upon only the first two thousand dollars ($2,000) or less of wages paid to each employee during the period July 1, 1946 to December 31, 1946".

Amendment No. 103

On page 16 of said bill, strike out lines 42 to 52, inclusive; and on page 17, strike out lines 1 to 9, inclusive, and insert

"SEC. 138. The amount of tax payable by this State, any county, city and county, municipality, district, or other political subdivision thereof, under this act shall automatically increase all statutory debt and liability limits otherwise applicable to any such units by the amount so payable.

SEC. 139. The manner and method of reporting, and of remitting taxes pursuant to this act, by governmental employers may be prescribed by special rules and regulations of the commission.

SEC. 140. Nothing herein shall be".

Amendment No. 104

On page 17, line 17, of said bill, strike out "8.4", and insert "142".

Amendment No. 105

On page 17, line 21, of said bill, strike out the comma and strike out lines 22 to 25, inclusive, and insert "; provided that such taxes shall be payable upon the first two thousand dollars ($2,000) or less of the wages paid to an employee during the period July 1, 1946, to December 31, 1946."

Amendment No. 106

On page 17, line 26, of said bill, strike out "8.5", and insert "143".

Amendment No. 107

On page 17, line 36, of said bill, strike out "8.6", and insert "144".

Amendment No. 108

On page 17, line 43, of said bill, strike out "8.7", and insert "145".

Amendment No. 109

On page 17, line 49, of said bill, strike out "payable or paid, as the case may require," and insert "paid".

Amendment No. 110

On page 17, line 50, of said bill, strike out "became payable or", and insert "were"

Amendment No. 111

On page 18, line 6, of said bill, strike out "8.8", and insert "146".

Amendment No. 112

On page 18, line 11, of said bill, strike out "8.9", and insert "147".

Amendment No. 113

On page 18 of said bill, strike out lines 25 and 26, and insert
"Article 9. Exempt Employees and Employees, Self employed Persons, and Others".

Amendment No. 114

On page 18 of said bill, strike out lines 28 to 45, inclusive.

Amendment No. 115

On page 18, line 46, of said bill, strike out "9.1", and insert "160".

Amendment No. 116

On page 18 of said bill, after line 51, insert
"SEC. 161. The authority may furnish health services to unemployed persons, recipients of public assistance and the dependents of such individuals not otherwise eligible to such services, by contractual agreement with the Director of the Department of Social Welfare or with any county or city and county of this State."

Amendment No. 117

On page 19, line 1, of said bill, strike out "9.2", and insert "162".

Amendment No. 118

On page 19 of said bill, between lines 27 and 28, insert
"(c) Services not included within the term employment and performed entirely without this State, with respect to no part of which contributions are required and paid under an Unemployment Compensation Law of any other State or of the Federal Government, shall be deemed to be employment subject to this act if the individual performing such services is a resident of this State and the commission approves the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this act. Such election shall be for the period, made in the manner, and subject to termination as provided in this section for other elections of coverage."

Amendment No. 119

On page 19, line 28, of said bill, strike out "(c)", and insert "(d)".

Amendment No. 120

On page 19, line 39, of said bill, strike out "(d)", and insert "(e)".

Amendment No. 121

On page 19, line 47, of said bill, strike out "10", and insert "170".

Amendment No. 122

On page 20, line 2, of said bill, strike out "an affidavit", and insert "a statement".

Amendment No. 123

On page 20, line 4, of said bill, after "act", insert ", and his employer shall also be exempt from payment of taxes with respect to wages paid to that employee".

Amendment No. 124

On page 20, line 6, of said bill, after "force", insert a semicolon.

Amendment No. 125

On page 20, line 8, of said bill, after "him", insert "and his employer".

Amendment No. 126

On page 20, line 15, of said bill, strike out "11", and insert "190".

Amendment No. 127

On page 20 of said bill, strike out line 20, and insert "date specified in Sections 136 and 142, from and after".

Amendment No. 128

On page 20, line 22, of said bill, strike out "_____", and insert "70".

Amendment No. 129

On page 20, line 25, of said bill, strike out "_____", and insert "91".

Amendment No. 130

On page 20, line 27, strike out "11.1", and insert "191".

Amendment No. 131

On page 20, line 31, of said bill, strike out "_____ and _____", and insert "70, 136 and 142".

Amendment No. 132

On page 20, line 39, of said bill, strike out "11.2", and insert "192".

Amendment No. 133

On page 20, line 48, of said bill, strike out "11.3", and insert "193".

Amendment No. 134

On page 21, line 4, of said bill, after "a", insert "greater".

Amendment No. 135

On page 21 of said bill, after line 24, insert

"(g) On the part of any officer, employee, or any other individual to disclose or make public any information obtained in the course of administration of this act other than as required to properly discharge his duties or to fulfill the purposes expressed in this act."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Governmental Efficiency.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 217

Senator Hatfield moved that Senate Bill No. 217 be withdrawn from Committee on Local Government for purpose of amendment, and referred to Committee on Natural Resources.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 217

Senate Bill No. 217—An act to amend Section 4041.6 of the Political Code, relating to the powers of boards of supervisors.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 4041.6 of the Political", and insert "add Section 4050 to the Public Resources".

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 4050 is added to the Public Resources Code to read:

4050. (a) The board of supervisors of any county shall have power to provide by ordinance that such county elects to assume that responsibility for the prevention and suppression of fire on all land in said county covered by timber, brush, grass, grain or other inflammable vegetation, exclusive of areas owned or controlled by the

United States of America and exclusive of areas contained within the limits of incorporated cities, which is vested in the Division of Forestry of the Department of Natural Resources of the State of California. After the effective date of the contract hereinafter referred to, said county shall have and exercise all the duty, power, authority and responsibility for the protection from and suppression of fire on said land which is vested in the said Division of Forestry of the Department of Natural Resources, or in the Board of Forestry of the State of California, by Articles 1, 2, 3 and 4 of Chapter 1 of Division 4 of the Public Resources Code, and the said power, duty, authority and responsibility vested in said Division of Forestry and Board of Forestry for the prevention and suppression of fire on said land, shall be assumed by the county for the duration of the contract.

(b) The Department of Natural Resources, shall within a reasonable time after the passage of this section, make a survey of the acreage cover valuation and watershed value of all the said land in this State described in subdivision (a) hereof.

(c) The Department of Natural Resources shall contract with any county passing the ordinance mentioned in subdivision (a) of this section, and in said contract shall agree to pay, and shall pay, said county as compensation per acre for the assumption of said responsibility mentioned in subdivision (a) of this section, whatever is expended on the average per acre by the said Department of Natural Resources, in fire prevention and suppression under the authority of Articles 1, 2, 3 and 4 of Chapter 1 of Division 4 of the Public Resources Code, on land of similar cover and watershed value, in all counties of the State in which the said Department of Natural Resources actually performs and exercises the responsibility of fire protection and suppression.

Nothing herein contained shall be construed to deprive the Department of Natural Resources of the power and duty to require that the money paid by said department under said contract to such county shall be expended by said county for fire prevention and suppression in that area the protection of which is assumed by said county under subdivision (a) hereof.

(d) Said county shall also be entitled to any allocation of moneys received by the State of California under the provisions of the Clarke-McNary Act, being a Public Law of the United States of America passed June 7, 1924 (Ch. 348, 43 Stat. 653), which reimbursement may be provided for by any statute of this State."

Amendment No. 3

On page 1 of said bill, strike out lines 2 to 25, inclusive; and strike out all of pages 2 and 3.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

Secretary J. A. Beek at the Desk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 499
Senate Bill No. 1134

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1143
Senate Bill No. 1150

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Elections

SENATE CHAMBER, SACRAMENTO, March 23, 1945

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 140

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

BIGGAR, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 23, 1945

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 455

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

BIGGAR, Chairman

Above reported bill ordered to second reading.

Committee on Labor

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Senate Bill No. 136
Senate Bill No. 900
Assembly Bill No. 920

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 6; absent 1.

SHELLEY, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Senate Bill No. 1253

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 7; committee vote: Ayes 6; absent 1.

SHELLEY, Chairman

Above reported bill ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 320

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 295

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 434

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; noes 1; absent 1.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 20

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 899

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; noes 3; absent 1.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 703

Senate Bill No. 39

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 1.05 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Monday, March 26, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

THIRTY-SECOND LEGISLATIVE DAY
SEVENTY-EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Monday, March 26, 1945

The Senate met at 2 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Desmond, on motion of Senator Seawell, account of illness.

Senator Carter, on motion of Senator Seawell, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. James W. Sutton, President, Vista Irrigation District, and Mr. Edward S. Schank, Director, both of Vista, California.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Harold B. Starkey, San Diego, California.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Ralph W. Bull of Eureka, and Mr. John St. Clair of San Francisco.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lt. Col. N. W. Armstrong of Alameda County.

On request of Senators Donnelly and Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. W. Coburn Cook, City Attorney of Turlock, California.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. H. P. Sargent, Secretary, Merced Water District, and Mr. Hugh H. Griswold, City Attorney of El Nido, California.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Rachel Wasem of Bakersfield, State Director for California of United Daughters of the Confederacy, niece of Hon. George W. Wear, who served in the Legislature of this State in 1889, now 93 years of age and residing at Oildale, Kern County..

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Pfc. Kenneth Bonham and Mrs. Bonham of Folsom, and Ph/3 Henry C. Johns of Sacramento.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE, SACRAMENTO 14, March 19, 1945

To the Honorable Members of the Senate
Sacramento, California

GENTLEMEN: In accordance with Section 688 of the Political Code, I report the following judgments based on claims other than claims arising out of the provisions of Section 400 of the Vehicle Code, rendered against the State:

1. *Herbert E. Randlett* vs. *The State of California*, in the sum of $4,341.46, Judgment entered April 11, 1944, at page 300, Book 601 of Judgments of the Superior Court of the State of California, in and for the City and County of San Francisco.

2. *Harry S. Muehlman* vs. *The State of California*, in the sum of $13,000, Judgment entered February 9, 1944, at page 300, Book 595 of Judgments of the Superior Court of the State of California, in and for the City and County of San Francisco.

I am advised by the office of the Attorney General that these are the only judgments to be reported to the Legislature.

Bills have been introduced to appropriate funds for the payment of both of these judgments. Assembly Bill No. 1475 makes an appropriation for the payment of the *Randlett* judgment, and Assembly Bill No. 1476 for the payment of the *Muehlman* judgment.

Respectfully submitted,

EARL WARREN, Governor

Communication read, and referred to Committee on Finance.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly in accordance with your letter of this date requesting return of Senate Bill No. 340, returns the same herewith.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 72
Assembly Bill No. 374
Assembly Bill No. 906
Assembly Bill No. 907
Assembly Bill No. 1070
Assembly Bill No. 1085
Assembly Bill No. 1198
Assembly Bill No. 1288
Assembly Bill No. 1368
Assembly Bill No. 1712
Assembly Bill No. 1752
Assembly Bill No. 1762
Assembly Bill No. 1986
Assembly Bill No. 1987

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 72—An act to amend Sections 71 and 72 of the Labor Code and to add Section 72.1 to said code, relating to the Industrial Welfare Commission and its members.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 374—An act to amend Section 172 of the State Civil Service Act, and to add Section 19536.5 to the Government Code, relating to layoffs.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 906—An act to amend Section 151 of the State Civil Service Act, and Section 18100 of the Government Code, relating to the granting and computation of sick leave.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 907—An act to amend Section 150 of the State Civil Service Act, and Section 18050 of the Government Code, relating to the granting and computation of vacation time.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1070—An act to amend and renumber Section 152.6 as added by Chapter 736 of the Statutes of 1943, of the State Civil Service Act, and to amend Section 19200 of the Government Code, relating to the termination of duration appointments.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1085—An act to amend Section 10 of the Annexation of Uninhabited Territory Act of 1939, relating to the liability of annexed territory for indebtedness and contracts.

Referred to Committee on Local Government.

Assembly Bill No. 1198—An act to amend Sections 7058, 7066 and 7067 of the Welfare and Institutions Code, relating to defective and psychopathic delinquents and providing for their commitment and parole or discharge.

Referred to Committee on Social Welfare.

Assembly Bill No. 1288—An act to amend Section 86.1 of the State Civil Service Act, and Sections 18932 and 19700 of the Government Code, relating to minimum or maximum age limit for civil service examination.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1368—An act to amend Sections 3355, 3476, 3691 and 3693 of, and to add Chapter 2.2 comprising Sections 3450 to 3457 inclusive to Part 6, Division 1 of, the Revenue and Taxation Code, relating to property taxation, including tax sales, notice of sale of tax-sold property, sale of tax-sold and tax-deeded property at public auction, and medium of payment for tax-sold and tax-deeded property.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1712—An act to amend Section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain.

Referred to Committee on Judiciary.

Assembly Bill No. 1752—An act to amend Section 96.7 of the State Civil Service Act, and Section 19394 of the Government Code, relating to employment lists.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1762—An act to add Section 152.8 to the State Civil Service Act, and Section 19398 to the Government Code, relating to promotional examinations for persons in military service.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1986—An act to amend Section 152.5 of the State Civil Service Act, and to amend Section 19390 of, to repeal Section 19391 of, and to add a new Section 19391 to, the Government Code, relating to the reinstatement of employees returning from military leave.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1987—An act to amend Section 152.5 of the State Civil Service Act, and to add Section 19391.5 to the Government Code, relating to the State civil service.

Referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 22, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 132
Senate Bill No. 190
Senate Bill No. 221
Senate Bill No. 311
Senate Bill No. 396
Senate Bill No. 452
Senate Bill No. 557
Senate Bill No. 638
Senate Bill No. 639
Senate Bill No. 640
Senate Bill No. 641
Senate Bill No. 672
Senate Bill No. 695
Senate Bill No. 906
Senate Bill No. 908
Senate Bill No. 915
Senate Bill No. 916
Senate Bill No. 917
Senate Bill No. 919

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 23, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 378
Senate Bill No. 407

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 23, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 62
Senate Bill No. 72
Senate Bill No. 120
Senate Bill No. 121
Senate Bill No. 122
Senate Bill No. 123
Senate Bill No. 126
Senate Bill No. 127
Senate Bill No. 409
Senate Bill No. 461
Senate Bill No. 547
Senate Bill No. 696
Senate Bill No. 1080

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 23, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 84
Senate Bill No. 636
Senate Bill No. 694
Senate Bill No. 88

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 26, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 139
Senate Bill No. 237
Senate Bill No. 621
Senate Bill No. 760
Senate Bill No. 989

And reports the same correctly engrossed.

SEAWELL, Chairman

MOTION TO APPROVE SENATE JOURNALS

Senator Seawell moved that the Senate Journals of Monday, March 19, 1945; Tuesday, March 20, 1945; Wednesday, March 21, 1945; Thursday, March 22, 1945; Friday, March 23, 1945; be approved as corrected by the Journal Clerk and Minute Clerk.

Motion carried.

PRINTING REPORT IN JOURNAL

Pursuant to the motion by Senator Rich, made on March 22, 1945, the following report of the Legislative Auditor to the Legislative Budget Committee, was ordered printed in the Journal of this date:

REPORT TO THE LEGISLATIVE BUDGET COMMITTEE ON THE 1945-47 BUDGET AND THE BUDGET BILL

By ROLLAND A VANDEGRIFT, Legislative Auditor

Introduction

In order to understand the Budget and the Budget Bill as introduced by the Governor, it is necessary to have a full understanding of the following:

(a) The Constitutional requirements providing for the Executive Budget and the Budget Bill;

(b) The exact basis upon which the Budget was produced; that is, the policies and instructions followed by the Director of Finance in preparing the Budget;

(c) What is the Budget Bill, why does it appear in the particular form in which it was introduced, and why is the total amount therein less than one-third of the aggregate amount of the Budget Document?

Of the above three matters, the third is probably the most important. We will discuss these matters serially in this introduction.

Constitutional Provision for Executive Budget

Although the constitutional section requiring the Executive Budget has previously been quoted in this report, we will again present it here in its entirety so that the Legislature may interpret the Budget in the light of this constitutional requirement. Article IV, Section 34, provides:

> "The Governor shall, within the first 30 days of each regular session of the Legislature and prior to its recess, submit to the Legislature, with an explanatory message, *a budget containing a complete plan and itemized statement of all proposed expenditures of the State provided by existing law or recommended by him,* and of all its institutions, departments, boards, bureaus, commissions, officers, employees, and other agencies, and of all estimated revenues, for each fiscal year of the ensuing biennial period; together with a comparison, as to each item of revenues and expenditures, with the actual revenues and expenditures for the first fiscal year of the existing biennial period, and the actual and estimated revenues and expenditures for the second fiscal year thereof. If the proposed expenditures for the ensuing biennial period shall exceed the estimated revenues therefor, the Governor shall recommend the sources from which the additional revenue shall be provided."

Budget Does Not Contain All Recommended Expenditures

In the above quotation we have underlined the provision which requires a complete Budget of all proposed expenditures by the State where provided by existing law or recommended by the Governor. Since the first Executive Budget for the Biennium 1923-25 of the late Governor Friend Richardson down to the Budget under consideration for 1945-47, only two Budgets have conformed to this

requirement. The 1945-47 Budget, and the appropriation bill accompanying it, do not include all of the proposed expenditures recommended by the Governor at the time the Budget was presented.

The Governor's message to the 1945 Legislature, found in the Journal of January 8, 1945, gives a number of recommendations which would require additional appropriations but which are not included in the Budget Document or in the Budget Bill. Some of these items are in the Budget Document but not in the Budget Bill. For example, the item on pensions in the Budget Message recommends that the increase from $40 to $50 be continued during the next biennium but this is not in the Budget Bill. Also, while there is an increase in the Budget to meet at least a part of the recommendation for the promotion of safety of industrial workers and to speed up compensation claims, there is nothing in the Budget or the Budget Bill to meet the recommendation that there be established in the University of California, with an adequate appropriation therefor, a School of Industrial Relations.

Health Service

There is nothing in the Budget either to pay for the costs of administration or to pay for the benefits of the recommended health service. Neither is there any item in the Budget to pay for the cost of inspecting and licensing hospitals.

This omission from the Budget of the health service is particularly significant for the bill which the Governor has had introduced into the Legislature providing for it also recommends the levy of a new tax for its support. The matter of recommending new taxes or sources of revenue where present tax levies are insufficient is required in the last sentence of Section 34 of Article IV of the Constitution above presented. A rough estimate of the annual cost of the health plan as found in the Governor's bill shows that it will be from $240,000,000 to $300,000,000 a year depending on the scale of benefits allowed. From the pay roll tax proposed, an estimate of the revenue which would be produced would range from $125,000,000 to $150,000,000 per year, leaving a deficit from this source of from $115,000,000 to $150,000,000 per year. If this is to be met from the General Fund, then the Budget figures, particularly the estimated surplus, found in the Governor's Budget must be adjusted accordingly.

Likewise, the tax reduction recommended on the one hand should be considered with the tax increase required for the new expenditure recommended. Full weight, of course, should be given to the fact that one-half of the tax recommended is to be levied upon those who will currently and ultimately become beneficiaries of the prepaid medical service plan.

There is an additional sum, page 417 of the Budget, to carry on a limited clinical service for mental health, but not enough to meet the recommendation "that we should have clinics throughout the State where people undergoing mental strain can be treated and prevented, whenever possible, from mental crack-ups that will add to our hospital responsibility. We can not, of course, establish centers of this kind in every community in the State. It is my belief, however, that five properly located centers containing mobile

units for use in surrounding communities would enable the State to make tremendous progress in the advancement of mental hygiene." The Budget proposal for $30,000 the first year and $179,000 the second only opens the door to a vast continuing expenditure for all time to come.

There are some additional moneys allowed in the Budget and the Budget Bill, Item 231 for $200,000, for an expanded program for crippled children.

There is no provision in the Budget or Budget Bill to take care of the Commission on Political and Economic Equality.

There is no recommendation in the Budget to finance the administration of unemployment relief although it was recommended that such an organization be set up. Moreover, there is no provision in the Budget or the Budget Bill for establishing of a reserve of $50,000,000 for unemployment relief, although the Budget Message presents a request for the creation of such a reserve or more, from which specific appropriations may later be made.

There does not appear in the Budget a recommended appropriation to establish in the Department of Military and Veterans' Affairs an organization for centralizing the administration of all services designed to assist returning veterans, as is recommended in the Governor's Message to the Legislature on Page 16, the fourth paragraph, in the following words: "But we must also recognize that it is in our State and communities that veterans will be seeking to make their adjustment. There is need for organized effort in every community and for centralizing the administration of all services designed to assist veterans in their return to civilian life. In order to better accomplish this result, I recommend that the Legislature establish in the Department of Military Affairs a service of that character. By close working arrangements with other State departments, Federal agencies, the armed forces, local government, veterans and other organizations, much can be done under State leadership."

This item does not appear in the Budget or in the Budget Bill despite the fact that this service in a limited way is already set up in the Department of Military and Veterans' Affairs under the director. Funds were provided from the State Emergency Fund by executive order E-1289, dated December 1, 1944, in the sum of $6,717, and a committee has been appointed by the Governor for the purpose of coordinating this activity. An assistant to the Director of Military and Veterans' has been employed at a salary of $350 per month, with clerical assistance to carry on this work.

Also Assembly Bill No. 1049 was introduced in the Legislature on January 25, 1945, prior to the submission of the Governor's Budget, amending Section 53 of the Military and Veterans' Code, creating thereby "The California Veterans Commission" as a division of the Department of Military and Veterans' Affairs, and also adding Article 5 to this section creating a California Veterans Commission of 15 members to serve at the pleasure of the Governor, and providing for an executive secretary and other necessary employees and appropriating $60,000 to support the commission during the Ninety-seventh and Ninety-eighth Fiscal Years.

Clearly this is a recommendation of the Governor and money is being expended during the current biennium for this purpose under

the executive order above cited, and yet this item does not show in the Budget either as an expenditure now or proposed for the future. In fact, the Budget does not show any item of expenditure for the current biennium or recommended appropriation for administration of the Department of Military and Veterans' Affairs other than that for the Veterans' Welfare Board, a Division of the Department, page 548 of the Budget, and the administration of the Veterans' Farm and Home Purchase Acts in the appendix beginning on page 804.

In connection with this same Department of Military and Veterans' Affairs, the Veterans' Welfare Board shows for the Veterans' Educational Institute an expenditure for 1943-45, on page 548 of the Budget, in the sum of $158,794.30. However, the Governor does not recommend any proposed expenditure for the 1945-47 Biennium for there is nothing entered for this item for the 1945-47 Biennium, and the column showing increase and decrease carries the entire amount expended for 1943-45 as a decrease. We must presume therefore that the Governor intends to revert the balance of the appropriation made by Chapter 627, Statutes of 1943, which enacted Senate Bill No. 560, appropriating $500,000 for this purpose but which was cut by the Governor under his constitutional power to $300,000.

Although Item 193 of the Budget Bill appropriates $104,445 from the State Park Fund for acquisition of additional Redwood Park areas, in no place in the Budget or in the Appropriation Bill is there provision to meet the recommendation in the Governor's Message for the immediate earmarking of sufficient funds from the existing State surplus to insure the eventual purchases of additional park and beach lands. Although this was not placed in the Budget, a bill appropriating $15,000,000 from the General Fund has been introduced following this recommendation. Clearly this is in effect an addition to the Budget and should be a Budget amendment, particularly since it is an appropriation from the General Fund.

There is no item in the Budget or in the Appropriation Bill to meet another expenditure found in the same message in the following terms: "I recommend to you the creation of a division in State Government to be charged with the responsibility of fostering and encouraging the expansion of recreational programs." Certainly the creation of a division of this sort in as broad terms as presented by the Governor, not only will require an appropriation but must provide proper officers and employees, office space, transportation, and other necessary items. Moreover, it should be coordinated into the existing framework of State Government and the cost thereof should be charged to that particular department and should show as a proposed increased expenditure.

Budget for All Proposed Expenditures Essential

In our opinion all of these proposals which require increased expenditures for the coming biennium should have been definitely calculated by the financial officers of the State as part of their definite responsibility and they should be a part of the entire financial program of the State for the next biennium which the Governor recommends to the Legislature. We are unable to estimate the cost of all of them in their entirety with the information in hand. We

have written a letter to the Director of Finance asking for that information. We believe that the sum total should be added to the Budget as presented and included in the Appropriation Bill so that the Legislature may have before it to consider at one time the total of the expenditure program of the State as provided by existing law or recommended by the Governor. This is necessary if the Legislature is to be able to see the whole financial requirements of the State and to review the requested appropriations as a whole and see what effect they have upon the financial structure of the State and the resultant tax requirements and the estimated surplus at the close of the biennium.

It is the opinion of the Legislative Auditor that if the Budget as presented by the Governor, calling for an expenditure of $683,710,643, is approved and all appropriations therefor made by the Legislature, that the three following results will occur:

1. The actual expenditure program as presented in the Budget will be discovered to be considerably in excess of $683,710,643. This excess will bring the expenditure program, within the limits of the Budget itself, to nearly $700,000,000. It can be less than this either by reductions made by the Legislature or by the withholding of expenditures, by delaying some, and by abandoning others by the administration.

2. The actual expenditures for the Biennium 1945-47, if the Governor's Budget is approved in the amount recommended, will of course be exceeded by the amount of the appropriations approved by the Legislature which are in addition to the Budget. Under normal conditions these would run to approximately $20,000,000.

Under the administration of Governor Warren we find that the total of his first Budget as found in the Budget document for 1943-45, page xiii, and on page A-3, Schedule I, is stated at $463,947,005. The actual and estimated expenditures for this Biennium 1943-45 found on page A-3, Schedule I of the 1945-47 Budget, is stated at $587,347,003.04. This is an increase in round numbers of $123,000,000. We wish to point out that this increase contains some abnormal expenditures due to war conditions. The decreases contemplated, however, resulting from the discontinuance of these wartime activities, have already been taken into account in the Governor's Budget for 1945-47.

Only considering normal legislative bills added to the Budget the expenditure program will probably exceed $720,000,000 for 1945-47.

3. If the program of the expenditures as recommended by the Governor in the Budget and the Budget Bill for 1945-47, in his Budget Message, and in his Biennial Message of January 8, 1945, to the Legislature, are all approved, the actual Budget expenditures should turn out to be between $150,000,000 and $185,000,000 more than the Budget total or from $834,000,000 to $884,000,000. This would be in addition to the approximately $150,000,000 per year that might be collected by the recommended pay roll tax to support the health plan program. This expenditure of between $834,000,000 and $884,000,000 for the biennium would include making up the deficit between this pay roll tax collection and the cost of the health program. The actual realization of the deficit may be delayed by not putting the health plan into operation during the biennium and merely creating a reserve to meet its future costs. This would merely be delaying the time when such a deficit must be met unless

heavier taxes are proposed than the 3 per cent pay roll tax. Unless this plan is put on the pay-as-you-go basis, it will cut into any established reserves which will not be replaced and eventually the plan will be bankrupt.

This was the experience of other similar health plans when they were first introduced and when premiums collected were not sufficient to pay the cost. It is now the experience of the health plan in Rhode Island provided by the State in 1942 where in this small State they are paying out approximately $400,000 a month and are collecting $300,000. The cost of the benefits and the taxes collected must be synchronized unless the State expects to make up the deficit from other tax sources.

The cost of the numerous other matters recommended by the Governor will make up the additional amounts estimated and this total soon will not only use up the estimated surplus as presented in the Governor's Budget for 1945-47 but will require additional taxes to meet the program.

If in addition to the above, any considerable amount of the large special appropriation items for the assisting of cities and counties, the building of local highways, and providing for a comprehensive state-wide plan for flood control, is made available, then it is certain that these must either be substituted for proposals made by the Governor or that taxes must be materially increased unless a very large deficit is incurred.

The grand total of the expenditures for the 1945-47 biennium under such conditions as above presented combining probable expenditures under one, two, and three could exceed a billion dollars.

Legislature Not Responsible for All Additional Appropriations

In regard to this omission of setting up money in the Budget for matters presented by the Governor in his message, it must be remembered that some proposals are still in a formative stage and the cost thereof could not have been accurately predicted at the time the Budget was presented. However, this is not true of all of them for some can be calculated as close as many items that are in the Budget. All of these recommended items that are approved by the Legislature and made effective will add to the total of the appropriations for the biennium, and as they are the recommendations of the Governor, then they should be a part of the expenditure program of the Administration and a part of the Executive Budget. They should not go into the category of expenditures which too often in the past have been labeled as being added to the Governor's Budget by the Legislature and the responsibility for the increase placed on the Legislature.

Budget Bill Can Be Amended

It may be that the Governor intends to have his Budget Bill amended to include the additional appropriations which he has recommended, for under the Constitution this power is given to the Governor in Article IV, Section 34, in the following words: "The Governor may at any time amend or supplement the Budget and propose amendments to the Budget Bill before or after its enactment, and each such amendment shall be referred in each House to the committee to which the Budget Bill was originally referred."

It might be said that these recommendations for expenditures which the Governor has proposed, and which do not appear in the Budget or

in the Budget Bill, were omitted for the reason that they require legislation and the Chief Executive does not wish to be in the position of presenting in his Budget items which anticipate legislation. However, this does not entirely cover the situation for some of the matters do not require legislation but merely additional funds in the several appropriations. Moreover, the Governor has included in his Budget the amount of money necessary to carry the aid to the needy aged for the coming biennium at $50 per month per recipient although this required the enactment of a statute continuing it beyond June 30, 1945. This has already been passed by the Legislature and approved by the Governor but it was not existing law at the time the Budget was presented.

Budget Document Good

In general we must compliment the Governor on the Budget Document. Statistically it is quite complete. Moreover, it contains some essential information conforming to the Part of the constitutional requirement above underlined, and which has not appeared in many prior Budgets. We refer specifically to the section on highways beginning on page 704 and extending to 713 inclusive. We call particular attention to page 713 which sets up a statement of unbudgeted surplus and reserves for postwar highway construction.* This particular tabulation will do more to clarify the financial position of the Division of Highways than any information which has been made available to the Legislature for many sessions.

Explanations Lacking

There is one weakness in the Budget document that will at times become apparent. This is the lack of explanatory material particularly where items are unusual, out of line, new or where changes have been made in organization, terminology or otherwise, from what has appeared in the budget immediately preceding. Such explanations are necessary for the information of the Legislature for the reason that the Budget for the coming biennium is compared with the actual expenditures for the first year of the current biennium and estimated expenditures for the second year of the current biennium. The budgets of many other States contain such explanations and they are considered of great value to the Legislature.

Herewith are listed just a few of such items that very well might have been presented with brief explanations in this Budget with profit to all:

(1) How and why was the Department of Corrections established, the Department of Justice, and what was set up for the previous biennium for comparison?

(2) How did the State get a Department of Public Utilities found in the Governor's Budget on page 684 and extending to page 693?

(3) Who expanded the work of the Department of Institutions to include the out-patient hygiene clinics found on page 417 of the Budget and what will this mean in subsequent Budgets?

(4) How did the legislative county offices for Los Angeles, San Francisco and Alameda, as shown on pages 2 and 3 of the Budget, come into being?

(5) By what means was there established in the Department of

* A bill has been introduced in the Senate to set up the $40,000,000 reserve recommended.

Finance an organization to administer aid to local government found on page 351 of the Budget and what is the Bureau of Liquidation of the Department of Finance set up on page 341?

(6) How did the Board of Control get transferred out of the Department of Finance and get set up for an independent appropriation?

(7) What are the two special survey items for mineral and education found on page 36 of the Budget?

(8) Although there is a brief explanation concerning the establishment of new facilities under the Youth Authority, i.e., Fricot Ranch School, page 148 of the Budget, these are hardly extensive enough to explain how they came into being.

The Budget Document would be much more useful and probably used more if the explanations suggested above, and others covering all changes in the Budget differing from 1943-45, new additions and out-of-line items, were included.

Basis of the Budget, Policies and Instructions of the Governor

To fully understand the Executive Budget for any particular biennium, it is essential to know just what policies and instructions were followed in preparing the Budget. Some definite basis must be established if a satisfactory Budget is to be presented. A review, therefore, of any Budget must be made with full consideration of the policies contained therein and the instructions followed in making it. These are presented briefly in the letter of transmittal from the Director of Finance to His Excellency, Governor Earl Warren, found on page IX of the Budget Document.

It is particularly necessary to have a full understanding at this time for the State is still operating under wartime conditions. Revenue flows into the treasury on the basis of wartime income and spending of the people. On the other hand, certain costs of government are based upon meeting wartime emergencies and certain economies are forced because of the inability to secure personnel, equipment, and supplies. This condition, however, may change quickly and the State may be forced to go from a wartime condition through a transition period to peacetime conditions. Let us see briefly how the budget was made to cover such conditions.

Policies and Instructions Followed

The Director of Finance says in his letter of transmittal to the Governor, "The State Budget for the biennium beginning July 1, 1945 and ending June 30, 1947, was prepared in accordance with your policies and instructions". He also further outlines these policies and instructions as follows:

(a) This finance program is based upon the broad assumption that 1945-47 will be a period of transition from war to peace.

(b) Both revenue and expenditure estimates allow for a gradual return to peacetime economy, allowing, however, for the State's increased population.

(c) War activities of all agencies are set forth separately and distinguished from regular agencies.

(d) Provision is made for the return of regular employees now in the armed forces to positions authorized but vacant. (Note that this does not state that employees in the armed services will take their previous positions although they may have to replace temporary employees.)

(e) Salaries of State employees are continued at existing schedules approved by the Personnel Board, including the emergency adjustments of $20 and $25 per month.

(f) Provision has been made for a uniform number of holidays for all State employees following the legislative resolution to this effect.

(g) Amounts have been budgeted for the purchase of commodities on the basis of existing prices. (We should note in this instance that the possibility of reduced prices with the return of peace has not been considered. The assumption has been made that the price of food and clothing will remain stable during the biennium.)

(h) Amounts have been budgeted for normal building maintenance and minor construction for each State agency.

(i) Urgently needed construction projects have been recommended from the Postwar Emergency Building Fund. These have been coordinated with the plans drawn for postwar building.

(j) It is contended that expenditures recommended have been determined to be essential needs of the State.

(k) Budget requests of operating agencies have been reduced more than $20,700,000 by the elimination of less necessary items.

Policies May Not Have Been Followed Completely

These policies and instructions should be reviewed carefully and coordinated with the Budget Document and Appropriation Bill. If it is found that they have not been followed constantly, then changes should be made and amendments be made to the Budget Bill to bring forth into harmony with these policies and instructions.

Legislature May Approve Different Policies

Should the Legislature set up any different policies, then both the Budget Document and the Appropriation Bill should be changed accordingly. For example, the Legislature may decide that no matter how urgently needed, none of the construction projects shall be undertaken until the close of the war and the cost of building has assumed a more normal condition. If it should do this, the capital outlay items should all be taken from the Budget. Or, it may decide that the Postwar Unemployment Reserve Fund shall be preserved and any building shall come from the surplus. Then the Budget Bill should be changed accordingly.

The Legislature also may determine that positions that are now vacant shall not merely be filled by allowing this to occur automatically when employees now in the armed forces return, but that each position shall be justified in itself. The Legislature may decide that prices of commodities may decline and therefore may wish to set up a special reserve to be kept intact if this does occur.

War May Not End by July 1, 1946

The assumption made that the war will end during the first year of the biennium and that the second year of the biennium will see the return to peacetime conditions, may prove to be an erroneous assumption. The war may not end in its entirety during this first year of the biennium or again it may end before the close of the current biennium. It is necessary, however, to use some assumption if a Budget is to be made and it will be necessary for the Legislature to make some such assumption if it

is to pass appropriation measures to provide for the needs of the State. The condition which obtains with the actual ending of hostilities in Europe may be so different than has been assumed, that the only solution will be found in calling the Legislature into special session. This can be done readily and might be more effective than building a budget on the broad assumptions of the Administration as above outlined. For example, the revenue estimates may be found to be far too optimistic and the yield not nearly so large as estimated. If this should occur, the Legislature should be called into session to provide proper remedy.

Legislature May Require Stricter Economy

The Legislative Auditor has called the attention of the Legislature to the fact that with the return to peacetime economy, even as favorable as was enjoyed in 1940-41, the present tax levies of the State will not produce enough revenue to meet State expenditures on the present basis. He has also pointed out that for the period extending from 1929 to 1941, the State did not collect in any one year enough revenue to meet State expenditures. In the last year of Governor Young's administration, the State spent approximately $4,000,000 more than it collected and cut into the then surplus by this sum. By 1933 the State had used its surplus of approximately $30,000,000 and had a deficit of approximately $11,000,000. It is true that this surplus was used largely for capital outlay. From this date until 1941 the State had a deficit which finally reached almost $100,000,000. This deficit arose in spite of the fact that during this period, 1929-1941, the State enacted many new taxes and increased the rates on other established taxes.

The new taxes were:

(1) The sales tax.
(2) The use tax.
(3) The gift tax.
(4) The personal income tax.
(5) The two liquor excise taxes.
(6) The liquor license fees.
(7) The automobile in lieu tax.
(8) The motor vehicle transportation license tax.
(9) The use fuel tax.
(10) The corporate income tax.
(11) The race track tax.
(12) The private car tax.

There also was imposed a pay roll tax, now 2.7 per cent on the employer and one per cent on the employee, for the special purpose of establishing an Unemployment Insurance Fund.

The taxes that were increased were:

(1) The corporation franchise tax.
(2) The inheritance tax.
(3) The bank tax.

The only tax levied in 1933 not levied today by the State is the utility property tax which was returned to the local property tax rolls.

A schedule of the taxes levied and the taxes collected from the several sources from 1901 to 1944 is shown in the table on the following page.

California State Tax Collections 1901-1944

(Source: The Tax Digest, February 1945)

Year ending June 30	Ad valorem tax		Poll tax	Inheritance tax	Insurance premium tax	Motor vehicle licenses	Corporation tax	Utility gross receipts tax	Bank tax	Corporation franchise tax
	Railroads	Common property								
1901	$239,053	$5,824,157	$428,907	$243,586	$16,664	----------	----------	----------	----------	----------
1902	266,543	5,686,435	430,186	287,052	51,000	----------	----------	----------	----------	----------
1903	251,118	1,697,860	447,252	285,867	65,101	----------	----------	----------	----------	----------
1904	471,301	8,217,110	481,418	286,561	71,261	----------	----------	----------	----------	----------
1905	372,732	7,879,340	528,914	532,712	165,243	$7,857	----------	----------	----------	----------
1906	342,119	7,596,388	604,678	292,705	264,594	11,240	$138,915	----------	----------	----------
1907	385,612	7,13[illegible]023	502,694	740,941	278,184	15,830	208,910	----------	----------	----------
1908	409,380	7,761,822	607,974	608,943	284,496	16,970	663,150	----------	----------	----------
1909	469,044	7,530,156	670,696	967,073	619,267	19,048	664,060	----------	----------	----------
1910	437,744	8,436,048	687,953	883,640	435,365	30,496	745,605	----------	----------	----------
1911	487,920	7,891,194	739,324	1,506,993	111,947	11,135	872,130	----------	----------	----------
1912	705,583	1,346,860	$43,604	1,988,244	521,349	62,866	802,013	$6,617,383	$1,628,787	$1,619,589
1913	64,843	1,297,054	856,876	1,586,875	602,904	84,736	798,886	6,988,014	1,686,283	1,603,517
1914	63,168	1,264,362	845,485	1,796,479	760,300	1,20[illegible]72	741,083	8,856,824	1,766,371	1,557,483
1915	63,345	1,212,380	553,552	2,783,030	813,494	2,004,195	9,461	9,111,992	1,826,059	1,708,071
1916	-------	55,528	-------	3,145,244	1,019,643	2,126,657	558,307	9,865,268	2,222,677	1,862,074
1917	-------	57,892	-------	3,830,952	1,050,577	2,721,061	776,666	10,412,164	2,229,971	1,928,854
1918	-------	17,821	-------	2,725,407	1,178,391	3,191,807	758,188	10,921,774	2,184,217	2,104,653
1919		[illegible]7,570		3,109,911	[illegible]20	4,050,781	757,039	12,107,027	2,238,124	1,930,278
1920	-------	11,369	-------	2,678,159	1,645,958	5,166,902	816,007	13,555,271	2,335,815	1,994,217
1921	-------	8,137	-------	6,801,732	1,990,652	6,117,601	936,733	15,549,133	2,606,890	2,244,796
1922	-------	4,254	-------	6,344,644	3,205,180	7,687,731	990,731	21,248,120	3,630,882	3,020,745
1923	-------	3,140	-------	4,777,950	3,392,654	9,820,725	1,118,084	22,144,812	3,740,288	3,088,282
1924	-------	9,883	-------	6,468,326	3,587,757	6,497,692	1,263,087	22,774,502	3,809,672	3,359,498
1925	-------	4,588	-------	6,423,141	1,519,593	7,612,319	1,315,581	27,777,791	4,166,727	3,856,446
1926	-------	3,194	-------	7,420,167	4,485,505	8,184,108	1,357,319	28,501,331	4,287,439	3,874,390
1927	-------	1,671	-------	8,460,254	5,042,583	8,554,[illegible]00	1,375,345	29,713,490	4,319,416	3,887,694
1928	-------	3,740	-------	10,967,705	5,586,705	8,823,902	----------	30,893,794	4,360,572	4,646,180
1929	-------	8,631	-------	13,180,226	6,354,702	10,020,502	----------	32,369,113	4,758,204	4,574,558
1930	-------	4,685	-------	11,647,044	6,706,811	9,825,447	----------	33,396,031	----------	----------
1931	-------	3,273	-------	13,735,791	7,186,560	9,[illegible]78	----------	33,304,744	----------	----------
1932	-------	2,804	-------	10,093,790	7,137,787	9,289,018	----------	32,396,315	----------	----------
1933	-------	1,137	-------	5,778,786	6,725,024	8,870,457	----------	29,4[illegible]84	----------	----------
1934	-------	509	-------	4,135,772	5,734,451	8,[illegible]62	----------	29,035,857	----------	----------
1935	-------	479	-------	4,945,034	5,434,215	9,[illegible]02	----------	27,915,372	----------	----------
1936	-------	1,150	-------	6,561,327	6,464,254	10,[illegible]70	----------	----------	----------	----------
1937	-------	2,642	-------	5,743,981	6,[illegible]820	11,849,510	----------	----------	----------	----------
1938	-------	1,631	-------	10,479,324	6,749,349	11,786,283	----------	----------	----------	----------
1939	-------	1,168	-------	8,371,589	7,031,077	11,[illegible]7,630	----------	----------	----------	----------
1940	-------	1,161	-------	10,529,965	7,891,128	12,736,643	----------	----------	----------	----------
1941	-------	1,309	-------	11,449,476	8,124,777	13,894,041	----------	----------	----------	----------
1942	-------	1,791	-------	8,[illegible]00	8,[illegible]91	13,943,334	----------	----------	----------	----------
1943	-------	1,786	-------	6,245,[illegible]60	9,[illegible]87	13,711,651	----------	----------	----------	----------
1944	-------	866	-------	9,761,548	9,706,896	14,282,536	----------	----------	----------	----------

California State Tax Collections 1901-1944—Continued

(Source: The Tax Digest, February 1945)

Year ending June 30	Gasoline tax	Motor transportation tax	Bank and corporation tax	Liquor taxes	Liquor licenses	Retail sales and use taxes	Race track taxes	Motor vehicle "in lieu" tax
1901	----------	----------	----------	----------	----------	----------	----------	----------
1902	----------	----------	----------	----------	----------	----------	----------	----------
1903	----------	----------	----------	----------	----------	----------	----------	----------
1904	----------	----------	----------	----------	----------	----------	----------	----------
1905	----------	----------	----------	----------	----------	----------	----------	----------
1906	----------	----------	----------	----------	----------	----------	----------	----------
1907	----------	----------	----------	----------	----------	----------	----------	----------
1908	----------	----------	----------	----------	----------	----------	----------	----------
1909	----------	----------	----------	----------	----------	----------	----------	----------
1910	----------	----------	----------	----------	----------	----------	----------	----------
1911	----------	----------	----------	----------	----------	----------	----------	----------
1912	----------	----------	----------	----------	----------	----------	----------	----------
1913	----------	----------	----------	----------	----------	----------	----------	----------
1914	----------	----------	----------	----------	----------	----------	----------	----------
1915	----------	----------	----------	----------	----------	----------	----------	----------
1916	----------	----------	----------	----------	----------	----------	----------	----------
1917	----------	----------	----------	----------	----------	----------	----------	----------
1918	----------	----------	----------	----------	----------	----------	----------	----------
1919	----------	----------	----------	----------	----------	----------	----------	----------
1920	----------	----------	----------	----------	----------	----------	----------	----------
1921	----------	----------	----------	----------	----------	----------	----------	----------
1922	----------	----------	----------	----------	----------	----------	----------	----------
1923	----------	----------	----------	----------	----------	----------	----------	----------
1924	$5,540,901	$81,011	----------	----------	----------	----------	----------	----------
1925	12,717,790	121,667	----------	----------	----------	----------	----------	----------
1926	15,003,499	12,081	----------	----------	----------	----------	----------	----------
1927	16,904,358	102,593	----------	----------	----------	----------	----------	----------
1928	25,304,092	1,622,982	----------	----------	----------	----------	----------	----------
1929	31,151,481	1,001,522	$2,304,582	----------	----------	----------	----------	----------
1930	33,874,307	1,080,370	6,841,408	----------	----------	----------	----------	----------
1931	38,640,664	1,087,591	6,601,595	----------	----------	----------	----------	----------
1932	37,209,108	1,037,948	4,779,892	----------	----------	----------	----------	----------
1933	35,520,658	807,215	3,359,212	$59,872	$16,298	----------	----------	----------
1934	36,567,377	1,734,045	4,017,292	973,622	1,912,200	$33,243,760	$259,657	----------
1935	36,602,767	1,031,921	4,886,825	1,530,823	3,801,497	56,471,540	1,005,103	----------
1936	42,367,873	2,145,297	14,984,862	8,994,160	4,172,127	70,417,199	1,587,373	$8,115,067
1937	44,191,885	2,428,488	17,401,337	10,071,940	6,291,931	84,592,898	1,933,260	10,801,202
1938	47,136,901	2,418,362	21,453,651	9,832,459	5,594,770	89,365,743	2,527,803	11,163,880
1939	47,180,298	2,405,918	20,099,823	9,854,134	5,634,035	87,981,986	2,990,893	10,772,803
1940	50,620,167	2,571,178	20,436,074	10,309,938	5,681,101	93,773,337	2,810,246	12,842,072
1941	53,651,546	2,818,351	22,814,401	11,246,567	5,665,676	109,253,942	3,805,824	15,597,693
1942	57,453,912	3,558,043	34,065,799	12,162,825	5,643,965	132,576,353	1,703,847	14,402,650
1943	45,444,228	4,971,262	52,819,849	16,434,637	5,525,501	135,636,953	1,077,685	12,980,363
1944	42,472,957	5,743,577	67,293,531	15,406,870	5,926,285	135,086,342	2,372,392	14,595,339

California State Tax Collections 1901-1944—Continued

(Source: The Tax Digest, February 1945)

Year ending June 30	Personal income tax	Unemployment insurance tax	Corporation income tax	Diesel fuel tax	Private car tax	Gift tax	Regulatory taxes†	Penalties delinquencies etc.	Total
1901	----------	----------	------	--------	--------	--------	--------	---------	$6,782,367
1902	----------	----------	------	--------	--------	--------	--------	---------	6,690,217
1903	----------	----------	------	--------	--------	--------	--------	---------	5,747,198
1904	----------	----------	------	--------	--------	--------	--------	---------	9,527,951
1905	----------	----------	------	--------	--------	--------	--------	---------	9,486,798
1906	----------	----------	------	--------	--------	--------	--------	---------	9,244,639
1907	----------	----------	------	--------	--------	--------	--------	---------	9,361,224
1908	----------	----------	------	--------	--------	--------	--------	---------	10,442,735
1909	----------	----------	------	--------	--------	--------	--------	---------	10,900,364
1910	----------	----------	------	--------	--------	--------	--------	---------	11,656,851
1911	----------	----------	------	--------	--------	--------	--------	---------	11,650,643
1912	----------	----------	------	--------	--------	--------	--------	---------	14,646,318
1913	----------	----------	------	--------	--------	--------	--------	$6,426	15,576,414
1914	----------	----------	------	--------	--------	--------	--------	22,681	18,880,898
1915	----------	----------	------	--------	--------	--------	--------	26,432	20,142,071
1916	----------	----------	------	--------	--------	--------	--------	36,924	20,890,284
1917	----------	----------	------	--------	--------	--------	--------	24,921	23,019,018
1918	----------	----------	------	--------	--------	--------	$4,908	25,862	23,326,028
1919	----------	----------	------	--------	--------	--------	25,574	32,267	25,922,564
1920	----------	----------	------	--------	--------	--------	21,801	35,176	28,529,615
1921	----------	----------	------	--------	--------	--------	26,877	22,455	36,614,316
1922	----------	----------	------	--------	--------	--------	42,748	79,369	46,255,654
1923	----------	----------	------	--------	--------	--------	--------	73,847	48,159,191
1924	----------	----------	------	--------	--------	--------	64,304	41,623	53,422,186
1925	----------	----------	------	--------	--------	--------	59,284	2,155,609•	70,070,336
1926	----------	----------	------	--------	--------	--------	152,268	6,363,305•	79,641,906
1927	----------	----------	------	--------	--------	--------	229,674	43,772	78,739,129
1928	----------	----------	------	--------	--------	--------	224,063	86,423	92,530,105
1929	----------	----------	------	--------	--------	--------	309,181	69,716	106,107,038
1930	----------	----------	------	--------	--------	--------	369,315	36,740	103,686,325
1931	----------	----------	------	--------	--------	--------	264,103	44,489	112,592,185
1932	----------	----------	------	--------	--------	--------	210,043	33,815	102,156,325
1933	----------	----------	------	--------	--------	--------	213,059	34,843	90,878,885
1934	----------	----------	------	--------	--------	--------	294,038	63,077	126,641,809
1935	----------	----------	------	--------	--------	--------	436,896	75,626	154,177,330
1936	$6,525,815	----------	------	--------	--------	--------	680,961	60,963	183,498,598
1937	16,774,202	$27,666,859	------	--------	--------	--------	853,639	76,185	247,313,779
1938	21,449,667	63,501,607	$47,222	$217,340	--------	--------	849,099	105,716	304,681,007
1939	20,672,014	75,634,422	130,108	346,353	$414,221	--------	886,398	17,078	312,691,957
1940	19,571,722	76,769,808	161,321	523,644	422,094	$131,412	893,935	6,961	328,687,207
1941	20,292,746	80,169,120	174,008	732,473	430,565	489,265	890,660	14,774	361,497,223
1942	29,038,934	102,676,132	327,935	1,063,866	452,866	1,202,585	1,083,721	10,240	428,102,889
1943	39,351,277	143,394,421	67,650	1,216,571	461,469	618,999	1,162,776	235	491,114,763
1944	48,323,282	170,991,679	377,436	1,489,899	450,300	548,157	1,322,168	321	546,242,374

•—These large sums resulted from settlement of certain disputed tax claims in favor of the State.

†—Include taxes on athletic admissions, fertilizer, kelp, commercial feeding stuffs, agricultural minerals, fish packers, salmon, and gross receipts of motor transportation companies.

This State deficit was brought about by the six following conditions:

1. The decline in general prosperity which reduced the income of the people and consequently tax returns.
2. The assumption by the State of more and more costs of Government which previously had been carried by local government. This was particularly true in the assumption of school costs, aid to the needy aged, and the construction of highways, but it also included many other items.
3. The assumption of the obligation of assisting in the relief of needy due to unemployment.
4. The increase in the services of the State government in almost innumerable ways.
5. The increased cost of providing services due primarily to increases in wages and salaries and the granting of more privileges to State employees, including shorter hours, more holidays, more liberal sick leave, longer vacations, pay for overtime, a generous retirement plan, and the normal upgrading of salary scales through the fact that employees have increased years of seniority.
6. The rapid increase in population of the State following the first world war.

If the Legislature considers all of these conditions of the past and applies them to the present, and recognizes that the present flush income of the State results from a wartime economy, and when it disappears, normal revenue will probably not meet normal expenditures much less the increases in government, it may establish more definite economy procedures to meet the decline in revenue and check further increase in the cost of State government.

All of the fiscal officers and technicians of the State, dealing with taxes and revenues, concur in the prediction that revenues of the State will decline with the end of the war. The Governor concurs in this as shown by the statement in his message to the Legislature in the following words:

> "Government will of necessity be more expensive as time passes, and unless every dollar of our present income is spent prudently we will soon be operating on a deficit as we did for 10 consecutive years prior to the war. Any new spending habits set up now must be projected into the future and paid for indefinitely. I, therefore, urge that all requested appropriations, both in and out of the budget, be scrutinized as carefully as though we were not operating on a surplus."

Following the conclusions above stated, including the Governor's suggestion that all requested appropriations, both in and out of the Budget, be scrutinized as carefully as though the State were not operating on a surplus, and with the added conclusion that the establishment of any broader expenditure program now will eventually result in increased taxes concurrent with declining economic ability of the people to support them, undoubtedly means the Legislature must adopt a stricter economy than is found in the Governor's Budget.

Analysis of the Budget and the Budget Bill Follows the Stated Assumptions and Encompasses Budget Committee Principles.

In making our analysis of the Governor's Budget and the Budget Bill which accompanied it, the assumption made by the Director of Finance previously stated* have been accepted but with the following specific interpretations and limitations.

a. We accept the assumption that 1945-47 will be a period of transition from the war to peace, but assume the war will end in the second year of the biennium and revenue and expenditures should be adjusted accordingly.
b. Wartime activities should therefore be carried forward into the first year of the biennium. Conversion to peacetime activities should take place in the second year of the biennium.
c. Wartime activities should be set up separately from normal peacetime activities.
d. We agree that provision should be made for return of regular employees from the armed forces to positions authorized but now vacant, but we do not agree that these positions should all be filled regardless of need.
e. We agree that salaries should be continued at schedules approved by the Personnel Board, if these schedules include proper allowance for the $20-$25 per month wartime bonus.
f. The allowance for uniform number of holidays for all State employees is equitable, but this added benefit should be considered in fixing salaries.
g. Commodities we also believe should be purchased at existing prices and possibly in the second year of the biennium at a lower cost.
h. Building maintenance and minor construction should be done if essential to keep plants up but not if it can be deferred without real loss.
i. We agree that urgently needed construction projects should be built, but we reserve the right to differ on what is urgent—particularly while the war is going on and prices so very high and materials scarce.
j. The contention that all expenditures recommended are essential needs of the State we differ with in many items. These will be detailed in the following analysis on specific items in the Budget.
k. There is general agreement with the Governor's expressed statement that strict economy should be practiced as if we had no surplus. There is a difference of views on what is strict economy. This will be presented in considering individual Budget items for the instructions of the Budget Committee which follow project very different conclusions on many requests for appropriations.

In addition, the instructions and general principles expressed by the Budget Committee and stated in the first part of this report have been followed. These are stated briefly again so that they may be specifically considered. They are:

1. The operation of every department, division, commission, agency, and board of the State should be reviewed with the idea of making effective all possible economies.

* See page 22.

2. Duplication, overlapping, and unnecessary functions should be eliminated.
3. Surplus employees should not be allowed.
4. Extravagant use of supplies, material, and equipment should be reduced.
5. Recognition should still be given to the fact that we are at war and economy of operation should be continued in order to promote the war effort.
6. Positions of State employees engaged in the war effort should still be left vacant where possible.
7. Every energy should still be dedicated to winning the war.
8. State Government activities made necessary by the war effort, and which still contribute to winning the war, should be provided but those that are no longer necessary should be eliminated.
9. State agencies which assumed additional responsibilities as a result of the war should continue to finance them as far as possible out of regular budgeted amounts through curtailing or eliminating other functions not essential to the war.
10. Special items solely devoted to the war effort should be clearly set out and kept distinguishable from regular activities so that they will not appear as permanent activities of the agency concerned and shall end with the end of the war requiring them.
11. No new services of government should be established on the basis of wartime revenues.
12. Personnel employed for wartime activities should not be continued after the war.
13. Prewar positions now vacant should not be refilled unless each and every position can be specifically justified.
14. If a department or agency is operating well during the war with reductions in personnel, they should be able to do so after the war, particularly as postwar employees should be of higher efficiency.
15. Returning military personnel should receive their old positions and duration employees should not be retained through creating new positions.
16. The present building fund should not be used for capital outlay during the biennium except in so much thereof as is absolutely necessary to meet an emergency.
17. No emergency fund should be included for continuing increase in the price of commodities as it is not likely prices will increase further but may recede.
18. The War Disaster Fund should be left as it is until the war is ended and the Legislature can again review it.
19. Fixed motor vehicle valuation for the in lieu tax should be continued.
20. No dormitories should be provided for either at the University of California, the State colleges, or special schools.

In short, the general policies to be followed were expressed by Speaker Lyon in the following words: "The only policy to follow is to practice economy and cut expenditures to the bone. The Legislature should scrutinize the Budget very carefully and resort to economy and cut the Budget down substantially."

What Is the Budget Bill and Why Is It Less Than One-Third of the Amount of the Budget Document?

The constitutional requirement in relation to the Executive Budget found in Section 34 of Article IV of the Constitution provides that the Budget Bill shall be accompanied by an Appropriation bill covering the proposed expenditures to be known as the Budget Bill. It also provides that until the Budget Bill has been finally enacted, no other appropriation bill except emergency bills recommended by the Governor, or appropriation for the expense of the Legislature or pay of the Legislators, shall be passed. The provisions of this section are quoted herewith so that they may be readily available.

The Budget Bill—Prior Passage of Other Appropriation Bills

"The Budget shall be accompanied by an Appropriation Bill covering the proposed expenditures, to be known as the Budget Bill. The Budget Bill shall be introduced immediately into each house of the Legislature by the respective chairman of the committees having to do with appropriations, and shall be subject to all the provisions of Section 15 of this article. The Governor may at any time amend or supplement the Budget and propose amendments to the Budget Bill before or after its enactment, and each such amendment shall be referred in each house to the committee to which the Budget Bill was originally referred. Until the Budget Bill has been finally enacted, neither house shall place upon final passage any other appropriation bill, except emergency bills, recommended by the Governor, or appropriations for the salaries, mileage and expenses of the Senate and Assembly. No bill making an appropriation of money, except the Budget Bill, shall contain more than one item of appropriation, and that for one single and certain purpose to be therein expressed."

The Budget Bill for the 1945-47 biennium is Assembly Bill No. 500 in the Assembly, and Senate Bill No. 294 in the Senate. These bills are identical. In general they conform to the constitutional provision but they require explanation in order to answer certain obvious questions that arise as soon as the Budget and the Budget Bills are considered together and in conjunction with the constitutional requirements for an Executive Budget. These questions that arise continuously are as follows:

(1) Why does the Budget Bill appear in the particular form in which it is presented?

(2) How can a document of such small size (thirty and one-quarter bill-size pages) enact into law a financial plan for the State which requires 830 pages, each twice the size of the Budget Bill pages, to present it?

(3) Does the Budget Bill in any way enact into law the Budget Document or is the Budget Bill all that is passed by the Legislature and actually becomes law?

(4) Is everything in the Budget Document found in the Budget Bill which is before the Legislature? If not, why not?

(5) If particular items in the Budget Bill are enacted into law, does that mean that the department or agency concerned will have this money to spend as they please, or must they spend it under the plan shown in the Governor's Budget Document?

(6) What if an item appears in the Governor's Budget and does not appear in the Budget Bill?

(7) Why is the total of the Budget Bill less than one-third of the total of all items in the Budget Document?

(8) Why is it that there is no provision in the Budget Bill for emergency funds for any of the special funds but there is such provision for the General Fund?

(9) What is the actual effect of the Budget Document and the Budget Bill?

(10) Finally, does the Legislature have authority to determine exactly how money will be expended or can it only act on the items presented in the Budget Bill?

There are undoubtedly more questions that might logically be asked in this connection. However, an answer to these will go a long way to produce a better understanding of the Executive Budget and Budget Bill which the Legislature enacts and the resultant control of appropriations.

Why Does the Budget Bill Appear in the Particular Form in Which It Is Presented?

The Budget Bill, under the provisions of the Constitution, is the only bill that may contain more than one item of appropriation. This explains why it is different from other appropriation bills which may contain only one item of appropriation and that for one fixed and certain purpose. This does not explain otherwise why the particular form is used. The explanation lies simply in the fact that this is the established page size for all bills and the form which has developed since the Executive Budget was required by the constitutional amendment passed November 7, 1922, making effective the Executive Budget. The form has varied but little since the first Budget Act.

Form Can Be Changed

It could appear in a much different form. It has appeared in somewhat different form through dividing or classifying appropriations under the different items into specific schedules. This was used in 1941-43. The schedule was made up of three items:

(a) Salaries and wages;
(b) Operating expense;
(c) Equipment.

Sections 13, 13.5 and 13.6 were placed in the Budget Bill to provide for budgetary control and to require that the members of the Legislature be informed of transfers between the several items in the schedule. These sections are presented herewith to indicate what additional legislative control has been established in the past.

"SEC. 13. In providing that certain appropriations in Section 2 of this act are to be expended in accordance with a schedule set forth after each such appropriation item, it is the intent of the Legislature to limit thereby the amount of money to be expended from each such appropriation item for certain specified purposes, such as, "Salaries and wages," "Operating expenses," or "Equipment," using in that connection the same terms as used in the detailed budget of the officer,

department, division, bureau or other agency to whom the appropriation is made, as contained in that document entitled "State of California Budget for the Biennium July 1, 1943, to June 30, 1945, Ninety-third and Ninety-fourth Fiscal Years," submitted by the Governor to the Legislature at the Fifty-fourth Session, except, however, that the terms "Materials and supplies," and "Service and expense," as used in that document, are combined under the designation "Operating expenses" for the purposes of this act. Each such schedule in this act is a restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money and is not itself an item of appropriation.

As used in such schedules:—

"Salaries and wages" shall include all expenditures for pay of officers and employees of the State but does not include compensation of independent contractors rendering personal services to the State under contract.

"Operating expenses" shall include all expenditures for purchase of materials, supplies (including expendable equipment,) services (other than personal services of State officers and employees), and all other proper expenses (other than the acquisition and replacement of nonexpendable tangible property).

"Equipment" shall include all expenditures for the acquisition or replacement of nonexpendable tangible property.

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is hereby made to the aforementioned Budget Document and the appropriate portions thereof.

SEC. 13.5. The State Board of Control may, upon recommendation of the Director of Finance pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a purpose designated in any schedule set forth for such appropriation in Section 2 by transfer from any of the other designated purposes within the same schedule.

No authorization given by the State Board of Control pursuant to this section in respect to any augmentation of the amount available for expenditure for any purpose is valid unless given with the unanimous consent of the State Board of Control expressed in the form of a resolution which shall set forth the reasons and necessity for the authorization and shall be entered upon the minutes of the board.

The State Board of Control shall submit to each member of the Legislature not later than the fifteenth day of each month a report on all authorizations given pursuant to this section during the preceding month. The report shall contain such information regarding each authorization as shall be sufficient to apprise the members of the Legislature as to the reasons and necessity therefor.

SEC. 13.6. The Director of Finance may, upon request of the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a purpose designated in any schedule set forth for such appropriation in Section 2 hereof in the amount of any funds which he estimates

will be received by said officer, department, division, bureau, board, commission, or other agency during the Ninety-third and Ninety-fourth Fiscal years from any other officer, department, division, bureau, or other agency of this State, from any county, city and county or city, or any agency thereof, from the Federal Government, or any agency thereof, from any appropriation made by the Legislature at the Fifty-fourth Session, or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration."

The Governor, in his Budget Message, on page vii of the 1945-47 Budget, states that he does not believe that it would unduly hamper the administration of the State Government if the Legislature desired to limit spending for each agency within the following categories:

1. Salaries and wages;
2. Operating expenses;
3. Equipment;
4. Capital outlay.

Since capital outlay has always been set up as a separate expenditure item for the several departments and agencies, and already is so designated in the Budget Bill for 1945-47, this particular item should not be included in the Governor's suggestion but only the same three that appeared in the Budget Bill for 1941-43.

Limitations Can Be Placed on Expenditures

The Legislature has also, in times past, placed certain prohibitions on certain items of appropriation providing that no money appropriated shall be spent for a particular purpose. An example is found in the Budget Bill for 1941-43 on page 23, under Item No. 96, which reads as follows:

> "No money appropriated by this act is available for expenditure for the salary of a Confidential Representative, Division of Labor Statistics and Law Enforcement, Department of Industrial Relations."

Similar prohibitions are found in Items Nos. 97, 98, and 100. In the Budget for the current biennium, Chapter 62, Statutes of 1943, on page 9, under Item No. 100, a similar prohibition is found.

As a result of including the schedules dividing appropriations, and the limitations above mentioned, the Budget Bill for 1941-43 contains 64½ pages in comparison with 27 for 1943-45, and 31¼ as introduced for 1945-47.

Line Item Budget

The Legislature can enact in the Budget Bill as many limitations and as much detailed specification for the expenditure of money as it wishes. The extreme in such control would be enacting a line item Budget. At the present time this would be difficult to administer for the reason that the accounting system of the State is not geared to functioning such a control. If it should be enacted into law it would be necessary to expand the accounting system and to increase the staff and equipment of both the Controller and the Department

of Finance and concentrate on this task. The Department of Finance would have to exercise, in the first instance a strict budgetary control. At the present time control is exercised through the quarterly and annual budgets, and the approval by the Department of Finance of transfers, establishment of new positions, and any expenditures for any items other than regularly approved Budget items.

The Controller determines the legality of expenditures on the basis of the appropriation act where these are contained in the Budget Bill, and in other instances on the basis of the appropriation, be it either by constitutional provision or continuing legislation. If the line item Budget was adopted, the Controller would have to set this up specifically on his books and check every payment so as to see that it did fall within these specific appropriations. He would have to expand his accounting set-up tremendously, likewise his system of controls and his total staff. It is doubtful if he could carry this into effect at once or if at all under the present labor conditions.

Making the Budget Document the Control

Any intermediate steps in fixing appropriations beyond the item appropriation in the present Budget Bill and the line item Budget, would require additional accounting and auditing staff in both the Department of Finance and the Controller's office. The establishment of schedules within the items of appropriation as above mentioned, since it has been already tried for one biennium, could be reestablished and a definite estimate made of its cost.

The next intermediate step beyond dividing the lump sum appropriations by the schedule suggested would be to give the Governor's Budget, as added to or amended by legislative appropriations, full effect at law and to require the Department of Finance to follow this Budget with each item considered as an appropriation in setting up its fiscal year budgets. The objection that this would not allow enough elasticity to meet the requirements for adjustments and transfers could be met by giving authority to some established body or establishing some new body to consider and approve transfers, adjustments, and Emergency Fund allotments, both for the General Fund and the special funds. This proposal is found in one of the Budget Committee bills, Senate Bill No. 824 of the 1943 Session which has been previously discussed in the Budget Committee Report.

It has been noted that the Governor objected to this procedure in 1943. He has modified his views somewhat since then. He brings his views on this matter up to date in his Budget Message on page vii in the following words:

> "For many years the advisability of installing a "line item" Budget has been discused and the proposal still has its advocates. I, too, am of the "belief that the expenditures of State money should be in accordance with the wishes of the Legislature and that the general purpose for which, and the amounts in which, it is spent should be fully respected by the Governor and other State officers. This I have sincerely endeavored to do. If we were operating under an annual Budget I believe the controls could reasonably be more strict than at the present time, but it is my opinion that it would be wholly impractical to have a "line item" Budget when estimates

of expenditures must be projected in the Budget for a period of two and one-half years, and especially in these uncertain times.

However, after operating under your current biennial Budget, I am of the opinion that it would not unduly hamper the administration of the State Government if the Legislature desired to limit spending for each agency within the following categories:

1. Salaries and wages;
2. Operating expenses;
3. Equipment;
4. Capital outlay.

If the Legislature desires to incorporate such limitations in the Budget I shall be happy to acquiesce."

Governor Through Director of Finance Has Exercised Budgetary Control and Sought Legislative Intent

The Legislative Auditor has observed the functioning of the Budget for 1943-45 and reports that budgetary control was exercised by the Governor's Finance Officer, the Director of Finance, in close harmony with the views of the Legislature. There have been fewer variations from the expressed wish of the Legislature as found in appropriations and in the records of the Ways and Means Committee of the Assembly as previously reported than has been the case with most previous Budgets. In many instances the Department of Finance, in exercising budgetary control, even where an appointee of the Governor was endeavoring to secure additional allotment of funds, has taken every means of determining what was the legislative intent when it made an appropriation and on determining this intent, the Director of Finance has turned down many requests which would have resulted in the expenditure of additional large sums of money and in this he has been supported generally by the Governor. There have been some exceptions where allotments have been made from funds that could have been saved if a stricter interpretation of appropriations had been followed. There are also some instances where allotments were made from the Emergency Fund for purposes not set up in either the Budget Document or the Budget Act.

Legislature Can Make Budget Bill Its Own

To sum up, the Legislature can make the Budget Bill its own, with the exception of some rather small constitutional limitations. The fact that few changes have been made in the appropriation procedure by previous Legislatures does not mean that the power to control appropriations and to direct appropriations very definitely and specifically does not repose in the legislative body. In fact, the several cases that have reached the Supreme Court very definitely hold that the Legislature controls the purse strings, even as respects many so-called constitutional appropriations. The appropriations that are to the greatest degree exempt from legislative control are those for the Public School System, but even here the Legislature can exercise more control than they have in previous years.

How Can a Document of Such Small Size as the Budget Bill Enact Into Law a Financial Plan for the State Which Requires 830 Large Size Pages to Present?

Budget Bill Not a Financial Plan

The fact is that the Budget Bill does not enact into law a financial plan for the State. It only appropriates lump sum items for the several departments and agencies of the State where a biennial appropriation is required in order to provide financial support for such agencies. It does not include all of the departments or agencies and for some of them it only includes a fraction of their budget which is presented in the Budget Document. For example, one will look in vain under the Department of Public Works, page 20 of the Budget Bill, Items Nos. 234 to 242, inclusive, to find any item for the Division of Highways. The Legislature, however, has full authority to make appropriations and to place such limitations on them as they desire for the Division of Highways. If you will look in the Governor's Budget under Public Works, pages 694 to 727, you will find that pages 704 to 713, inclusive, are devoted to highways and the expenditure program totals $61,697,247 for the 1945-47 biennium, and an additional reserve to be set up for $40,000,000 for the postwar highway program. This sum, $101,697,247 alone is equal to half of the amount for all other services of the government found in the Budget Bill.

A similar situation is true for the Department of Employment. The only appropriation item found on this, is on page 9 of the Budget Bill, Assembly Bill No. 500, Item No. 105, in the sum of $312,380 to match Federal funds. In the Governor's Budget, the Department of Employment makes up the section from pages 286 to 297, inclusive, and provides for the expenditure of $8,361,645 for administration alone, an increase of over three and a half million from the current biennium. This does not take into account in either place the proposed expenditure from the Unemployment Reserve Fund which now is in excess of $699,000,000, and which is supported by a pay roll tax of 2.7 per cent on the employer and 1 per cent on the employee. From this fund, the Governor has recommended in his biennial address, on page 7, an increase in benefits from 23 and a fraction weeks to a maximum of 26 weeks, and a reduction in the waiting period from two weeks to one week. The Governor also recommends the inclusion of certain classes of workers not now covered, all of which will require more pay roll taxes and larger expenditures and will require the enactment of bills by the Legislature. This further increases the fixed charges of California State Government.

No legislator should be confused and think that the Budget Bill enacts into law the full financial plan of the State for the biennium covered. As now set up, it only provides for lump sum appropriations. No other budgetary control is enacted than what appears in the Budget Bill. Budgetary control by the Department of Finance already exists under other statutes.

Does the Budget Bill in Any Way Enact Into Law the Budget Document?

The Budget Bill does not enact into law the Budget Document in any way. The Budget Document is merely the source of the estimates for the preparation of the Budget Bill which itself contains appropriations of only one-third of the Budget Document. *The Budget Document itself*

has no effect at law. It can literally be thrown into the wastebasket once it is presented by the Governor, and there is no requirement in the law that anything in it be followed or observed. Only the lump sum appropriations with such limitations thereon and divisions thereof as are enacted into law in the Budget Bill must be followed.

Is Everything in the Budget Document Found in the Budget Bill?

The answer is "no". Only approximately one-third of the total financial plan of the Budget Document is found in the Budget Bill appropriations. The other items in the Budget Document are provided for by constitutional provisions or other statutes setting up requirements for expenditures or continuing appropriations. Other matters could be presented in the Budget Bill if the Governor so directed that they be placed therein, or if they are amended into the Budget Bill. If they are amended into the Budget Bill then this operates to set up such controls as are therein contained.

If Particular Items in the Budget Bill Are Enacted Into Law, Does That Mean That the Agency Concerned Will Be Allotted This Money to Spend as They Please or Must They Spend It Under the Plan Shown in the Governor's Budget?

The answer is "no" to both parts of the question but this must be explained. After money is appropriated for an individual department or agency, the department or agency generally believes that they will have this sum of money to spend. Some of them believe that they can spend it as they determine, and some of them, particularly appointees of the Governor, feel that they at least will be allowed to spend it under the plan shown in the Governor's Budget Document. Neither of these conditions is true.

After an appropriation is made, then under existing law, annual budgets are prepared and approved by the Department of Finance. They may or may not follow the plan shown in the Governor's Budget, and even if they do, they can be changed by the Department of Finance when the department feels that such is required. In other words, the appropriation made by the Legislature provides the limit, except that General Fund agencies may receive supplementary money from the emergency item in the Budget Bill, and special fund agencies may receive supplementary funds under deficiency allotments as provided in Section 661 of the Political Code. The General Fund emergency item is limited while the special fund deficiencies may include all the money available in any particular special fund. Sometimes this is many times what the Legislature has appropriated. The Legislature can place a limit on most special fund balances and provide that Section 661 of the Political Code shall not operate beyond these limits. During the past biennium the financial plan set up in the Governor's Budget Document has been followed quite closely.

What If an Item Appears in the Governor's Budget and Does Not Appear in the Budget Bill?

If an item appears in the Governor's Budget which is included in a Constitutional appropriation or in a continuing appropriation made by statute, the expenditure can be made if it does not appear in the Budget Bill. In fact, the expenditure could be made if it did not appear either in the Governor's Budget or in the Budget Bill. The Governor's Budget

has no legal effect whatever on expenditures. If this was a special fund item requiring an appropriation, and it did appear in the Governor's Budget but did not appear in the Budget Bill, a deficiency under Section 661 of the Political Code could be allowed if it could be shown that there was provision at law for the expenditure but no appropriation had been made or an insufficient appropriation had been made.

If, however, no appropriation was made in the Budget Bill for a General Fund item and there was no limitation in the Budget Bill prohibiting it, the Director of Finance could allow money from the Emergency Fund if the expenditure was provided for under authority of some agency of the State. He could not, however, allow any expenditure of money from the Emergency Fund where no appropriation had been made or where there was no authority at law to perform the services to be paid for. For example, recently the Director of Finance was asked to allow an allotment of funds from the Emergency Fund for flood control work in a specified place. No appropriation had been made for this and apparently there was no authority at law to carry on such work. However, there was authority to allow the Division of Water Resources to make a survey of the underground waters and other waters in this watershed. No appropriation had been made for this purpose but money was allowed from the emergency fund to make such a survey which is really preliminary to the control of flood waters.

Why Is the Total of the Budget Bill Less Than One-Third of the Total of All Items in the Budget Document?

Budget Bill Less Than 30 Per Cent of Budget

The grand total of all items in the Appropriation Bill for 1945-47 is $202,003,999. The grand total of all items in the Governor's Budget is $683,710,643. In other words, the Appropriation Bill is 29.54 per cent of the total of the Governor's Budget. This situation provokes more questions than any other. The answers to the previous questions in part answers this question. Without here discussing the matter as to whether or not certain items that are omitted should be included in the Governor's Budget which would materially increase the figure above quoted, (which is found in the Governor's Budget on page iii, and in Schedule I, page A-3, and Schedule II-B on pages A-10 and A-11, and throughout the Budget where the total is given) we will give in general the reasons why the great difference between the Budget and the Budget Bill exists. Subsequently we will point out where our estimates differ from the Governor's figures.

The Budget Bill for 1945-47 only includes those items requiring an appropriation by the Fifty-sixth Session of the Legislature in order to carry into effect the proposals found in the Governor's Budget. In fact, it does not include all of these, for it does not include the amount required to continue paying the State's share of aid to the needy aged beyond July 1, 1945, for the extra $10 over the $40 per month last set up in continuing legislation. This, however, has now been changed by legislative enactment approved by the Governor in the January 1945 part of this Fifty-sixth Session. This then now becomes an automatic and continuing appropriation, controllable, however, by the Legislature and remains such until changed. The amount required for this is included in the Governor's Budget.

Neither is there included in the Budget Bill the Postwar Highway Building Fund of $40,000,000 set up on page 713 of the Governor's Budget. Neither is this total included in the Governor's Budget total nor in any law providing for such a reserve fund. Under existing law this money could be spent during the biennium for it is automatically appropriated. It can only be set up in a reserve fund as this is determined by the Legislature. A special bill to do this has already been introduced into the Legislature. It does not appear in the Budget Bill but it can be placed there as an amendment.

These are the reasons why the Budget Bill is less than one-third of the total of all items in the Budget Document. It can be materially increased at any time the Legislature wishes to exercise greater control over appropriations.

The following tabulation presents clearly the comparisons between the amounts to be appropriated by the Budget Bill and those proposed for expenditures in the Governor's Budget for 1945-47.

Appropriation Bill and Governor's Budget—1945-47 Biennium

Appropriation Bill, Assembly Bill No. 500 or Senate Bill No. 294

Grand total of all items	$202,003,999
Total General Fund items	154,627,191
Total Special Fund items	47,376,808
Per cent General Fund items in Appropriation Bill are to total amount of Appropriation Bill	76.54%
Per cent special fund items in Appropriation Bill are to total amount of Appropriation Bill	23.45%
Per cent total Appropriation Bill is to total amount of Governor's Budget	29.54%
Per cent General Fund items in Appropriation Bill are to General Fund items in Governor's Budget	31.17%*
Per cent Special Fund items in Appropriation Bill are to Special Fund items in Governor's Budget	26.19%
Per cent General Fund items in Appropriation Bill are to *total* amount of Governor's Budget	22.61%
Per cent Special Fund items in Appropriation Bill are to *total* amount of Governor's Budget	6.93%

Governor's Budget

Grand total all items	$683,710,643
Total General Fund items	496,012,958*
Total Special Fund items	180,081,644
Per cent General Fund items in Governor's Budget are to total amount of the Governor's Budget	72.54%*
Per cent special fund items in Governor's Budget are to total amount of the Governor's Budget	26.33%

Why Is There No Provision in the Budget Bill for Emergency Funds for Any of the Special Funds but There Is Such Provision for the General Fund?

This has already been partially explained above. If there was no Emergency Fund for General Fund expenditures, there would be no way of providing money where appropriations were insufficient due to emergencies, or where no appropriation had been made where the law provided for some service or action on the part of the State.

No emergency fund is required for special funds because Section 661 of the Political Code, as above explained, provides for allowing deficiencies for each such fund. It was explained that the Legislature could change Section 661 if it desired, and could set up emergency funds for special funds either in their entirety or for certain specified ones.

* Includes an item for Postwar Construction Program, $13,266,842, which is set up in the Governor's Budget as a reserve fund.

In effect the Department of Finance through exercising budgetary control uses the balances in special funds as emergency funds when desired.

What Is the Actual Effect of the Budget Document and the Budget Bill?

The Budget Document has no force at law. It merely has a moral effect since it is used as the estimate for drawing the Budget Bill. The Budget Bill has the full force of law in all of its items and parts, the same as if they were individual appropriations.

Does the Legislature Have Authority to Determine Exactly How Money Will Be Spent or Can It Only Act on Items Provided in the Budget Bill?

This has been answered in several of the questions above. It may be summed up by saying that the Budget Bill is merely the recommendation of the Chief Executive for appropriations to make the Budget document effective. The Legislature receives it and it becomes its property the same as any other bill. It can change it, modify it, or completely remake it as it sees fit. *The Governor, on the other hand, may at any time amend or supplement both the Budget Document and the Budget Bill before or after its enactment and each amendment in each house must be referred to the committee to which the Budget Bill was originally referred.* Once introduced into the Legislature, such amendments also become the property of the Legislature.

There are, however, two additional powers in relation to the Appropriation Bill in the Governor. The Governor can veto the act in its entirety as any other bill and send it back for reconsideration. This in practice, however, is almost futile for the Constitutional limitation on State appropriations from the General Fund are such that they now require originally a two-thirds vote to approve any State Budget. The Governor, however, under Article IV, Section 34, of the Constitution may reduce or eliminate any one or more items of an appropriation while approving other portions of the Appropriation Bill. He can not, however, add to an appropriation.

There is reserved to the people the right to referend any item of appropriation in the Budget Act other than for the usual current expenses of the State. We find no record of this ever having been done. There is individually no determination as to what items in the Budget would fall outside of the class of appropriations *other than for the usual current expenses of the State.*

The Legislature, as the division of government that controls appropriations not otherwise determined by the Constitution, has far greater powers over the purse strings of the State than have ever generally been exercised. *Much of the authority to control appropriations has been abandoned by the Legislature itself by setting up continuing legislation but this power to control appropriations can be recaptured any time the Legislature as a body so determines.*

NOTE:—The following sections present an analysis of the Governor's Budget Message, the Revenue Estimates, the Budget as a whole and the Budget items in the Appropriation Bill.)

ANALYSIS OF THE GOVERNOR'S BUDGET MESSAGE 1945-47 BIENNIUM

Introduction

Following is an analysis of the Governor's Budget Message found on pages iii to viii, inclusive, of the 1945-47 Budget Document.

In considering the Governor's Budget in this section of our report, we are using the figure for the total as he gives it at $683,710,643 and also we are using the Budget figures for actual and estimated expenditures for 1943-45 in the sum of $587,347,003. These amounts are found on Schedule 1, page A-3 and throughout the Governor's Budget.

We call attention to the fact that in our opinion these figures should be adjusted for certain large items included in the Budget which are charged as expenditures for 1943-45 which can not be spent until 1945-47. These amounts total $9,745,670 so that the final total Budget should be adjusted by at least this amount. This will reduce the actual and estimated expenditures for 1943-45 to $577,601,333 and will increase the total of the Budget for 1945-47 to $693,456,313. These corrections are shown in a table following under the subheading "Total Budget." The result of these adjustments will be of course to change the entire Budget picture as presented by the Governor and will change the percentages showing the allocation of budget items throughout the Budget.

These adjustments are inside of the Governor's Budget. They do not affect the estimated surplus as of June 30, 1947. Subsequently items will be presented which are in addition to the Governor's Budget.

Budget Does Not Present Governor's Spending Program

In presenting this Budget the Governor states that it is in accordance with the Constitution and with the needs of the State, and it represents his estimate of expenditures for the biennium. We have already pointed out that in our opinion it does not comply completely with the constitutional provision requiring the Executive Budget for it does not include all of the recommendations that the Governor makes for State expenditures for the biennium, nor does it include the new taxes that he has recommended for the prepaid health program or how the deficit on this will be made up or the tax source therefor, nor does it include all the expenditures provided by law which may be made under existing appropriations.

Furthermore, if all of the recommendations for State expenditures made by the Governor were included in the Budget, the entire budget picture would be changed as follows:

1. The total of the Budget would appear much larger.
2. The final surplus would be much smaller and possibly a deficit would be shown—depending on how far the Governor recommends to go in the several items.
3. If recommendations actually should be as large as they appear tax reduction is not possible but increased taxes in addition to the pay roll tax for the health plan should be made.
4. The fixed charges of the State would be materially increased.
5. Other departmental budgets will be found to be too small if the recommendations for added taxes and new services and agencies of the State are established, i.e., if 400 or 500 or 600 or more new State

employees are to be employed and serviced to collect more taxes and administer the health plan, a division of recreation, buy parks, expand labor relations, inspect and license all hospitals, service veterans, etc., the Personnel Board will require more money and more personnel to service these—The Employees Retirement Board will likewise need more money and help—and more money into the Retirement Fund—the Controller and the Department of Finance will need more money for auditors, etc. So the pyramiding of costs goes on, with each new service added existing services must be expanded.

6. The war effort will be cut into by the new personnel required.
7. Possibly tax reduction could not be available if all of the expenditure proposals were placed on a sound financial basis, not estimated on swollen wartime revenues but on a long range peacetime income with taxes the people can carry without undue sacrifice in their personal life.

Some of the details of this was presented in our introduction and will be further explained in subsequent parts of this report.

The Total Budget

It is stated that the total of the Budget is $683,710,643,[1] but in other places the term "expenditures for the Biennium 1945-47" is used. This is a confusion of terms for the Budget Document is based upon an estimate of expenditures which does not include all of the expenditures either recommended by the Governor or which under existing law can be made. There is no doubt in our mind but what the actual expenditures for this biennium will greatly exceed the Budget estimate. It will exceed it by over $200,000,000 if all the recommendations for expenditures made by the Governor in his Budget and in his Budget Message to the Legislature are made effective and on a pay-as-you-go basis.

The Governor states that his Budget recommendation is greater by $96,363,640 [2] than the actual and estimated expenditures for the 1943-45 Biennium. We would like to support our conclusion that the actual expenditure program for the 1945-47 Biennium will greatly exceed the Budget by reviewing the recent financial planning of the State. We wish to point out that the Governor's Budget for 1943-45, as found in the Budget Document for that biennium totaled $463,947,005, which he then stated was approximately $100,000,000 less than the expenditure for the prior Biennium 1939-41. *However, the actual and estimated expenditures for 1943-45, found on page A-3, Schedule 1, of the Budget for 1945-47, is placed at $587,347,003.* This is $123,399,998 more than the Budget figure and in place of it being $100,000,000 less than the expenditures for 1939-41 it turns out to be a little over $23,000,000 in excess. Moreover, if all of the expenditures are made which are estimated for the 1943-45 biennium, as set up in this Budget, the expenditures will run in excess of the figures stated.

Savings for 1944-45 Fiscal Year Possible

We do not agree that all of these expenditures will be made during the biennium. In our opinion many of them should be reduced and

[1] On page 877 we have shown that the adjusted total of the Budget should be $693,456,313.
[2] The Budget would actually be greater by $106,109,310.

controlled as the estimates of expenditures for the second year of the biennium are frequently just the balances remaining in appropriations for the several agencies. We believe this will be done by the Director of Finance. From these regular operations of the agencies of the State a modest saving can be made.

Expenditure Charged to 1943-45 Should Be Charged to 1945-47 Budget

There is a large group of expenditures set up in the Budget to be expended in 1943-45, or by June 30, 1945, that can not be spent or properly obligated by that date other than on paper.

These expenditure estimates are for capital outlay—the construction of Rector Canyon Dam $1,370,670—page 334 of the Budget—and the acquisition of sites for the purposes set forth in the tabulation below, and found on page 763 of the Budget in the sum of $4,000,000 and the allocation for plans and sites for local governments for postwar works found on page 793 of the Budget in the sum of $4,375,000.

Postwar Construction Program

EXPENDITURES FOR CAPITAL OUTLAY

	Actual 1943-44 95th Fiscal Year	*1944-45 96th Fiscal Year*	*1945-46 97th Fiscal Year*	*1946-47 98th Fiscal Year*
GENERAL FUND				
Acquisition of Sites (in accordance with the Property Acquisition Act, Chapter 18, Statutes of 1944 (4th Extra. Session):				
Department of Corrections:				
For the acquisition of real property of approximately 1,000 acres as a site for a medium custody vocational and agricultural institution for young offenders who are too mature for juvenile institutions and too immature for prison environment			$300,000	
For the acquisition of real property as a site for a prison medical center to care for certain of the mentally ill, sexually abnormal, epileptic, drug addicted, and chronically ill prisoners; the institution to be located in a metropolitan area where it would be readily accessible to medical specialists			300,000	
For the acquisition of real property of approximately 1,000 acres as a site for a medium custody institution for older prisoners			300,000	
Totals, Department of Corrections			$900,000	
Department of Education:				
Fresno State College		$275,000		
San Francisco State College		50,000		
San Jose State College		700,000		
Totals, Department of Education		$1,025,000		
University of California:				
Santa Barbara Branch		$26,000		

EXPENDITURES FOR CAPITAL OUTLAY—Continued

	Actual 1943-44 95th Fiscal Year	1944-45 96th Fiscal Year	1945-46 97th Fiscal Year	1946-47 98th Fiscal Year
Department of Finance:				
State Office Buildings:				
Sacramento		1,000,000		
Los Angeles		850,000		
San Francisco		450,000		
State Grange, Sacramento		150,000		
Governor's Residence, Sacramento		100,000		
Totals, Department of Finance		$2,550,000		
Department of Institutions:				
New Mental Hospital		400,000		
New Maximum Security Institution		400,000		
New Institution for Epileptics		300,000		
Totals, Department of Institutions		$1,100,000		
Totals, Acquisition of Sites		$4,701,000	$900,000	$900,000
Totals for Biennium		$4,701,000		$900,000

In our opinion, $4,000,000 of the $4,701,000 estimated items for sites for State buildings, plus the Rector Canyon Dam allotment of $1,370,670 and $4,375,000 alloted for local government plans and sites in the Budget to be spent in 1944-45 or the current biennium—will be carried over to 1945-46.

This will make the 1943-45 expenditures $9,745,670 less, or $577,601,333 and 1945-47 Governor's Budget as presented larger by this amount—or $693,456,313.

Rector Canyon Dam can not be built until priorities are secured. Out of above items for sites for State building it will be physically impossible to buy the sites proposed under the statute providing the required procedure and do a good job for the State in the time remaining in the present biennium. Since the constitutionality of the statute providing for the allocation to local governments for plans and sites for postwar works is before the Supreme Court to determine its constitutionality, it appears apparent that no money will be spent from this allocation before the close of this biennium.

From These Appropriations It May Be Possible to Secure the Following Results:

1943-45 Expenditure	San Francisco State College Site	$50,000
	Santa Barbara U. C. Branch Site	26,000
	One new mental institution site	400,000
	One other site	225,000
	Total approximately	$701,000
	Total appropriated	$4,701,000
Carry-Over 1945-47	Balance to carry over to 1945-47	$4,000,000
	From Rector Canyon Dam appropriation	1,370,670
	From the appropriation to assist local government	4,375,000
	Total to carry over to 1945-47	$9,745,670

These adjustments of course affect every part of the Budget in the amount of the total 1945-47 Budget, the amount and percentage increase, the ratio of controllable to uncontrollable expenditures, amount of capital outlay, subventions, etc. We are not making these adjustments now for the reason that other items of the Governor's expenditure and tax program should be also considered in the Budget which will cause even more drastic adjustments.

Largest State Budget

The Governor plainly states that this is the largest Budget since the admission of California to the Union, and further claims the same might be said almost without exception for every budget presented since 1850, and illustrates this fact by *quoting not the budgets but the expenditures of the State from 1905-07* to 1935-37 in ten year intervals. He compares with these expenditures his Budget estimates for 1945-47. This is not a valid comparison. Like things are not being compared. We believe that the Legislature should have before it, as near as can be presented, the actual facts of the situation, so that when it approves an appropriation it will know how the whole financial structure of the State is affected.

No Executive Budget Prior to 1923

First of all, there was no Executive Budget before the constitutional amendment approved by the people November 7, 1922, brought it into effect. The first Executive Budget was that of Governor Friend W. Richardson for the biennium 1923-25. He states in his Budget Message that his total Budget was $78,974,628 (page III of his Budget Document). On page V of his Budget Document he states that the Budget for 1921-23 was $91,000,000, thus he claimed a reduction in Budgets. But here again we find the Governor making unlike comparisons for the $91,000,000 was the actual and estimated expenditures. However, the budget does show a decrease below the expenditures of the previous biennium. The actual expenditures for 1923-25 turned out to be $141,-468,805.

The budget estimate for 1925-27, as found on page 1 of Governor Richardson's budget message, was $103,430,275. This was $38,000,000 below the expenditures of the previous biennium, but the expenditures turned out to be $163,155,082 for this period, as stated by Governor Warren in his message, page iii, or some $60,000,000 more than the budget for the period.

Budgets Not on Comparable Basis

We also call attention to the fact that a comparison of budgets with actual expenditures for prior years is not a valid comparison unless we know that all of the expenditures made on a comparable basis are included. An examination of the several budgets from 1923-25 to current date will show that they are not comparable in that they do not all contain all the expenditures for the State. For example, the budget message in 1945-47 budget states that the expenditures for the biennium 1925-27 amounted to $163,155,032. Previous official reports of the State of California placed this expenditure at $174,425,044.

Budgets Have Been Reduced Below Previous Budget

An examination of the Budget for 1933-35, page XXII, shows the total of the Budget recommended by the Governor to be $258,655,163, while the actual and estimated expenditures of the previous biennium were $283,159,040, or a decrease of approximately 9 per cent. This reduction in Budgets is contrary to the statement in the 1945-47 Budget as was that for 1923-25. The actual and estimated expenditures for 1933-35 as shown in the Budget for the following biennium, however, turned out to be $340,883,323. This increase of almost $60,000,000 over the Budget was due to the assumption of added school costs by the State which accompanied the adoption of the Sales Tax under the so-called Riley-Stewart Plan. This added cost was however opposed by the fiscal officers of the Governor.

Expenditures Will Exceed Budget for 1945-47

We wish to point out that the actual expenditures and accrued liabilities for 1945-47 will exceed the Budget by a very large sum, probably as much as $200,000,000, unless the Legislatures holds down expenditures, both those presented in the Budget Document and in special appropriation bills, as the Governor recommends in his biennial message in the following words:

> "I, therefore, urge that all requested appropriations, both in and out of the Budget, be scrutinized as carefully as though we were not operating on a surplus." (Biennial Address, page 14.)

The facts are that unless we do this there will be a deficit or material tax increases above the payroll tax recommended will be required.

Reasons for Tremendous Increase in the Cost of State Government

The Governor gives the following reasons for the increase in the cost of State government:

1. The continuous growth of the State.
2. The demands of the people for additional governmental services.
3. The continuous increase in the cost of living.
4. The assumption by the State of obligations formerly considered the financial responsibility of local government.

Cost of Government Grown Much Faster Than Population

While the population of the State of California has grown more rapidly than that of any other State in the Union, and this has had a decided effect upon the increase in the cost of State Government, it has in no way been comparable with this increase. An analysis and a comparison of the population growth of the State with the increased cost of State Government not only shows that there has been a startling upswing in the cost of government, but, what is more significant, the per capita cost of State Government has increased almost two and one-half times as fast as population. If State government expenditure had only increased at the rate of population growth it would have gone up 78.6 Budget. The following table, showing the increase in population and per cent from 1923-25 to 1945-47. This would have been an increase of $103,044,799, and the cost for 1945-47 would be $234,054,175 in place of the Budget of $683,710,643, or just a little over one-third of the

the increase in the cost of State Government for the Biennial Period 1923-25 to 1945-47, reveals the following striking comparisons.

1. During this period the population of the State increased 78.6 per cent but State expenditures, including subventions to local government, increased 421.7 per cent. At the same time, per capita expenditures increased from $27.94 for the biennium 1923-25 to $81.65 for the 1945-47 biennium, as calculated on the Governor's Budget, or an increase of $53.71, or a percentage increase of 192.2.
2. The appropriations made by the State as subventions to local government demonstrated the most startling increase, this being 563.5 per cent, while the per capita expenditures of the State showed an increase from $13.40 for 1923-25 to $49.78 for 1945-47, a per capita increase of 271.5 per cent.
3. The State expenditures actually for State purposes showed the smallest percentage of increase, this amounting to 291.1 per cent. The per capita cost increased from $14.54 to $31.86, or an increase of 119.1 per cent.

We wish to again point out the fact that these comparisons are not entirely valid, for they are comparing the actual expenditures for the Biennium of 1923-25 with the budgeted items for 1945-47.

The second half of our table, Part B, makes the same comparisons but adds $100,000,000 for expenditures for State purposes. In this comparison the percentage in the per capita increase for subventions remains the same. The striking increase, therefore, occurs in the State expenditures for State purposes. The adjusted figure now shows an increase in amount, for the period under discussion, of 437.7 per cent, while the per capita cost increases from $14.54 to $43.81, or an increase of 200.8 per cent. We wish to emphasize that Part B of this table is added for the purpose of indicating what will happen should the Governor's Budget figure be exceeded by as much as $100,000,000, and if this was all for State purposes. We have already pointed out that under the Governor's recommendation, his Budget will have to be exceeded by a very large sum, and that all of his recommendations are for State purposes. There are, of course, bills in the Legislature which would increase the Budget by more than $100,000,000 by increasing the State's subventions to local government.

It is clear from these figures that population growth can not be given as the major cause for the tremendous increase in the cost of State Government. While it is important and contributes to the pyramiding cost of government, the other reasons previously listed are the actual cause of pyramiding cost, built upon an increasing population base. The cost of government works like compound interest.

The significance of this situation, coupled with a sudden population increase due to wartime effect, and the establishment of new State expenditures based upon wartime swollen revenue, is in particular pertinent in light of the statement recently made by the Director of Finance which promises a further increase in the cost of government with the end of the war at the same time that he predicts a drop in revenue. His statement is as follows: "If both Germany and Japan were to collapse

Fiscal Trends, State of California—1923-1925 and 1945-1947 Biennial Periods

A. Comparison of Budgeted Expenditures for 1945-1947 with Actual Expenditures for 1923-1925

Biennial periods	Estimated population	State expenditures per capita (general fund)		State subventions to local governments from State revenues		State expenditures for State purposes	
		Amount	Per capita	Amount	Per capita	Amount	Per capita
1945-1947	8,073,000	$[illegible]	$85 65	$[illegible]	$40 78	$[illegible]	$81 80
1923-1925	4,640,000[2]	16,993,574	27 94	7,802,567	13 40	65,274,809	14 54
INCREASE							
Amount	3,054,948	$552,661,267	$85 71	$[illegible]	$[illegible]	$[illegible]	$17 92
Per cent	73.6%	408.1%	202.2%	[illegible]	[illegible]	[illegible]	108.1

[1] California Taxpayers' Association estimate for January 1, 1944.
[2] California Taxpayers' Association estimate for July 1, 1924.
[3] Expenses and transfers of expenditures from general fund, as shown in Governor's Budget for 1945-47.

B. Comparison of Predicted Expenditures of $200,000,000 in Excess of Budgeted Figure for 1945-47 with Actual Expenditures for 1923-25

Biennial periods	Estimated population	State expenditures per capita (general fund)		State subventions to local governments from State revenues		State expenditures for State purposes	
		Amount	Per capita	Amount	Per capita	Amount	Per capita
1945-47	8,073,000	$[illegible]	$[illegible]	$[illegible]	$40 78	$[illegible]	$81 80
1923-25	4,640,000[2]	16,993,576	27 94	7,802,567	13 40	65,274,809	14 54
Increase							
Amount	3,054,948	$552,661,267	$85 65	$[illegible]	$26 78	$[illegible]	$67 26
Per cent	73.6%	408.0%	[illegible]	[illegible]	207.6%	402.7%	[illegible]

[1] California Taxpayers' Association estimate for January 1, 1944.
[2] California Taxpayers' Association estimate for July 1, 1924.
[3] Predicted figure of actual expenditures based on knowledge the budget fails to include all expenditure items.

immediately, the ensuing two years (1945-47) would be a time of distinct readjustments with a substantial increase in expenditures and a sharp drop in revenues."

In light of this sobering statement by the Chief Financial Officer of the State, can we increase further the base of State expenditures when we are promised, with the end of the war, a substantial increase in expenditures and a sharp drop in revenue?

The Budget Committee has consistently maintained that expenditures should be held down during the war and the war effort furthered. War expenditures should be eliminated at the end of the war and the surplus preserved now to help meet the time of decreasing revenue and increasing cost of government brought about by reconversion.

A large increase in cost of State Government need not necessarily follow merely because the war has ended. The committee has proposed that each added position and new expenditure shall have to be justified in itself and should not merely be restored because of the fact that it had existed prior to the war.

Majority of People Have Not Demanded Increase in Government

There has been a demand of the people for additional governmental services. These demands frequently, however, have been promoted by interested groups and seldom by a concerted demand by a majority of the people. Too often the average taxpayer has no voice in the matter of government costs but only the organized groups are articulate.

Costs of Government Up With Rise in Living Costs

The third reason given by the Governor for the increased cost of State Government, the continuous increase in the cost of living, requires explanation or one may get a mistaken idea from it. There has not been a continuous increase in the cost of living from the Biennium 1905-07 to the present time. There have been ups and downs and, in fact, the cost of living during this period has been considerably higher than it is at the present time. For a number of years during this period the cost of living was higher than it is at the present moment, and the dollar actually bought much less. A better comparison would be to show what percentage of the income of the people of California was taken for the several bienniums used for comparison for the cost of State Government as compared with the percentage that is now being taken. The per capita tax on the people of California now for all levels of government is approximately $505 for 1944, the Federal burden being by far the larger part.

State Government Has Assumed Local Government Functions

The most significant reason for the increased cost of State Government is the assumption by the State of obligations that were formerly paid for by local government. The larger items assumed were the added cost for elementary schools in 1933 of approximately $80,000,000 a biennium, and the further increase for elementary schools by No. 9 on the ballot in November, 1944, which increased the other fixed obligation for this support by some $33,000,000 for the Biennium 1945-47.

We must also add to this cost for education the assumption by the State of the increased cost for support of the needy aged from $40 to $50 per month, as provided by the 1943 Legislature and just made permanent

in January 1945, and of which the State pays one-half. Then there are subventions to local government for streets and highways and many other direct and indirect items.

The Budget Message illustrates this last item by stating that the sum of $416,885,916[1] or 61% of State expenditures, are being paid to cities, counties, and District Governments for the performance of their functions. Furthermore, a schedule is presented showing how these costs have been absorbed by the State from 1905-07 to 1945-47. The schedule is presented herewith:

Payments and Grants to Local Governments

1905-1907	$ 11,976,062
1915-1917	18,685,475
1925-1927	74,589,404
1935-1937	211,312,917
1945-1947	416,885,916[1]

There are those who will disagree with the Governor's statement that these subventions are all for the performance of the functions of county, city, and district government. A special section in the Budget, extending from page 781 to 793, inclusive, covers what is called "Payments and Grants to Counties and Other Units of Local Government." We list herewith the items covered:

Public Schools:

Elementary Schools
High Schools
District Junior Colleges
Vocational Education
Contribution to Teachers' Retirement System
Free Textbooks

Social Welfare and Public Health:

Aid to Needy Aged
Aid to Needy Blind
Aid to Needy Children
Subsidies to Tuberculosis Sanatoria

Highways and Streets:

Apportionments to Counties for County Roads
Plans and Rights of Way for Postwar County Highway Construction
Allocation to Cities for City Streets

Civilian Defense:

Aid to Local Agencies for Civilian Defense Purposes
Workmen's Compensation Benefits for Civilian Defense Workers

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[1] This includes the extra $10 per month for the aged, voted in 1943, and is incorrectly included as a continuing appropriation. The 1943 law specifically provided for two years only. The Budget on page 786 indicates this. The inclusion of this results in an overstatement of fixed charges by $30,901,650. The amended total of fixed charges would be $455,090,940 or 66.2 per cent of the Budget instead of $485,792,590 or 71 per cent as indicated in the Budget.

Other Purposes:

Salaries of Superior Court Judges
Apportionment to County Agricultural Fairs
Apportionment of Liquor License Fees
Apportionment of Motor Vehicle License Fees (in lieu tax)

Education

There are those who will argue that public education, since it is provided for in the Constitution, is a State responsibility and not a local. The expenditures for the public schools, however, are controlled and made by local government, and the State, up to the present time, although largely supporting these financially, has not even the authority to make a complete audit to determine if the State is contributing the proper sum of money or more than is required, or if the State is receiving value for money expended.

Free Textbooks

The free textbooks supplied in California are printed in the State Printing Plant and are paid for out of a revolving fund. The revolving fund is reimbursed by an appropriation out of the State treasury. The employees are all State employees and working under civil service law. The texts are selected by a State agency, the paper is bought by a State agency, and what is to be printed is determined by a State agency. It appears that those that contend that this is not a subvention to local government but a State activity have strong arguments to support it.

Teachers' Retirement

Now that the State matches the teachers' retirement payments, and has assumed a State obligation of meeting the deficit in the retirement plan, and no longer is free from all obligation other than the contribution of 5 per cent of the inheritance tax, there is a grave question whether this is now a subvention or a State governmental obligation.

Aid to Needy Aged

There is also a question as to whether the aid to the needy aged can any longer be considered a county obligation rather than that of the State. The State holds the final decision as to whether a recipient will be paid and determines how much, and the county claims they have little or no discretion in the matter.

County Highways and City Streets

It will be noted that under the highways and streets section of the Budget there has been included a wartime subvention for the payment of the cost of plans and rights-of-way for postwar county highways. This should not be considered as a continuous obligation but should end with the war. This is also true of the two items under civilian defense.

Salaries of Superior Court Judges

Under other subventions are included three items which have already been seriously questioned as to whether they constitute a subsidy to local government. The first is the salaries of superior court judges. These courts are considered in every respect State courts. While the judges are elected by counties, a set part of their annual salaries is paid by the

State. The judges are transferred from one court to another at the direction of the State Judicial Council. The Judges' Retirement System is supported by the State, on a matching basis, and is managed by the State.

Liquor Licenses

The apportionment of liquor license fees to local government is for the purpose of law enforcement in relation to the liquor business. The license is collected by the State. The costs are incurred through the liquor business which the State licenses, and local government urges that this allocation is only to assist them in enforcing the law which is entirely a State law.

Motor Vehicle License Fee

The apportionment of the motor vehicle licensee fee is open to more serious question for this license fee is an "in lieu" tax levied by the State through the Department of Motor Vehicles in lieu of the old personal property tax on automobiles which was a source of revenue for local government. It was taken over by the State because of the possibility of more equitable enforcement and more economy in the collection of the tax.

Uncontrollable Items

The Budget Message states that a major portion of the Budget, or $485,792,500,[1] is made up of uncontrollable items and that these are fixed and recurring appropriations. Much has been made of this matter in practically every Governor's Budget from first to last. Much more is made of it in California than in other States in the Union. We believe it is time that a very definite analysis be made of this for it is apparent that many legislators as well as State officers and employees are under the impression that neither the Governor nor the Legislature can do anything about the so-called uncontrollable items.

The use of the term "uncontrollable" is not quite accurate. All of these matters are controllable either by the people through Constitutional amendment or by the Legislature. It is true that some of them are required by the Constitution. The Governor states that these amount to $215,273,957, covering school support and provisions for debt payments. We concede that debt payments must be made as a contract obligation.

Legislature Can Control Some Expenditures Called Constitutional

We do not concede that the Legislature can not control a considerable amount of the constitutional requirements for school support. The Legislature can provide that only the constitutional appropriation or allocation need be made and it can provide the method of allocation within the limits of the Constitution. The amounts required by the Constitution for education for elementary and high school purposes are shown in the following Schedule I, using the estimates as set up in the Governor's Budget on pages 781 and 782, inclusive. Those that are prescribed for the same branches of education by continuing legislation but which can be controlled by the Legislature are given in Schedule II.

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[1] This includes the extra $10 per month for the aged, voted in 1943, and is incorrectly included as a continuing appropriation. The [illegible] for the years only. The Budget on page 786 indicates this. The omission of this from the summary statement of fixed charges is $39,900,000. The amended total of fixed charges would be $455,060,940 or 66.2 per cent of the Budget instead of $485,792,500 or 71 per cent as indicated in the Budget.

Schedule I—Constitutional Appropriations for Education

	Actual 1943-44	*Estimated 1944-45*	*Estimated 1945-46*	*Estimated 1946-47*
Elementary Schools				
Average daily attendance, preceding school year	689,867	750,825	798,000	854,000
Per cent of increase	0.69%	8.84%	6.28%	7.02%
Apportionment:				
Out of School Fund at $30 per unit of average attendance	$20,696,010 00	$22,524,750 00	$23,940,000	$25,620,000
Total, School Fund	$20,696,010 00	$22,524,750 00	$23,940,000	$25,620,000
Out of General Fund, regular:				
On units of average daily attendance				
At $30 per unit	$20,696,010 00	$22,524,750 00		
At $50 per unit			$39,900,000	$42,700,000
Total, General Fund, regular	$20,696,010 00	$22,524,750 00	$39,900,000	$42,700,000
Totals, Apportionments to Elementary Schools	$41,392,020 00	$45,049,500 00	$63,840,000	$68,320,000
		41,392,020 00		63,840,000
Totals for Biennium		$86,441,520 00		$132,160,000
High Schools				
Average daily attendance, preceding school year:				
Regular and compulsory classes	267,198	264,775	288,500	317,300
Special day and evening classes	49,078	35,109	31,000	35,000
Junior college classes in high schools	6,177	4,125	6,400	10,700
Emergency and Education Code, Section 7305	1,620	6,098	6,100	6,000
Total, Average daily attendance	324,073	310,107	332,000	369,000
Per cent of increase or decrease	—14.00%	—4.31%	+7.06%	+11.15%
Apportionment:				
Out of High School Fund:				
At $30 per unit of average daily attendance	$9,722,190 00	$9,303,210 00	$9,960,000	$11,070,000
Totals, High School Fund	$9,722,190 00	$9,303,210 00	$9,960,000	$11,070,000
Out of General Fund Direct:				
At $60 per unit of average daily attendance	$19,444,380 00	$18,606,420 00	$19,920,000	$22,140,000
Totals, General Fund Direct	$19,444,380 00	$18,606,420 00	$19,920,000	$22,140,000
Totals, Apportionment to High Schools	$29,166,570 00	$27,909,630 00	$29,880,000	$33,210,000
		29,166,570 00		29,880,000
		$57,076,200 00		$63,090,000
Grand Total for Biennium		$143,517,720 00		$195,250,000

Schedule II—Appropriations Made by Continuing Legislation to Elementary Schools and High Schools

	Actual 1943-44	*Estimated 1944-45*	*Estimated 1945-46*	*Estimated 1946-47*
Elementary Schools				
One-half excess cost of educating physically handicapped	$ 378,139 82	$ 386,003 22	$ 450,000	$ 478,000
Out of General Fund, regular:				
Excess over $30 per unit of average daily attendance due to method of apportionment	299,572 61	288,318 27	1,197,000	1,281,000
One-half excess cost of educating physically handicapped	378,139 82	386,003 22	450,000	478,000
Total, General Fund, regular	$1,055,852 25	$1,060,324 71	$2,097,000	$2,237,000
Out of General Fund, supplemental:				
By Chapter 1085; Statutes of 1943 and Chapter 14, Statutes of 1944 (4th Extra Session)	$4,203,421 01	$4,566,861 25		
Totals, Apportionments to Elementary Schools	$5,259,273 26	$5,627,185 96	$2,097,000	$2,237,000
		5,259,273 26		2,097,000
Total — Biennium		$10,886,459 22		$4,334,000
High Schools				
Out of High School Fund; One-half excess cost of educating physically handicapped	$ 138,393 49	$ 143,454 51	$ 162,000	$ 172,000
Out of General Fund, direct:				
Excess over $60 per unit of average daily attendance due to method of apportionment	587,251 21	539,673 41	598,000	665,000
One-half excess cost of educating physically handicapped	138,393 49	143,454 51	162,000	172,000
Total, General Fund, direct	$ 725,644 80	$ 683,127 92	$ 760,000	$ 837,000
Totals, Apportionment to High Schools	$ 864,038 29	$ 826,582 43	$ 922,000	$1,009,000
		864,038 29		922,000
		$ 1,690,620 72		$1,931,000
Grand Totals for Biennium		$12,577,079 94		$6,265,000

None of the other items on page 781 listing payments for public schools are required by the Constitution but all of them are continuing legislation and must appear in the Governor's Budget, but they can be controlled by the Legislature. These are as follows on Schedule III.

Schedule III—Appropriations for Public Schools Not Required by Constitution but Continuing Appropriations

	Actual and estimated 1943-1945 95th and 96th fiscal years	*Estimated 1945-1947 97th and 98th fiscal years*	*Increase (+) or decrease (—) from 1943-1945*
Apportionment to District Jr. Colleges: (Fixed charge prescribed by Sections 5451 to 5457, inc., Education Code)			
Totals, apportionment	$3,816,020 00	$4,682,000 00	$+865,980 00
Vocational Education Apportionment			
State's Share (Approximately 2/3 of this expenditure is a fixed charge prescribed by Sec. 5705, Educ. Code; balance is determined by biennial legislative appropriation in Budget Act)	819,037 12	860,093 00	+41,055 88
Contribution to State Teachers' Retirement System. (Requirement prescribed by Sec. 14562 and 14563, Educ. Code; contribution of $312,298.01 in 95th F. Y. represented fixed charge; remainder for 1943-45 and amount for 1945-47 appropriated biennially on basis of actuarial determination)			
Regular State Contributions	3,372,298 01	7,610,000 00	+4,237,701 99
Special State Contributions, Chapter 13, Statutes of 1944	30,000,000 00		—30,000,000 00
Totals, State Teachers' Retirement System	33,372,298 01	7,610,000 00	—25,762,298 01
Free Textbooks (Requirement prescribed by Sec. 7, Article IX of the Constitution; amount determined by appropriation by the Legislature)	1,525,664 00	1,616,618 00	+90,954 00
Grand Totals, All State Funds	$39,533,019 13	$14,768,711 00	$—24,764,308 13
1. Eliminating One Time Appropriation for Teachers' Retirement	30,000,000 00		
2. Total for Normal Comparison	$9,533,019 13	$14,768,711 00	$+5,235,691 87

The Governor states in his Budget Message, page iii, "Of this total, (of uncontrollable items) $215,293,957 arise by reason of the constitutional requirements for school support and provision for debt payments." This is a customary assumption but not quite in keeping with the facts. Reference to page 713 of the Budget will show that the sum required by the Constitution for schools is only:

	$195,250,000	From Schedule I
Required for debt service, page A42	13,490,957	
Total	$208,740,957	
The fiscal officers apparently added in the excess for schools above the constitutional requirement of	$6,265,000	From Schedule II
found also on page 717, making a total	$215,005,957	
And then they must have considered the salaries of State Legislators provided by Section 23 Art. IV of the Constitution as either expenditures for education or debt service for they apparently added in this item from the first item in Schedule VII, page A 42—Budget 1945-47	288,000	
	$215,293,957	

This sum makes it balance with the figures used in the Governor's Message. The sum of $6,265,000 included as a constitutional requirement should also be included in continuing expenditures required by statute. This will change the amounts as follows:

	Budget message	*Corrected*
Constitutional	$215,293,957	$209,028,957
Education	201,803,000	195,250,000
Debt service	13,490,957	13,490,957
Salaries—		
Legislators		288,000
Grand totals	$215,293,957	$209,028,957
Continuing appropriations	$270,498,633	$276,763,633
Grand total uncontrollable	$485,792,590	$485,792,590

Continuing Appropriations by Statutes

The Governor states that the remaining $270,498,633 represents continuing appropriations embodied in statutes. This can actually all be controlled by the Legislature but has not been for many years. Again there are practical limitations but it might produce large economic and more careful planning and spending if these agencies had to budget as do other departments of the State and justify all of these expenditures. This figure if corrected by the amount of school expenditures that were reported as constitutional but are statutory only would bring it up $6,265,000 or a total of $276,703,633. These continuing appropriations then would be $115,955,705 over that required for 1943-45 using the Governor's Budget figures as a base.

This increase, the Governor explains, is caused (1) by increased enrollment in schools, (2) by the adoption of Proposition No. 9 by the people on the November, 1944, ballot, (3) by the anticipated increase in persons receiving aged aid, (4) by the increase in aid to the blind, and (5) by the increase in aid to children.

The Budget Message is in error as respects the aid to needy aged for this anticipated a change in legislation continuing the aid at $50 per person rather than $40, which under the then existing law would have obtained for the biennium 1945-47.

Governor Can Recommend Legislation to Reduce Expenditures as Well as to Increase Them

We would like to point out that in this whole situation the Legislature can control by statute some $276,765,633 or 56.97 per cent of that which is considered by the Governor as uncontrollable in this Budget. The Budget makers were quite correct in including these items, with the exception of the $10 per capita aid to the needy aged, on the basis of constitutional and statutory requirements. At the same time, if the Governor wishes to continue the increase for the aged and so recommended in this Budget Message and in the Budget, page 786, and included the amount therefor in this Budget, he also by the same logic could have recommended the adjustment or elimination of these continuing

appropriations for the Legislature controls them in their entirety of approximately $277,000,000. However, again there are practical limitations preventing any large reductions.

Legislative Control of Expenditures Recommended

We recommend that the Legislature exercise some further control over a number of items that are included as uncontrollable in the Governor's Budget. In particular we recommend that the Legislature provide for a direct and understandable method of appropriating money for high and elementary schools so that there will be appropriated all that is required by the Constitution and no more. This can be done now readily and with no hardship to any school district since under Constitutional Amendment No. 9 passed at November 1944 General Election the elementary schools receive some $33,000,000 more for elementary schools for the biennium than required by the Constitution previously. This will result in a saving to the State treasury of approximately $6,000,000 for 1945-47.

Equalization of Educational Opportunity

At the same time, it will forward the general premise that equal educational opportunity for all children of the State should be one of the benefits that the sovereign secures when it makes such stupendous payments for education.

Auditing of School Expenditures Recommended

We further recommend that the State should require the auditing of State money alloted for education in all its parts and particularly that allocated on the basis of average daily attendance, so as to determine if these allotments are made as required by law and are equitable and based on true figures.

The late Assemblyman Lee Bashore, as a member of the subcommittee of the Joint Committee on Tax Structure of the State, made special inquiry into this subject. The Legislative Auditor cooperated with him in this and the conclusion from this analysis was (1) that such audits should be made by a body independent of the Department of Education which is an interested party in the allocation and expenditure of such funds, and (2) that such audits will save the State treasury many hundreds of thousands of dollars and will give to the school districts of the State a more equitable distribution of funds.

Education Equalization Fund

This study also showed the desirability of equalizing educational opportunity through setting up an equalization fund from State constitutional support for elementary education. This also can be done at this time without reducing the previous support which school districts have had from the State because of the requirement under the 1944 amendment to the Constitution increasing the average daily attendance support for elementary schools by $20. If this is done, it will be an accomplishment of a hope held by those sincerely interested in the education of all the children of the State extending over more than a quarter of a century.

The auditing of expenditures for vocational and adult education, and a determination of the support that the State might equitably be expected to give, will result in the saving of many hundreds of thousands of dollars a year. The abuses found here are particularly flagrant.

Expenditures for Highways

In the $270,498,633 characterized as continuing appropriations in the Budget Message, another inconsistency is found in the treatment of highway funds. Clearly all of these highway funds fall in the category of continuing appropriations and in the light of this, the Governor should logically have included all such revenues, both carry-over balances and accruals during the biennium, for they are all automatically appropriated by continuing legislation. The Governor, however, did not follow this practice consistently but he did include, as is shown on page 713 of the Budget, some $69,366,843 out of available revenues of $109,366,843. This left an estimated balance, on the basis of the revenue estimates used, of $40,000,000. This reserve is eliminated from the category of fixed charges and the subdivision, continuing appropriations, solely by a recommendation of the Governor by merely making the statement that this is to be an estimated reserve for postwar State highway construction. If this reserve had all been allowed to go in as fixed charges, as has been the practice in previous Budgets, the Governor's Budget would have been $40,000,000 larger and the percentage of fixed charges considerably larger.

Recommended That Postwar Highway Reserve Be Created by Statute

It is recommended that this bill already introduced establishing this reserve be enacted into law and that the Legislature definitely control the establishment of this reserve.

It is clear that if the Governor could make such a recommendation, and in making his budget eliminate the sum involved therefrom in this particular category of fixed charges, he could do the same with many of the others and in that sense these so-called fixed charges are subject to budgetary control.

Since the legislative and budgetary control of the expenditures for highways have been a law unto themselves since the establishment of the Executive Budget, a review of the situation is pertinent.

Highway Funds Not Subjected to Budgetary Control

From the time of the reorganization of the State Government into departments under Governor Young down to the present time, the Executive Budgets have practically ignored the Division of Highways insofar as real budgeting has been concerned. Schedules have been set up showing where proposed expenditures are to be made and the amount of the estimates of money available to the division. These have been distributed under the several projects proposed. A comparison of the Budget with the actual work done for any biennium of the period will show a wide discrepancy and will indicate that the Budget has been of little or no value in controlling expenditures for highways.

The financial plan for highways presented in the Governor's Budget has never been carried into the Budget Bill for the reason that the entire receipts have been automatically appropriated by continuing legislation. The same condition prevails for 1945-47.

Budgetary Control by Department of Finance Over Highways Nil

Little or no budgetary control has been exercised by the Department of Finance over the Division of Highways. For some peculiar reason they have been exempt from the normal budgetary control exercised over the other departments and divisions of the State. For example, the Department of Finance has not exercised budgetary control over their expenditures for personnel. There has not been applied to the division the code numbering system for controlling personnel which has been applied to other departments. They give various excuses for this but the real reason is that they do not wish the Department of Finance to in any way control their financial operations.

There is a similar lack of control in relation to their contracts, their purchasing, their accounting, and in the control of their equipment. There appears to be no reason why the financial officers of the State should not exercise the same budgetary control over this division as is applied to other divisions of the State Government.

Large Unexpended Balance in Highway Funds

The lack of complete budgeting and budgetary control, together with the failure of audits of the Department of Finance to show the true condition of the finances of the division, has resulted in the division having an unexpended balance in appropriations over a period of several bienniums. The original balance was not shown in the preparation of subsequent biennial budgets. In this biennium the total accumulation was brought out at the Budget hearing and the entire status is now presented in the Governor's Budget on page 713.

Recommend Legislature Assume Control Over $50,000,000 Highway Fund

This particular page is worthy of special consideration by the Legislature. The Legislature should now assume a very definite control over between forty and fifty million dollars of highway funds as the Governor recommends. As we have previously stated, this sum has already been taken out of the items listed by the Governor under uncontrollable items, as a continuing appropriation as provided by statutes.

Page 713 of the Budget is a new procedure which in itself means nothing except the presentation of the financial status of the Division of Highways which has previously not been available to the Legislature. The setting forth, moreover, of a proposed allocation of highway funds as provided in this page means nothing unless the Legislature takes the Governor at his word and makes this effective by legislation. Page 713 of the budget is presented herewith so that a specific consideration of the matter may be made clear by particular reference.

Public Works—Department of Public Works—Division of Highways—Continued

STATEMENT OF UNBUDGETED SURPLUS AND RESERVE FOR POSTWAR HIGHWAY CONSTRUCTION

State Highway Fund

Estimated surplus, July 1, 1945:			
Estimated unbudgeted surplus		Nil	
Estimated reserve for postwar State Highway construction:			
State highways:			
Preliminary engineering	$ 4,000,000		
Rights of way	7,000,000		
Construction, reconstruction, etc., of roads and bridges	19,704,033		
Bridge reconstruction (diesel fuel tax)	1,000,000		
State highways in cities	5,000,000		
Total postwar reserve		$36,704,033	
Total surplus			$36,704,033
Estimated revenue for biennium 1945-47:			
Apportionments from State revenues:			
Motor vehicle fuel tax (transferred from Motor Vehicle Fuel Fund)		$60,634,248	
Use fuel tax (transferred from Motor Vehicle Fuel Fund)		3,595,000	
Motor Vehicle registration fees (transferred from Motor Vehicle Fund)		8,283,562	
Caravan fees		150,000	
Total apportionments from revenues			72,662,810
Total			$109,366,843
Less proposed expenditures for biennium 1945-1947:			
Expenditures for State Government:			
Department of Public Works:			
Departmental administration		$ 152,127	
Mileage rationing		4,255	
Contributions to State Employees' Retirement Fund		4,469	
Division of Highways:			
Administration		3,756,408	
Contributions of State Employees' Retirement Fund		78,063	
Maintenance of State highways		19,472,440	
Traffic engineering and special investigations		352,238	
Planning survey		200,000	
Construction and improvements State highways and bridges		30,770,783	
Construction, improvements and maintenance—State highways in cities		6,579,280	
Construction of buildings and purchase of equipment		417,500	
Payments and grants to local governments:			
Allocations to cities for city streets		7,579,280	
Total proposed expenditures			$69,366,843
Estimated surplus June 30, 1947:			
Estimated unbudgeted surplus	Nil		
Estimated reserve for postwar State highway construction:			
Reconditioning, resurfacing, and construction of roads and bridges:			
State highways	$34,000,000		
State highways in cities	6,000,000		
Total postwar reserve		$40,000,000	
Total surplus			$40,000,000

Page 713 of Budget Explained

We wish to call attention to several items on this page. First, the sum of $36,704,033, made up of five items as listed, is labeled "Total Postwar Reserve." This, in fact, is the total sum of the balances unexpended from previous bienniums, and it was brought to light in the Budget hearing primarily through the investigation of the Legislative Auditor. The next four items make up the estimated revenue for the biennium 1945-47. The total sum is $72,622,810. The three larger sources of revenue are listed as the motor vehicle fuel tax—$60,634,000, the motor vehicle registration fee—$8,283,000, and the use fuel tax—$3,595,000.

Revenue Underestimated

In our opinion the Department of Finance has underestimated these revenues by at least $5,000,000. The Division of Highways has made an estimate of revenue and gets an even smaller amount. We believe that the revenues from these sources available to the Division of Highways for the next biennium will be at least $77,650,000. Page 713 shows that the total of the so-called postwar reserve and estimated revenues will be $109,366,843. We believe that this will be at least $5,000,000 more or $114,366,843.

The next division sets up the proposed expenditures for 1945-47 under the different categories, including the grants to local government. The total is placed at $69,366,843. This is the amount that the administration has agreed can be effectively spent during the next biennium under the budget conditions assumed. It is all that is proposed to be spent according to the Governor's Budget. The remaining amount, or the excess over this sum above stated, is an even $40,000,000. This is found under the fourth division as the estimated surplus to June 30, 1947. This is taken out of the Governor's Budget total, although it is automatically appropriated by law and it is labeled "Estimated Reserve for Postwar State Highway Construction." It is divided into two parts, "Reconditioning, resurfacing, and construction of roads and bridges, State highways, $34,000,000, and for State highways in cities $6,000,000.

Designation of Reserves by Governor No Effect Legally

We call attention to the fact that this whole page is merely informative. It has no control at law. This plan may appear in the Budget Document and some $40,000,000 be set up as Postwar Highway Construction Fund, and yet all of it will still be available for expenditure as the Highway Commission decides, and if the Governor does not exercise any objection it probably will be spent. In other words, the $40,000,000 labeled as postwar State highway construction reserve may be expended during this biennium unless the Legislature sets it up as a reserve, as in fact the Governor has recommended on page vii of his Budget Message. His recommendation is in the following terms:

> "I am of the opinion that a substantial reserve for this purpose should be set aside from the funds saved through deferring construction work since the war began. I, therefore, recommend in this budget that a reserve of $40,000,000 from these highway funds be held in reserve for postwar construction of State highways to provide work in localities of the State where the need for employment may develop."

Recommend Postwar Highway Reserve Fund Be Set Up for Excess

A bill has been introduced in the Legislature to accomplish this purpose and in this amount. We recommend, however, that since in our opinion the revenues for the Division of Highways for the biennium will be in excess of $72,662,000 as estimated in the Budget by at least $5,000,000, the bill setting up the postwar highway reserve should be written so that all moneys in excess of the expenditure program as found on pages 704 and 713 of the Budget, in the sum of $69,366,843, be definitely placed in a postwar State highway construction reserve and not available for expenditure until the biennium following June 30, 1947. This will conform to the Governor's recommendation and will guarantee that this money will be available and will be subject to future appropriation by the Legislature. Further, it will provide a fund for the building of highways to help repair the ravages of wartime traffic and will relieve unemployment during the period of reconversion.

By this action the Legislature also will reassume control over highway expenditures which in the past have been abrogated and the allocation of expenditures has been left to the Highway Commission. The commission has, in effect, appropriated the highway funds and determined where the money should be spent. Unless the Legislature does take some such definite action, there is no guarantee that this reserve fund will be available.

Other So-Called Uncontrollable Items

There are many other items that have long been classified as uncontrollable within the $270,000,000 plus which can be controlled by the Legislature. Some of these have merely been set up in specific funds by statutes and not only can the appropriations therefrom be controlled by the Legislature but the very existence of the funds themselves depends upon legislative determination.

The Legislature should recognize that when a special fund is set up for some purpose, there is always a temptation to spend all the money available whether or not it is needed. This naturally leads to extravagance. Since all of the money is generally appropriated or, in other instances, any surplus in the fund can be allocated by the Department of Finance with the approval of the Governor as a deficiency under the provision of the Political Code, Section 661, the budgets for special funds are generally underestimated. This means that their budgeting is not as adequate as it should be. The financial controls exercised under them is less stringent than where appropriations are definite. What is more significant is the fact that deficiencies in appropriations for such funds are not brought before the Legislature but are made up by allocation by the Director of Finance under Section 661 of the Political Code.

Appropriations From Special Funds Small

Reference to the Appropriation Bill will show that total appropriations from special fund items is relatively small, being only $47,376,808 or 23 per cent of the total in the Budget Bill. The special fund items are a little more than one-third of the budget. However, the special fund items in the appropriation bill total only 6.9 per cent of the Governor's Budget. These amounts and comparisons will be found in a tabulation in a preceding section of this report.

Recommend That the Legislature Assume Control of Special Funds

It is clear that the Legislature has a large opportunity to produce more government for the people with less money by taking control of the appropriation of special funds and insisting on the following procedure:

1. That these funds be as carefully budgeted as general funds.
2. That every service and expense be determined as necessary and desirable.
3. That the same economy and efficiency be secured in special fund operations as in the general fund.
4. That if receipts are substantially larger than are necessary all surplus and reserves, insofar as practicable, be invested so as to earn as much on this public money as is possible.
5. That when it is amply demonstrated that receipts are in excess of what is needed to properly carry on the special fund functions required, that the license, fees or taxes be reduced and the surplus be left in the hands of the rate payer.

Legislature Has Limited the Opportunity for Executive Budgetary Control

By allowing session after session the continuing appropriations embodied in the statutes and continuously adding to them, the Legislature has not only itself abrogated the control of appropriations but it has likewise hamstrung the executive department of government by limiting their field of opportunity for exercising budgetary control and the producing of economy and efficiency in government.

Controllable Expenditures

The Governor points out that there is actually in his Budget $175,631,711 that can be considered as controllable costs for regular activities. This is an increase of $31,421,541. While we may disagree with the exactness of this amount, or the definition which results in determining this amount, we must in general agree with the prinicple involved that the total sum of the Budget for the biennial period which is fully controllable by the Executive is relatively small. The opportunity for economy or for reduction of the cost of government, even where there is strong disposition to produce such results, is definitely limited.

We have already pointed out that the Legislature itself can remedy this situation if it so desires. The items controllable by the Governor for regular activities for the current biennium amounted to $144,210,170, or $31,421,541 less than for the Biennium 1945-47.

During the current biennium expenditures for extraordinary and nonrecurring items have been reduced for the coming biennium to $22,286,342. This is a reduction of approximately $45,000,000. While this is commendable, it does not tell the whole story. Part of the reduction is a bookkeeping reduction. Our figures differ considerably and have the effect of allocating expenditures to the biennium where we believe they will be made. There are three items listed as nonrecurring allocated to 1943-45 Biennium which we believe will fall in 1945-47 as previously presented. These are Budget page 343, Rector Canyon Dam $1,370,670, some $4,000,000 for sites, page 763 of the Budget, and $4,375,000 for local governmental agencies for plans and sites for postwar works, page 793 of the Budget, a total of $9,725,670, we feel sure

can not be spent by June 30, 1945; the sites can not be bought for the reasons before given and the act appropriating the other item is before the Supreme Court to decide its constitutionality. If a decision was rendered soon the pressure of the session of the Legislature would make impossible the allocation of any large amount of the funds.

Shifting these three items from 1943-45 to 1945-47 will make the following changes.

The expenditures for 1943-45 will be reduced from	$587,347,003
By	9,745,670
To	$577,601,333
The Budget for 1945-47 will be increased from	$683,710,643
By	9,745,670
To	$693,456,313

Depending on how one interprets the act of 1944, the uncontrollable or the controllable expenditures are increased by $9,745,670. We designate them controllable for the reason the Governor approved the 1943 bills as passed by the Legislature. The amount for 1945-47 for regular activities remains the same $175,631,711.

Nonrecurring are increased from	$22,286,342
By	9,745,670
To	$32,032,012
and the total controllable expenditures increased to	$207,663,723

Much of the reduction on 1945-47 below 1943-45 was due to elimination of wartime agencies and large sums for postwar planning and construction.

The items making up the extraordinary and nonrecurring expenditures according to the Budget 1945-47 are as follows:

Extraordinary and Nonrecurring Items 1945-47 Budget

Purpose	*Amount*	*Budget Page*
Sites for State buildings, Items 251, 252, and 253 Budget Bill	$ 900,000	763
Purchase of 1870 and 1873 Bonds, (Stat. 1943)	2,277,500	A-47
Emergency Construction (From Postwar Employment Reserve)	13,266,842	762
Aid Local Govt. Civilian Defense (Chap. 805, Stat. 1943)	342,000	792
Allocation to Local Agencies Plans and Sites Postwar Public Works (Chap. 47, Stat. 1944, 4th Extraordinary Session)	5,500,000	793
Total	$22,286,342	

Increase in Controllable Expenditures

The larger increases in the controllable expenditures, the Governor states, are for education, public health, industrial safety, State hospitals and correctional institutions. The Governor lists the principal items as follows:

University of California—For newly established campus at Santa Barbara and new College of Aviation Engineering in Los Angeles, increased enrollment on all campuses and adjustment of teaching staff salaries	$ 4,976,657
Department of Education—For increased enrollment in the six State colleges and four special schools, and expansion of vocational rehabilitation	1,377,095
Department of Public Health—For increased services to raise standards of public health	778,688
Department of Industrial Relations—To improve standards of industrial safety and accident prevention	631,550
Department of Institutions—To reorganize and establish the Department of Mental Hygiene, establish mental clinics, improve standards of care at State hospitals and provide for greater number of patients because of increased population	5,325,197
Corrections—To implement Youth and Adult Authorities, purchase new school facilities now under lease, abolish the "con boss" system, establish diagnostic clinic and prison classifications	3,171,964
Agriculture—For increased protection to plant and livestock industries, meat inspection and enforcement of marketing laws	1,268,830
Forestry—For increased fire suppression allotments and adjustment of salary and working schedule for fire fighters	1,270,669
Emergency Construction—Emergency construction projects to be undertaken from the Postwar Employment Reserve	13,266,842

Education—Santa Barbara, a Branch of University of California

There are several items in this list which deserve particular comment. In the first item, increase for the University of California, there is included as part of the increase the item for the newly established campus at Santa Barbara. This should not have the effect of materially increasing either the total expenditure or the controllable expenditures in the Budget for this is primarily a transfer of the Santa Barbara State College to the University of California. While it adds to the Budget for the University of California, there should be a relatively decreased amount from the Department of Education, Division of State Colleges and Special Schools. This budgeted amount for Santa Barbara is $795,722, which is an increase of $135,812 over 1943-45.

An item for a new College of Aviation Engineering in Los Angeles is new to meet a legislative provision of the 1943 Session. Increased enrollment on all campuses of the University, should be a normal Budget increase. We believe, however, that this can be tempered by deducting from the University of California Budget whatever amount will be paid by the Federal Government under the GI Bill for the education of returning veterans. We recommend that an amendment be placed in the Budget Bill providing for a deduction of such Federal payments on the basis of enrollment and student costs. We also question if the University will receive as high a percentage of college entrants from our wartime population as they have from our normal peacetime growth, nor will they receive a very large percentage of veterans during the first six months after the close of the World War.

University of California Salary Adjustment

The adjustment of the teaching staff salaries at the University of California is purely a matter of policy. The question of whether this should be done on a permanent or a temporary basis during a wartime economy should definitely be considered by the Legislature. The Budget Committee has in its files material for a comprehensive analysis of this subject of salaries.

Department of Education

An increase of $1,377,095 over the previous biennium is recommended in the Budget for the Department of Education for increased enrollment in the six State colleges and the four special schools and expansion of vocational rehabilitation. It is possible that increased enrollment will occur in the colleges but we again question the figures used in the Budget. If this enrollment does not materialize, certain savings should be accomplished.

The expansion of vocational rehabilitation should not require additional State funds for the education of the world war veterans for this is a Federal responsibility and should be supported out of Federal appropriations.

State Colleges

If this appropriation includes any amount to expand the State colleges to meet the provisions of certain bills that are in the Legislature, to put them into competition in graduate work and research with the university, then this policy should be determined by the Legislature before the appropriation is made. The question should be answered as to whether or not these State colleges, with an expanded program of research, should not come under the university so that the competition of one State institution with another can be eliminated and a coordinated program of higher education for the entire State be established.

California Polytechnic

The same consideration should be given to the proposed expansion, both in offering degrees and research, of the California Polytechnic School, which now proposes to compete in the fields of agricultural engineering, veterinary science, and other matters with the University of California. The entire matter of continuing the Voorhis Unit of the California Polytechnic should be considered. Its budget (page 268-270) shows an increase from $13,190 for 1943-45 to $65,681 for 1945-47 and this is only

the opening wedge. Its student costs will always be high. It appears to us a liability as it was to its founders as a private school. We recommend it be closed and the property disposed of and the funds used to concentrate at the one school at San Luis Obispo.

Public Health

The proposed increase in the Budget for the Department of Public Health in the amount of $778,688 should be considered in light of the fact that the budget of this department was materially increased at the last session of the Legislature and this is a pyramided increase. In this proposal is an item for the establishment of a research laboratory. It has always been the policy in the past that such research work would be carried on by the University of California under its regular appropriation. The Legislature should determine positively whether it wishes to abandon this procedure before it makes this part of the appropriation.

Industrial Relations

The increase for the Department of Industrial Relations is $631,550 to improve standards of industrial safety and accident prevention. The Department has operated satisfactorily during the period of the greatest industrialization in the State. For the past eighteen months, in fact for all of 1944 and 1945, the number of industrial workers in the State has been decreasing. In fact the January, 1945, report of the director of this department to the Governor stated that factory employment decreased from 893,000 wage earners in 1943 to 824,000 in 1944. The trend is shown by the fact that there was a drop in employment in shipbuilding of 18 per cent and of 29 per cent in aircraft manufacturing in California between the 1943 peak and September 1944. Most other war industries showed similar trends. All evidence points to a further decline of large proportions, well under way, by the time the Budget for 1945-47 becomes effective and particularly so if conditions obtain as assumed in the Budget. Already the less efficient, less skilled and less active employees, and those with bad accident records, are being discharged in our shipyards and aircraft plants. The plants themselves are tightening up on safety regulations. It seems logical to review this request in this light and to consider decreasing the appropriation for this department rather than increasing it.

Institutions

The most startling request in the increase of controllable expenditures is that of $5,325,197 for the Department of Institutions "*to reorganize and establish the Department of Mental Hygiene, establish mental clinics, improve standards of care at State hospitals and provide for greater number of patients because of increased population.*" This is a new departure and the establishment of new and expanded services despite the fact that the Governor, in his message printed on the opposite page in the Budget, in the third paragraph states, "I do not propose any new, startling or expanded spending programs."

This change and expansion requires a considerable amount of legislation. First, the elimination from the Department of Institutions of the Home for the Adult Blind in Oakland and the Blind Work Shops; second,

the change in the name of the department; third, the establishment of mental clinics to travel up and down the State, to promote business and secure clients. A startling thing is that they propose a change in the law so that they can get clients more easily when at the same time the department complains of overcrowding. It no longer will be necessary to have a court commitment but merely the opinion of two doctors to the effect that someone has a mental disturbance, and it will not even be necessary to state that they cannot be cared for locally or in their own home. There is no doubt but what the State must provide for a greater number of patients under such conditions, and we need not consider increased population necessary to fill our institutions to overflowing. It has long been recognized that all that is needed to secure more population in our institutions as charges of the State at State expense is just build a new building or a new institution. This is generally recognized by those who administer institutions. With our present requirement for admission and with the increased population, we will have our State institutions overcrowded. In fact it will be difficult to provide buildings and facilities to keep up with normal demand.

The proposal to improve standards of care in State hospitals is based primarily on a study made by Dr. Hamilton, a Federal employee, whose general procedure eliminated all consideration of costs or the burden they might impose upon the taxpayers. Also, his primary measure was the amount of money spent not the ratio of recovery or the rapidity of cure.

The statement made by the Department of Institutions for so-called improved standards of care was based primarily upon the contention that California is the third most populated State in the Union and one of the largest spenders for education and aid to the needy aged, and therefore should spend more for State institutions. We contend that the argument is unsound and that there is no reason for a State to spend more money for institutions simply because it is populous, because it happens to be rich, or because it spends more money for other services than do other States. The question is, does the State of California provide adequate service and are the inmates in its institutions relatively well cared for. Are they as well cared for as the average citizen in the State who needs hospitalization or custodial care who does not go to a State institution? Is the ratio of recovery favorable when compared with institutions in other States?

Doctors and Nurses for Wounded Soldiers First

One of the specific recommendations is for an increase in the medical service and in the number of registered nurses. We maintain that such an attempt to enlarge these services during the war is in direct competition with the war effort. At the present time the Surgeon-General of the United States is making a plea for more nurses through every means at hand, in the press, over the radio, through special bulletins, through individual letters, through civic clubs and through every other kind of an organization. This is for the reason that hospitals with as many as 3,000 wounded and suffering soldiers of this war have only 53 trained nurses to attend them. Recently several hospital groups, some eleven

of them, were sent overseas for the care of our wounded soldiers and sailors without it being possible to send a single trained nurse. It is reasonable that the Department of Institutions of the State of California should compete for nurses under these conditions? Should not the Department of Institutions withdraw its request in light of the war effort when the war casualties are increasing more rapidly than at any other time during the war? The same argument to a somewhat lesser degree applies to doctors.

Moreover, the average citizen who pays the bills for our State institutions can not secure the services of nurses or doctors to the same degree that such services are available to the actually sick inmates of our institutions.

It should be recognized that only a small percentage of the inmates of our State institutions are acutely ill and require the services of trained nurses. The nursing services, moreover, have been satisfactory up to now. Why, in the middle of a war, when the services of trained nurses and doctors are at a premium, should this expenditure be proposed? Wounds of soldiers continue after the fighting ends and long after the glory dims.

The following tabulation giving the population of the several institutions and the types of bed cases in residence at the several institutions as of January 31, 1945, measures the outside need for trained nursing services.

Tabulation of Types of Bed Cases in Resident Institutions as of January 31, 1945

State Hospitals	Estimated Average Population 1944-45	Sick in Bed [1]	Bed-Ridden [2]	Tube fed [3]	Restrained [4]	Total
Agnews	3,664	48	107	1	0	156
Camarillo	4,123	106	157	5	83	351
Mendocino	2,921	30	129	1	8	168
Napa	3,945	155	175	5	74	409
Norwalk	2,396	106	96	2	24	228
Patton	3,850	257	44	0	59	360
Stockton	4,328	248	50	15	109	422
Pacific Colony	1,600	27	20	0	139	186
Sonoma State Home	3,350	214	93	0	47	354
Totals	30,177	1,191	871	29	543	2,634

[1] Mostly temporarily ill.
[2] Probably confined to their beds for as long as they are in the respective institutions.
[3] So insane as to be resistive to normal feeding and to require forceful feeding by tube.
[4] These are disturbed patients.

The total number that require some nursing was 2,634 out of a total of 30,177 estimated average population for 1944-45 or less than 10 per cent. The total requiring trained nurses is far less than this total.

Moreover, it is now proposed that nurses be drafted in order to secure an adequate supply for our armed services. The Governor recently stated that California in no way would interfere with the drafting of manpower or the requirement that persons subject to the draft should be required to work in essential war industries. It appears that the

same principles apply in this situation. In addition to the lack of trained nurses for overseas duty, there is a concentrated drive on to enlist WAC's for medical technicians for duty at home. Major Knox Manning, WAC Recruiting Officer, informed a conference in the office of Governor Warren in Los Angeles on February 7, 1945, that "Thousands of wounded war veterans returned to hospitals in the United States will receive inadequate care" unless such enlistments are stimulated.

Governor Warren en route from Washington, D. C., telegraphed his support of the campaign.

Moreover, it is doubtful if these positions calling for doctors and nurses and technicians could be filled even if they are set up in the Budget. For these reasons this increase for these purposes can not be justified at this time. We recommend they be deferred until at least six months after the conclusion of hostilities.

Patient Load Reduced

The additional number of positions set up in the Budget under the reorganization plan will have the effect of further reducing the patient load per employee. The net result will be to have an average of one employee for each seven inmates.

Corrections

An increase of $3,171,964 is proposed for the Department of Corrections. This is for the purpose of implementing the Youth and Adult Authorities, to purchase new school facilities now under lease, abolish the "con boss" system, establish diagnostic clinic and prison classifications.

Subsequently in this report we will give further details on this subject which will show that the Youth Authority under the present setup is not functioning efficiently and needs revisions which will produce some economy. Per inmate costs are too high and failures too great. Costs could be cut by securing more cures.

There is also a question as to whether certain of the new school facilities under lease should be purchased.

A determination should be made of what is meant by "abolish the con boss system" and why this should cost anything. Why, on the other hand, should it not produce economies which should eventually result in saving money rather than in spending more. So far the only measurable results of the "Prison reform" have been to increase costs, reduce paroles, replace long-time employees, eliminate forestry and harvest camps and lay the groundwork for still higher costs. It is true that the changed setup has not been under way long enough to demonstrate its ability to restore a larger percentage of men to society or to get them back into proper social relationship or to reduce recidivism. The present record of the prisons is no better than has existed for many years, particularly when measured in light of the excellent employment conditions and the favorable economic conditions. The real test will not come until the war is over and jobs scarce and adverse economic opportunities obtain. The diagnostic clinic is not new. It has existed in the Youth Authority for some time as has also the prisoners' classification board in San Quentin.

Agriculture

The proposed increase for the Department of Agriculture is $1,268,830 for increased protection to plant and livestock industries, meat inspection and enforcement of marketing laws. The increase for meat inspection is anticipating the withdrawal of Federal inspection and is not due to a proposed change in the law whereby it proposes that the State pay the entire cost of meat inspection which has formerly been carried by the industry. This latter is in a bill and is a matter of policy which the Legislature should decide. In prior sessions the proposal has been turned down.

Forestry

It is proposed to increase the appropriation for the Division of Forestry by $1,270,669. This is over and above the wartime expenditures. It is stated that this is for increased fire suppression allotments and adjustment of salary and working schedule for fire fighters. This statement does not adequately explain the circumstances for this includes a continuation in the normal program of *certain services expanded as a wartime activity*. This is contrary to the principles adopted by the Budget Committee. It includes the taking on of an additional large area of the State for fire protection. It includes practically doubling the payment to the Federal Government for protection of private lands inside Federal forests. It includes allocating approximately three times the amount of money to the so-called outside counties. It includes the establishment of a full two-way radio system and it includes the all year employment of a much larger personnel, about 200 additional. The net result is to materially increase the protection costs per acre. This whole subject needs careful consideration by the Legislature and the determination of certain specific policies before a Budget can be specifically determined.

Emergency Construction

The next item is labeled "Emergency construction." It proposes the expenditure of $13,266,842 from the Postwar Employment Reserve for projects which are designated as emergency construction. The detail of this will be found on page 762 of the Budget and items 254 to 274, inclusive, of the Budget Bill. We wish to point out here, however, that the *Legislature has reserved the power to determine when and for what the Postwar Employment Reserve will be used.* The question can be at once raised if an appropriation at this time for the Biennium 1945-47 will conform to the desires of the Legislature to use this fund for postwar employment.

It can be observed that the estimates of cost for the construction items listed in the Budget are not based on prices either for labor or material that would undoubtedly prevail if these expenditures were being made for the purpose of helping to relieve unemployment. In fact, on page 764, under postwar construction program, under California Institution for Men, we find the following statement "Supplemental amounts ($99,000) required *on account of increased cost of construction over and above $262,000 already on hand* in Architectural Revolving Fund for this project." These prices have been calculated on approximately present costs. If the Legislature wishes to preserve the postwar employment

reserve for the relief of unemployment, it may possibly conclude to make such of these appropriations as it considers emergency from other funds.

The Legislature should keep in mind that *it will cost approximately one-third more for this construction now than it would have cost at prewar prices.* The best available information from all sources, including the survey made by the Reconstruction and Reemployment Commission, indicate that postwar income of the people of California will be considerably less than it is at present. This should mean that cost of construction will be materially less than under wartime conditions. It is doubtful if a delay of a considerable proportion of this program will produce any serious hardship. Some of it should be constructed immediately as a real emergency. It all should be reviewed to determine the degree of emergency for each and every item. It is recommended that each item in this program be reviewed by the Legislature with these conditions in mind.

What Is Strict Economy

It is stated on page v of the Budget Message that in preparing the Budget strict economy has been adhered to without curtailment of needed State services. There are many varied interpretations of both what is strict economy and what are needed State services.

We have stated previously that neither the Budget for 1943-45 nor this Budget are economy Budgets. A review of the 1943-45 Budget and the actual and estimated expenditures amply demonstrates this. For the Fiscal Year 1943-44 where the actual business of the State has been done and the expenditures are known, *all of the proposed classes of General Fund expenditures fell below the Budget estimates, this despite the fact that there were material increases in salary adjustments and increases in pay scales, and many other expenditures that could have been materially reduced.* In fact, payments from the General Fund for this fiscal year totaled $206,609,000 compared with estimated requirements of $223,317,000, showing a saving of approximately $17,000,000. This will be reduced somewhat by adjustments falling into the type of delayed expenditures. However, the net should be between $13,000,000 and $14,000,000. This will be called a saving by the State administrators, and in a sense it is, for most all of this could have been expended. In the exact sense, however, it should be called a reversion from excess appropriations, for this total expenditure of $206,609,000 was $39,102,000 above the total for 1942-43, or an expenditure increase of 18.92 per cent.

It is significant that miscellaneous expenditures from the General Fund for 1943-44 for State hospitals, prisons, special schools, colleges, and all of the departments and agencies supported by general taxes, amounted to $62,155,000 as compared with an estimated figure of $73,337,000 for that year, a saving of $11,182,000. There will probably be $4,000,000 of delayed expenditures from this, leaving a net saving of approximately $7,000,000. This in itself is significant but when we consider that the $62,155,000 had in it $13,500,000 for highway projects where no saving could be considered, then the $7,000,000 saving was out of $48,500,000, which is a high percentage. Comparable results should be secured for the current year of this biennium, although some of these potential savings have been reduced through allowing increases in salaries and added personnel.

When one goes through the Budget for 1945-47 and compares the Budget with the actual and estimated expenditures for 1943-45 and finds that practically every item shows a material increase, and the total increase is 16.4 per cent, one must conclude that the Budget for the coming biennium is not an economy Budget. This is further supported when we find that a number of expenditures established as wartime expenditures are entirely omitted but others appear in the Budget as expenditures for the regular activities of the departments and agencies concerned. Also, many departments of the State have functioned effectively during the war with reduced personnel and yet they have maintained approximately 3,000 vacant positions for employees who are in the armed forces. The Budget for 1945-47 proposes to fill these positions without eliminating a comparable number of existing positions.

Recommended Savings—$10,000,000

In examining the Budget carefully, it will be found that expenditures for the Fiscal Year 1943-44 which are headed "actual" are in almost every instance less than the estimated and actual expenditures for the 1944-45 Fiscal Year. In fact, the budgeting process is such that the items entered in this column are generally, if not always, the sums allowed in the fiscal year Budgets. The Budget items for the next Fiscal Year 1945-46 throughout the Governor's Budget nearly always show an increase over the previous fiscal year and this is generally carried forward with an increase into the Fiscal Year 1946-47. In our opinion, the actual and estimated expenditures for 1944-45 are from 10 to 13 million dollars more than what will actually be expended unless salary increases or some additional expenditures are allowed without providing the additional sums of money necessary. Since this schedule of allotments is carried forward with an increase for 1945-47, *it is our well considered opinion that from 8 to 10 million dollars can be arbitrarily cut from the Appropriation Bill on a percentage basis from the lump sum appropriations,* and the departments of the State will operate as satisfactorily as they have operated for the current biennium. There are some exceptions to this general recommendation and these specific places, which on the whole are few, will be pointed out. We recommend that this policy be followed.

Population Increase and Cost of Government

We concur that the State must frankly face the fact that California has increased its population during the current biennium. We should also recognize that the government has operated satisfactorily caring for this increased population during the current biennium. There has been an increase in the cost of government resulting from this.

The full effect of this increased population has not been felt in all parts of the State Government. For example, the population increase in 1944 will not increase the allotment to schools, other than emergency allotments, until 1945. The actual expenditures for public schools for 1944, based upon 1943 average daily attendance, required only $77,246,000 against a forecast of $80,059,000.

Elementary schools required approximately $1,000,000 less than was allowed in the 1943-45 Budget and the remainder of the savings was due

to the decrease in high school attendance. No doubt the high school attendance will show a sudden upswing after the war and probably during the 1945-47 Biennium. Such will not be the case with elementary schools. It is possible that the population of the State may decline with the decline in wartime jobs which is already underway. It is generally admitted that the upswing peak of industrial activity in California resulting from the war was reached in 1944. There is no reason to believe that there will be an increase in population in anywise comparable with the increase in the Budget for 1945-47 over the actual and estimated expenditures for 1943-45 of 16.4 per cent.

The tabulation previously presented shows that the increased cost of California State Government has far exceeded the growth in population. May we not ask the question, should not the cost of California State Government upon a return to peacetime activities show some decline with the stabilization of population or possibly an actual decline in population? Should it not show a further decline in costs by the elimination of wartime activities? Should it not show some further decreases if there is a material decrease in the cost of commodities? Should there not be some further decline with the increase in the efficiency of available employees through the reversal of the labor market?

Continuation of Public Service on Standards Established by the Legislature

It is claimed that the Budget provides for a continuation of public service *in accordance with the standards heretofore established by the Legislature.* This appears to be not only a logical assumption but a requirement determined by the Legislature and passed on to the Executive Division of State Government for administration, but this deserves some interpretation.

When the appropriations were passed for the 1943-45 Budget, certain legislative intent was expressed with the several appropriations. In many instances an appropriation was made to provide a certain wartime service but with the understanding that the Governor and his financial officers, in exercising budgetary control, would only spend so much thereof as was necessary. Previously in this report we have pointed out many instances an appropriation was made to provide a certain wartime that the budgetary control expected had been realized to a larger degree than previously in the functioning of budgetary control. Under this Administration, we find that certain unit costs for carrying on the Government of the State were secured and that certain services were rendered for these costs, which apparently have satisfied the public. An examination of the Budget for 1945-47 will show that the unit costs for many services wherever they are measurable have been increased throughout the Budget, yet some show material decreases. For example, we may consider the Department of Institutions which is one of the best budgeted departments of the State, and the Departments of Education and Corrections, where unit costs are available. The following comparisons will illustrate the point.

Comparison of Unit Costs in California Institutions

Name of department and institution	*Cost per patient in residence*		
Department of Institutions	*1944-45*	*1945-46*	*1946-47*
Langley Porter Clinic	$3,435	$4,014	$4,627
Agnews State Hospital	370	394	415
Camarillo State Hospital	343	392	407
Mendocino State Hospital	373	411	423
Napa State Hospital	363	393	405
Norwalk State Hospital	423	454	471
Patton State Hospital	369	398	411
Stockton State Hospital	371	408	423
Pacific Colony	467	517	546
Sonoma State Home	399	433	457
Department of Corrections			
Folsom State Prison	1,400	1,700	1,790
Chino	795	869	892
Tehachapi	879	908	924
San Quentin State Prison	460	503	495
Youth Authority			
Camps for Boys	831	792	814
Fricot School for Boys	1,093	1,094	1,106
Whittier	1,061	1,227	1,222
Preston	959	1,049	1,060
Los Guilucos School for Girls	1,253	1,202	1,229
Ventura School for Girls	1,116	1,204	1,282
Department of Education			
Chico State College	792	625	504
Fresno State College	416	347	291
Humboldt State College	832	555	399
San Diego State College	345	340	278
San Francisco State College	442	319	273
University of California	607	606	534

It is significant to note that the educational institutions do show a per student reduction in costs with the return to peacetime conditions, while the prisons and the correctional institutions and the hospitals show a continued increase per inmate cost. In the case of the educational institutions we have a continuation of the public service standards established by the Legislature. In the case of the others, we have an increase in standards and increasing per inmate costs largely resulting from increased standards, the costs of which were never acted on by the Legislature.

There are some minor exceptions. The Legislature did approve a uniform number of holidays for institutions, including the Department of Corrections, and it did approve a bill reorganizing the Department of Penology into the Department of Corrections, and also the establishing of the Youth Authority, but it did not approve any additional expenditures for the Department of Corrections at the time. The increase in the number of employees per inmate, both in institutions and in the prisons, has never been acted on by the Legislature. Many other added services beyond the standard approved by the Legislature are included in the 1945-47 Budget.

New and Expanded Spending Program

There can also be a difference of opinion concerning the statement included in the Budget Message to the effect that no new or expanded spending programs are proposed. On page iv of the Budget Message a number of items are listed as causes of the major increase in controllable expenditures. Amongst these are the following which do not appear in prior Budgets and therefore must be considered as new services.

Department of Public Health

Chief of the Division of Preventive Medical Service ..... (page 668)
Assistant Chief of the Bureau of Tuberculosis ..... (page 671)
Eight war emergency positions extended on a permanent basis for the Division of Laboratories ..... (page 676)
Chief of the Division of Environmental Sanitation ..... (page 676)
Five new positions in the Division of Sanitary Engineering ..... (page 677)
Five new positions formerly war emergency extended to permanent basis in the Bureau of Food and Drugs ..... (page 679)
Added aid to cities and counties—fees paid to nurses and physicians ..... (page 682)
Other unmeasurable additions in miscellaneous items.

Department of Industrial Relations

A new secretariat for a Citizens' Advisory Committee on Social and Industrial Welfare: Four new positions not extended through the Fiscal Year 1946-47 ..... (page 390)
Seven new safety engineers ..... (page 396)
Thirteen new positions for the Division of Industrial Welfare ..... (page 400)
(At a time when industrial employment is decreasing each month, the peak having been reached in 1944)

Department of Institutions

Included in this budget is money to completely reorganize the Department, and to establish mental clinics, and to add new employees to reduce the patient load to an average of 7.01 per employee.

There is to be established in the Department a completely new activity as follows:

Tuberculosis Survey—3 employees
Hygiene Clinics—40 new employees
A Director of Clinical Services for most of the institutions, and graduate nurses at each institution.

At most of the institutions they are likewise adding an institution supervising dietitian, formerly handled for the entire department by a food administrator.

Department of Corrections

An examination of the Budget for the Department of Corrections will show that the increase of $3,171,964 is primarily for new and expanded services which could have been anticipated at the time the Department of Corrections was established. A careful examination of the Budget is required to realize the extent of this expansion.

This reorganization program has not been in operation long enough to measure results and to determine whether the material increase in the costs will secure comparable improved results. The sincerity of the administrators is unquestioned and their zeal is commendable.

However, merely the spending of more money per inmate does not give an enlightened correctional institution, nor does it reclaim more offenders and restore them to society, nor does it reduce the deficiencies of internal management or internal disturbances or irregularities. The problems of internal security, rehabilitation, and restoration of prisoners to society, and a continuous protection of society, should remain the fundamental problems of penology. Evidence does not to date show diminution in the unrest within the prison walls amongst employees and prisoners, or the diminution of the possibilities for a serious disturbance at either Folsom or San Quentin, despite the fact that the unit costs are being increased materially. More time is required to test the new setup and compare costs and results.

Surplus—Use and Dangers

The Legislative Budget Committee in its first report commented on the dangers of a large surplus and the temptation to spend this surplus. We must agree with the Governor's statement that we should be extremely careful of expenditures and uninfluenced by the surplus, and that this surplus has come to the State because of the war, not because of any effort of the State Government or its administrators.

We endorse wholeheartedly his statement "when the war is over, unless we spend wisely now, we may find ourselves with a greater deficit than we had in the 10 years preceding the war." These deficits were as follows:

	Population	Deficit	Per capita deficit
June 30, 1933	6,015,000	$11,085,160	$1.84
June 30, 1935	6,135,000	18,954,712	3.09
June 30, 1937	6,687,000	12,635,478	1.89
June 30, 1939	6,877,000	36,529,787	5.31
June 30, 1941	7,315,000	65,565,852	8.96
June 30, 1947	8,642,000	?	?

We have added to the Governor's tabulation the population for the State for these same years and have projected the population for 1947. We have estimated the per capita deficit based upon the population for the several years. If the same conditions obtain the deficit can be ascertained by multiplying the population by the factors in the last column.

We likewise concur in the following statement of the Governor, "We must realize that any extravagant spending habits we set up in this period of inflated revenues will become an instrument of torture to us when revenues return to normal." This statement of the Governor can be further emphasized by pointing out that at the present time the per capita income in California is approximately $1,470 per person, while prior to the war it was approximately $820 per year per person. It is quite likely that in the postwar period we may return to an income approximating that of 1940 or about $820 per year per person. Federal taxes will necessarily be high for many years to pay for the war and the expanded governmental services which have already been promised. The revenue of the State depend primarily upon the business income of our people and more directly on that income which they have to spend. It is possible and probable that our State income from present tax sources may drop back to approximately 1941 collections of around $281,000,000 per year. This was the highest amount ever collected prior to the war, a drop of approximately $95,000,000 below the collections for 1944, or a decrease of almost $200,000,000 for the biennium.

Were Our Highways, Hospitals, Institutions, Universities and Colleges Neglected Because of Lack of Funds in the Lean Years Prior to the War?

Following is a tabulation of the capital outlay made by the State for the biennium 1931-33 to 1943-45, inclusive. This will indicate exactly what the State did spend for capital outlay during this time. It was a substantial amount. However, the capital outlay for these purposes was materially reduced during the war period or from 1941 to date. Many buildings are obsolete and there has been an increased need due to the influx of population.

Capital Outlay—1931-1945, Inclusive—For Selected State Departments

	Institutions		Education		Public Works	Penology
Biennium	Hospitals	Correctional Schools	State [1] Colleges	Univ. of Calif.	Div. of Highways	Departments
1931-33	$2,501,220	$267,200	$1,153,342	$1,251,000	$63,282,628	$738,144
1933-35	434,630	33,401	85,692	—	30,533,552	325,374
1935-37	3,984,859	31,799	92,230	755,624	42,515,984	532,898
1937-39	7,643,409	405,000	2,179,339	1,491,897	38,486,678	1,186,244
1939-41	1,258,528	137,135	429,125	1,088,929	40,069,999	1,504,587
1941-43	461,273	42,108	137,004	186,768	40,181,347	1,101,305
1943-45	833,712	250,128 [2]	468,039	823,950	26,304,009	144,943 [3]
Total	$17,117,631	$1,166,771	$4,544,771	$5,598,168	$81,374,197	$5,533,495
Aver. per Biennium	$2,445,375	$166,681	$649,253	$799,378	$11,624,885	$790,499
Grand Total of above selected capital outlay, 1931-1945						$115,335,043
Average per biennium of above selected capital outlay, 1931-45						$16,476,434

[1] Does not include special schools.
[2] Transferred to Youth Authority by Chapter 481, Statutes of 1943.
[3] Represents adult prison facilities only; under Department of Corrections since 5-1-44.

The postwar building program established by the Legislature in 1943 will amply take care of the building needs if no new services are added, and if these buildings are constructed at normal prices rather than at wartime prices which are approximately one-third higher at present than the index for building as of January, 1940.

The cost of depreciation and obsolescence which has accrued during the war period, and that which will accrue during the building period following the war, must be included in the cost to keep the building program abreast of need.

Postwar Reserves

The Legislature of 1943 in regular and special sessions set up a postwar employment reserve and dedicated to this 20 per cent of the net sales tax collections, 10 per cent of all receipts under the bank and corporation franchise tax and corporation income tax. The Legislature also transferred into this reserve from the General Fund $75,000,000. The Budget estimates that the total dedicated to this will be $145,878,114 by January, 1946, without a further extension of the dedication of a percentage of these taxes for this purpose. Our estimate places it between $150,000,000 and $155,000,000. No money from this fund can be spent without a specific appropriation by the Legislature.

The Governor recommends that an additional $40,000,000 from the General Fund be transferred to the Postwar Employment Reserve for the reasons that a reappraisal of the needs and increased construction costs show a larger requirement. On page 762 of the Budget there is found a recommendation that $13,266,844 be appropriated from the Postwar Employment Reserve for the Biennium 1945-47. The items listed under this are considered as emergencies.

The question at once arises why recommend on the one hand to increase the postwar reserves by $40,000,000 and on the other recommend an expenditure of approximately $13,250,000 from the same fund. Should a fund that is considered a Postwar Employment Reserve be drawn upon before we have any knowledge concerning the postwar employment problem? Would it not be more logical to provide that such of this building program as is determined by the Legislature as an emergency be paid for out of the general fund and preserve the Postwar Employment Reserve and add to it such additional reserves as are required? Or if the total appropriations for 1945-47 are low enough to continue the percentage allocation of the several taxes indicated above into the Postwar Employment Reserve, would it not be logical to do so for the biennium? By continuing the allocation of a percentage of such taxes into the reserve, the flow thereof would be regulated by the tax receipts. They would increase if the tax accruals went up and decrease if they went down while a lump sum allocation to the reserve might be excessive if revenues fell or are under what was estimated if revenues do not continue at the present high level.

Unemployment Relief

The Budget Message recommends that $50,000,000 or as much more as the Legislature may determine be set up as a reserve for unemployment relief. This is supported by the statement that during the 10 year period prior to the war (1931-1941) the State spent $225,000,000 for

unemployment relief and the total by all levels of government during the period approximated $1,250,000,000.

While these figures are approximately correct, the use of these figures, particularly the grand total, may give an unreasonably alarmist concept of relief needs for the next two years. More appropriate figures would have been the high, low, and average biennial expenditures. Furthermore, there was great inefficiency, abuse and scandal in the administration of SRA funds from 1939 to 1942 when it was abolished. So much so that no one ever wants a repetition of such conditions. In fact, ever since it was established up to the present the Controller has been recovering from recipients money that was illegally paid.

To present the whole problem as it appeared, 1931-1942, the following tabulation on expenditures by all levels of government for unemployment and indigent relief is presented.

The Governor recommended in his message to the Legislature, pages 14-15 that a system for administration of unemployment relief to replace the abolished SRA be immediately set up so that the State will be prepared both administratively and financially to deal with relief problems when it again arises.

No money was put in the Budget or Budget Bill, however, for either of these purposes.

If the conditions obtained upon which the budget was made and business conditions exist which will be necessary to produce the revenue estimated in the Budget of $712,921,865 for 1945-47 they will be better than 1941-43 conditions. Reference to the above table will show the State spent only $642,051 for relief in that period. The State had no $600,000,000 plus Unemployment Reserve Fund then or the great backlog of private savings that exists now. Neither did it have a State Postwar Employment Reserve of $145,000,000 set up by the 1943 Legislature; nor a $40,000,000 Postwar Highway Building Reserve, proposed in the Governor's Budget 1945-47 with plans and rights-of-way financed out of a $13,000,000 appropriation from the General Fund; nor plans for postwar unemployment promoted in the counties and cities by a Senate and an Assembly Committee on Postwar Planning and financed out of $10,000,000 from the General Fund of the State; nor did we have a vast program of Federal Works now set up in Washington.

It seems more logical to hold this requested additional unemployment relief reserve in the Postwar Employment Building Reserve or as an unbudgeted surplus.

The Legislature will again be in regular session in January, 1947, before the biennium is closed and in time to reappraise the financial and economic position of the people of the State and the specific problems at that time. If a sudden crisis comes before the Legislature meets for the regular session, a special session should be called to allow them to act to meet the problem.

Statistical Summary of Expenditures by Federal, State and County Agencies for Unemployment and General Indigent Relief in California (Including Administrative Costs)

JULY 1, 1931 to JUNE 30, 1942

Ending Date	State Expenditures: State Funds (Note 'G')	State Expenditures: Federal Grants	State Expenditures: Total	Number of Recipients (Note 'A')	Federal Expenditures (Excluding Grants)	County Expenditures For General Indigent Relief: Amount Note 'F'	County Expenditures For General Indigent Relief: Number of Recipients (Note 'A')	Total Expenditures
6-30-32	$19,730		$19,730			$7,659,536	Not	$7,679,266
6-30-33	44,421	$10,937,244	10,981,485	676,569		26,491,283	Available	37,472,768
6-30-34	78,853	20,255,082	20,333,935	315,761	'E' $41,254,195	37,281,616	Except	98,869,746
6-30-35	22,623,619	92,605,017	115,228,636	861,801		18,020,752	In County	133,249,388
6-30-36	26,939,706	46,466,230	73,405,936	385,578	'D' 202,439,631	11,461,527	Records	287,307,094
6-30-37	22,607,954	551,993	23,159,947	219,049	155,332,894	8,895,992	81,667	187,388,833
6-30-38	32,416,668	113,955	32,530,623	262,499	101,002,400	9,565,875	86,759	143,098,898
6-30-39	42,345,916	41,150	42,387,066	323,061	114,716,341	9,959,898	78,623	167,063,305
6-30-40	50,981,405	31,408	51,012,813	411,867	87,186,039	9,188,283	74,729	147,387,135
6-30-41	27,088,857	4,371	27,093,228	200,563 'B'	76,080,646	9,336,728	'C' 72,653	112,510,602
6-30-42	642,051		642,051		46,450,054	8,222,303	69,243	55,314,408
Totals	$225,789,000	$171,006,450	$396,795,450		$824,462,200	'H' $156,083,793		$1,377,341,443
Adjustments for Overlapping Payments (Notes D. F. H.)								177,341,443
Total For Relief								$1,200,000,000

(For Notes and Sources of Data, see below)

Notes and Sources of Data

Notes

'A' Number of recipients is shown for January of each year.

'B' Number of SRA recipients in May, 1941 (last available count), was 142,838.

'C' Number of county recipients in July, 1941, was 98,584. It should be noted that discontinuance of SRA in June, 1941, resulted in an increase in county load in July, 1941, amounting to only 25,931 over January, 1941.

'D' All or part of the Federal grants to State in 1936 may be duplicated in Federal Expenditures. Difficulty of analysis of available data prohibits determination of even an approximate amount.

'E' Federal Civil Works Administration program (CWA)

'F' County expenditures include some Federal funds which may be a duplication of Federal expenditures as shown. The amount is obtainable only by examination of county records. It may be estimated at $10,000,000

'G' The loan of $20,000,000 by the State to the counties under Chapter 207, Statutes of 1933, excluded from State funds, and are reflected in county expenditures.

'H' It should be noted that, although county expenditures are entitled "General Indigent Relief," they include very substantial payments of unemployment relief during the fiscal years eighty-fourth to eighty-seventh, inc. These payments may be estimated as approximately $57,000,000 on the basis of the excess of the inflated amounts over normal amounts in the years mentioned.

Sources of Expenditure Data

State—Records of State Controller.

Federal—U. S. Treasury Dept. report of "Status of Emergency Relief Act Appropriations for period April 5, 1935 to June 30, 1942." Exception is amount of expenditures for CWA, which was obtained from "Analysis of CWA Program Statistics," published by WPA in June, 1939.

County—State Controller's annual report of "Financial Transactions of Municipalities and Counties."

Data as to number of persons receiving assistance is based on statistical reports of the State Relief Administration and the State Department of Social Welfare.

The number of Federal recipients is not shown, as there appears to be no available compilations which are comprehensive and free of duplications.

Federal expenditures represent all major and minor relief programs financed from the emergency relief appropriations. The most prominent are: CWA, PWA, WPA, NYA, CCC, Surplus Commodity Distribution and FSA.

Debt-Free State

We concur with the Governor's recommendation that $11,651,490 be appropriated by the 1945 Legislature to the Bond Sinking Fund of 1943 to meet debt service on all General Fund obligation bonds between 1949 and 1965. This would in effect earmark funds to pay off all State bonds, other than those paid from special funds and highway bonds paid from the "in lieu" motor vehicle tax. It is a good policy for a government as well as an individual to pay their debts in periods of prosperity.

The bonds that will then remain to be paid on the basis of self-liquidation or special support are still significant. They are as follows:

Net outstanding bonded debt December 31, 1944 after deducting amounts in sinking fund	$114,692,521
Proposed sinking fund 1944-45	11,651,490
Total bonded debt of the State paid out of specific taxes or self-liquidating	$103,041,031

For further details, see page A47 of the Budget.

Reserve for Fire or Earthquake Loss to State Buildings

There is recommended in the Budget Message the appropriation of $3,000,000 reserve to cover possible fire and earthquake damage to State buildings for the reason the State carries no insurance on such buildings.

The State Legislature can change the law prohibiting the insurance of State buildings when it wishes and has done so on specific items in the past. The State now insures the State Printing Plant, the buildings and works of the San Francisco Harbor, and the San Francisco-Oakland Bay Bridge. All of these are self-supporting and revenue producing and in fact are more in the nature of business enterprises than strict governmental functions, Therefore, there is ample reason to insure them.

The State Compensation Insurance Fund is in the same category as the above mentioned agencies as a business and more so as it also pays regular State taxes. It owns its own office building in San Francisco and logically should insure it. *It is recommended this matter be given consideration by the Legislature.*

As respects insuring other State buildings, it appears that the State can very well be a self-insurer and carry the risk. The State buildings are well distributed. Many are of high fire resistance. Many are under guard or have employees on duty continuously. Many have special fire fighting equipment assigned to them. The historic loss ratio of State buildings upon which insurance costs are based is very low.

On the other hand, the State should have a general reserve for all purposes and the self-insurance cost should be in this reserve. No special reserve is required for earthquake and fire losses and it is not desirable as a matter of good government procedure to set up by appropriation a series of specific reserves and freeze large sums of money. It is not good public finance and it adds to costs of accounting, both to the Treasurer's and the Controller's office to set up numerous reserves and special funds. *We recommend that such a special reserve be not established, but that a general reserve be maintained to cover all contingencies of the State subject to appropriation by the Legislature.* Such reserve for a State

spending between $700,000,000 and $850,000,000 a biennium should not be less than $50,000,000.

Such a reserve would serve amongst others the following purposes:

1. Provide a fund to finance agencies during their lean periods of revenues.
2. Provide a fund from which appropriations could be made to meet disaster losses, including loss from fire, earthquake, flood, etc.
3. Provide a source for appropriations pending any loss of revenue from drastic economic disturbances.
4. Provide funds to draw upon pending adjustments in tax levies when changes are necessary.

Beach Acquisition $15,000,000

The message recommends the freezing of $15,000,000 from the General Fund for the future acquisition of beaches on a state-wide plan approved by the Legislature. This is a curious recommendation in light of the Budget and the biennial message.

First of all the beaches are to be purchased on a state-wide plan but no Budget item or appropriation was requested to prepare such a plan.

Second, the Biennial Message (page 11) recommends that sufficient funds from existing State surplus be earmarked to insure eventual purchase of "additional park and beach lands"—not just beach lands. However, no item of appropriation for such purposes appears in the Budget.

Third, reference to the Budget section on Beaches and Parks, pages 574-83 will show that there is no setup there for a survey as recommended.

Fourth, reference to page 578 of the Budget shows that there was appropriated for 1943-45 the sum of $244,722 for purchase of park land and only $104,445 for 1945-47 for beach land (page 581), 1943-45 $165,000 for 1945-47 *nothing*.

Fifth—reference to page 583 of the Budget will show that it is estimated that on July 1, 1947, there will be a surplus in the State Park Fund of $5,987,879 and a surplus in the State Beach Fund of $3,088,666—total surplus beach and park funds $9,076,545.

If the rate of earnings of the properties managed by the Division of State Lands continues for the biennium as it has for the past several months, the amounts transferred to the beach and park funds will exceed these estimates.

If more beaches and parks are desirable in the period following the close of the biennium 1945-47, why not secure some in the interim if prices are favorable?

If planning is necessary to buy beaches and parks, why no provision for such planning?

If there will be nearly $10,000,000 available by July 1, 1947, out of special allocated funds to buy beaches and parks already earmarked, why earmark $15,000,000 more out of the General Fund for this purpose? When in fact there should be another five or six million dollars available from the same earmarked funds for beaches and parks during 1947-49 when these properties presumably would be purchased.

Under the conditions above outlined, we raise a serious question as to whether it is desirable at this time to freeze any money from the General Fund surplus for the acquisition of additional beaches or parks. This

is pertinent for the reason that the ordinary purchase of beaches and parks can be accomplished by using the special funds already dedicated to this purpose.

Tax Reduction Warranted

The Budget Message on page vii says that the tax reduction is warranted for the reason that if the appropriations recommended by the Governor (in his Budget and in his Budget Message but not including those in his Biennial Message that are additional) are made that there will still be a surplus of $25,134,656. It is obvious that if only the Budget is approved and appropriations provided that otherwise there would be a surplus of approximately $144,786,146; these figures were based upon a continuance of the present reduced tax rates as established by the Legislature in 1943.

We wish to point out that the surplus of $144,786,146 of June 30, 1947, is the surplus given in the Budget and does not take into account the additional expenditures recommended by the Governor in any other place. Furthermore, the Governor in stating that after taking care of the appropriations he recommends there will still be a surplus of $25,134,656 does not take into account the deficiency that will accrue from his proposed health plan of approximately $100,000,000 a year as we have previously estimated. It is true that the actual liabilities of this plan may be deferred to some subsequent date so that the actual disbursements will not be made, but the evil day would only be postponed and the deficit might catch up to the State in a time of reduced economic ability.

Neither does the Governor in considering a probable surplus make any allowance for appropriation bills that might be passed by the Legislature in addition to his Budget and in addition to the expenditures which he recommends. It is an established fact that the Legislature always passes some appropriations in addition to the Budget and the Governor's recommendation. Under the Governor's proposals, his recommendations would consume all of the Budget surplus in additional appropriations which he recommends and which we maintain should be a part of the Budget and, on his own statement, the surplus would then be reduced to $25,134,656. This, of course, is without counting such reserves as the Postwar Employment Reserve, the $25,000,000 tied up in the War-catastrophe Reserve, the special fund set aside in the Teachers' Retirement Fund, and the special reserve for paying outstanding bonds and interest thereon.

This does not take into account that the Legislature also might decide on some different method of financing the current emergency building needs in the sum of $13,266,842. It might decide to leave this fund intact and take this required amount from the General Fund. This would then reduce the unappropriated surplus if the Governor's program in the Budget and the Budget Message is approved to less than $12,000,000—a sum which is inadequate as a reserve for an expenditure program that approaches $900,000,000.

Tax Increase Not Required Unless New Services Established

We concur with the Governor that the present financial condition of the State does not justify increasing State taxes unless the State desires to embark on an expansion program of assisting local governments by

further subsidies or establish new services. This is purely a matter of legislative determination. If the Legislature embarks on this program to any extensive degree then clearly tax reduction is not possible. On the other hand, with strict economy the Legislature can not only continue the present reduced tax rates established in 1933 but it can also continue to allocate to the Postwar Employment Fund the same percentage of taxes as is now being allocated and it can still end the biennium with a substantial surplus.

The tax reduction program adopted in 1943 can be continued for the next two years with a saving of approximately $100,000,000 to the taxpayers. At the same time a much larger reserve can be built up for postwar unemployment and for the State's needed buildings.

Postwar Highway Program

On page vii of the Budget Message, the Governor recommends that a reserve of $40,000,000 from highway funds be held in reserve for postwar construction of State highways "to provide work in localities of the State where the need for employment may develop." The detail of this is set up on page 713 of the Budget. This has previously been presented in this report. We concur in the recommendation of setting up the reserve but we can not concur in the above recommendation quoted "That it shall be used to provide work in localities of the State where the need for employment may develop." This money is specifically allotted for two purposes—resurfacing and construction of roads and bridges of State highways, and secondly, for State highways in cities. The primary purpose is to build needed highways under allocations made by law, and it may occur that the highways which should be built will not provide work in localities where there is unemployment. The providing of employment is of secondary consideration and it will be just as effective to build the highways where they are needed for it will reduce the total unemployment labor pool. A bill has been drawn to set up this reserve.

Revenue Prospects

The Budget Message, page vii, states that the revenue receipts from all sources during the 1945-47 biennium are forecast at $712,921,865. The revenue estimates are further detailed, beginning on page A-6 to A-9 of the Budget. They will be further discussed in a subsequent section of this report. Our estimates on the whole do not differ materially. We show approximately $4,000,000 less revenue for the Biennium 1945-47 than estimated by the fiscal officer of the State. The only significant difference is that we estimate that the General Fund will receive some $9,000,000 less and the highway funds or special funds will receive approximately $5,000,000 more. We believe that the gas taxes and motor vehicles fees will go up at a more rapid rate in the second fiscal year of the biennium and that bank and corporation taxes and the retail sales tax will fall off more rapidly than estimated by the Department of Finance. With excessive revenues for the General Fund being collected in the amounts that they are, this is relatively unimportant for Budget purposes. The excess collection, however, for highway purposes is significant and, for this reason, we have previously recommended that the reserve for postwar highway construction recommended by the Governor be made in excess of the Budget figure for the reason that we believe that

the reserve will reach by this procedure the sum of $45,000,000, rather than the $40,000,000 specified amount recommended by the Governor.

The "Line Item" Budget

On page vii of the Governor's Budget Message, he discusses the matter of a "line item" Budget and suggests that the administration would not be hampered by having an Appropriation Bill based on specific categories. In the introduction to this report, we fully discussed this matter in comparing the Budget and the Budget Bill. Through this setup the Appropriation Bill in categories will provide considerable more legislative control than to merely make lump sum appropriation. The form of the Appropriation Bill is purely a matter of legislative policy.

We heartily concur with the Governor's statement that the administration has lived within the Budget approved by the Legislature and the appropriations made by it. The variations from the Budget have been relatively small—the largest have been for the purpose of setting up the Department of Corrections, approved by the Special Session of the Legislature without there being any actual Budget presented for its operation for the current biennium. Only the lump sum appropriations made for the Department of Penology and its several divisions was transferred, but no legislative intent was ever expressed on any detail setting up a Budget for the Department of Corrections or the Adult Authority or the reorganization made thereunder.

The Budget of actual and estimated expenditures for the Department of Corrections found in the Budget for 1945-47 for the current biennium 1943-45 was never approved by the Legislature and was never before the Legislature. It was set up by the Department of Finance under its budgetary control powers. We concur that the purpose for which this money was expended was provided by the Legislature but never was it appropriated on the basis of a specific Budget.

The Salary Restoration Fund of the 1943-45 Appropriation Act was conserved and the Emergency Fund was with few exceptions, used for real emergencies under the provisions of law. We must commend the administration and particularly the Director of Finance and this staff who exercised budgetary control for exerting every energy to follow the spirit of the fiscal policies established by the Legislature.

Not An Economy Budget

We have stated and restated that the 1943-45 Budget was not a strict economy Budget—that it was a wartime Budget. The Budget before the Legislature for 1945-47 likewise is not a strict economy Budget. It moreover is a transition Budget and with an unknown problem of making the transition from war to peace. It is further more colored by the fact that the State has a large surplus, in spite of the endeavor of the Department of Finance to budget carefully and the reiterated statement of the Governor that "unless we spend wisely now, we can find ourselves with a greater deficit than we had in the 10 years preceding the war."

Many services of government established as a wartime matter have been continued into peace time. Several expanded and new services, as previously mentioned, appear in the Budget. Recommended appropriations have been made for a continuation of prices, both for commodities, service and labor. No allowance has been made for any reduction

although allowances have been made for a reduction in peacetime revenues. This is allowing the safety factor both ways—a falling off in revenue and in maintenance of cost. Unless the Legislature is to be convened when peace is established and economic changes manifest themselves, this is the safe course, but it means that appropriations must be larger than if they were made in light of actual existing conditions. There are many additional places where legislative action can produce additional economy. These will be pointed out when we consider specifically the appropriation items.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 630

Senator Tenney moved that Senate Bill No. 630 be withdrawn from Committee on Natural Resources for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 630

Senate Bill No. 630—An act to provide for the establishment of a State Trails System; authorizing the State Park Commission and the Department of Natural Resources to make investigations, reports, recommendations and plans for the location and development of the State Trails System; and making an appropriation therefor.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

On lines 1 and 2 of the title of the printed bill, strike out "provide for the establishment of a State Trails System;" and insert "add Article 6, comprising Sections 5070 to 5076, inclusive, to Chapter 1 of Division 5 of the Public Resources Code,".

Amendment No. 2

In line 5 of the title of said bill, strike out "the State Trails System", and insert "a State Trails System and to establish an Advisory Committee for that purpose".

Amendment No. 3

On page 1, line 1, of said bill, after "Section 1.", insert "Article 6, comprising Sections 5070 to 5076, inclusive, is added to Chapter 1 of Division 5 of the Public Resources Code, to read:

Article 6. California Riding and Hiking Trails

5070. This article shall be known and may be cited as the California Riding and Hiking Trails Law.

5071."

Amendment No. 4

On page 1 of said bill, strike out lines 14 to 19, inclusive, and insert

"The conclusions and recommendations in the report of the Riding and Hiking Trails Projects Committee of the Reconstruction and Reemployment Commission submitted to said commission are adopted in principle.

5072. As used in this article, the following terms have the meanings attributed to them in this section, unless the context otherwise requires:

"Trails" means riders' and hikers' trails for public use.

"California Riding and Hiking Trails Project" otherwise referred to in this article as the "project" means any work or undertaking to:

(a) Plan, chart, map or survey any trail area.

(b) Acquire land for the building of trails.

(c) Provide for the project, which may include buildings, equipment, recreational facilities, rest stations, shelters, and other real or personal property with necessary, convenient, or desirable appurtenances, including water service, camp site preparation,

together with administrative, recreational, educational, and publicity services, including the issuance for public use of trail maps and bulletins, and all other purposes related thereto.

"Committee" means the California Riding and Hiking Trails Advisory Committee.

5073. The provisions of this article shall be administered by the Division of Beaches and Parks under the supervision of the Director of Natural Resources in accordance with policies established by the State Park Commission. The State Park Commission may appoint an Advisory Committee to be known as the California Riding and Hiking Trails Advisory Committee, to consist of six members, two from the Northern, two from the Southern, and two from the Central portion of the State, selected from lists submitted upon invitation by the Park Commission by appropriate civilian organizations interested in the establishment and use of a State Trails System.

5074. The terms of members of the committee are temporary and at the pleasure of the commission. No member shall serve for longer than permitted by Section 6, Article XXIV, of the State Constitution. Members shall serve on an intermittent basis and shall be deemed to be in the service of the State only on days during which they attend committee meetings and travel to and from them. Each member of the committee shall receive his necessary expenses, including traveling expenses, incurred in discharge of his duties. Meetings of the committee shall be limited to twelve in any one fiscal year. The commission shall abolish the committee when in its opinion the services thereof are no longer required.

5075. The State Park Commission may accept on behalf of the State grants and ask financial assistance for or in aid of the project.

5076. The committee shall investigate all matters pertaining to the proposed project and shall annually prepare a report on these matters and forward it to the State Park Commission in time for the commission to incorporate it in the annual report of the commission to the Governor concerning the State Park System.

SEC. 2. Out of any money in the State Treasury, not otherwise appropriated, the sum of twenty thousand dollars ($20,000) is hereby appropriated to the Division of Beaches and Parks to be expended in carrying out the purposes of this act."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 660—An act to forbid the acquisition by the United States of America or any of its agencies of any lands or real property in the State of California except for forts, magazines, arsenals, dockyards and other needful buildings, without the consent of the legislative body of the county or political subdivision in which such land or real property is situated.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 448—An act to amend Section 473a of the Political Code and Section 11041 of the Government Code, relating to attorneys for State departments.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2, line 14, of the printed bill, after the period following "office", insert "No provisions of this section shall be construed as applying to or as a limitation upon the powers or duties of The Regents of the University of California, the autonomous character of which is established by the provisions of Article IX, Section 9, of the Constitution of the State."

Amendment No. 2

On page 2, line 18, of the printed bill, after the comma following "California", insert "the autonomous character of which is established by the provisions of Article IX, Section 9, of the Constitution of the State,".

Amendment No. 3

On page 2 of the printed bill, after line 31, insert

"SEC. 4. Neither the amendment of said Section 473a nor of said Section 11041, made by this act, affects any other State agency than the State Lands Commission or the Department of Finance. Particularly, it does not affect any such other State agency which by law enacted after Chapter 213 of the Statutes of 1933 is authorized to employ legal counsel."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 347—An act to establish California academies for children who require special care and supervision, to provide for the government and administration thereof, and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 4, line 28, of the printed bill, as amended, strike out "shall", and insert "may".

Amendment No. 2

On page 4, line 34, of said bill, after "dismissed.", insert "Upon the child's attaining the age of 18 years, if not previously dismissed from the school, he shall be discharged therefrom and by the superintendent thereof returned to the guardian upon whose application the child was admitted to the school or, if such guardian is no longer acting as such, the superintendent of the school shall be responsible for instituting the proceedings necessary to have a suitable guardian appointed by the probate court having jurisdiction of the minor."

Amendment No. 3

On page 5 of said bill, after line 48, insert

SEC. 30. The board shall collect all amounts provided for by Sections 25, 26, 27, 28, and 29, and shall deposit them in the State Treasury in the California Academies Fund, which fund is hereby created. The Controller shall maintain a separate account in such fund covering the sources from which any moneys are received. All moneys in the California Academies Fund are hereby appropriated to the Board of Governors of California Academies to be expended for the purposes of this act."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 625—An act creating the "Local Postwar Construction fund," providing for the deposit therein of part of the proceeds of certain taxes paid to the State, and defining the powers and duties of State officers in connection therewith.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

Strike out lines 2 and 3 of the printed bill, and insert "viding that the sum of $100,000,000 be set aside and deposited to the credit of said fund from unappropriated moneys in the State Treasury; providing for the apportionment of said funds to the cities, counties and cities and counties for expenditure by such local agencies, when appropriated, for the construction of public works and facilities in which the State has an interest; and defining the powers and".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 24, inclusive, and insert

"SECTION 1. The termination of the present war will inevitably create serious economic problems for the people of this State.

The change from a war economy to a peacetime economy and the tremendous and sudden increase in population in this State necessitates a corresponding increase in public works and facilities which is so widespread that it is a matter of State interest, necessary for the State-wide protection of the public health, safety and public welfare.

The prevention of unemployment and the relief of hardship and destitution due to and caused by postwar unemployment is a joint obligation and duty of the Nation and the State within the limits of their resources. Postwar unemployment and its attendant misfortunes can partially be averted and alleviated by the construction of an extensive Program of Public Works to be constructed and engaged in during the period of postwar adjustment and until such time as private industry and commerce can provide employment for the men and women who will be discharged from the armed forces or who will be released from their present employment upon the termination of wartime activities. The experience of this State during the depression years of unemployment and its attendant hardships points to the necessity for a Public Works Employment Program. Failure to make provision for an adequate Public Works Program in time to meet the economic problems which will rise upon termination of the war will require the State to expend large sums to provide direct relief to persons who might otherwise be usefully employed in constructing necessary public works. Funds allocated under this act by the State together with funds provided by local agencies to assist the State in carrying out the purpose of this act will enable the local agencies to engage in a large construction program which will provide employment for those military personnel discharged from the armed forces and those whose present employment will be terminated by the cessation of war production.

A substantial Program of Postwar Public Works for the above purposes can be formulated only if such a program is carried out jointly by the State and by the counties and cities of the State, making provision in such a program for Federal participation at such time as the National Government may declare such a policy.

The Legislature hereby declares that the granting of financial assistance in the construction of public works and facilities by the counties, cities and counties and cities, as provided in this act, is for State purposes because of the State-wide need for increase in public works and facilities and also as a part of and incidental to the averting of a serious postwar economic crisis and in furtherance of its plans to provide employment for some part of its citizens during the period of economic readjustment that will result upon the termination of the war or the substantial diminishing of war production in this State.

SEC. 2. As used in this act, "local agency" means any county, city and county or city of the State. All acts required to be done herein by a local agency shall be performed by the governing body thereof by resolution or ordinance unless otherwise specified.

SEC. 3. As used in this act, "specific project" includes construction of public buildings, highways, streets, bridges and other street and highway structures, and publicly owned and operated facilities, including but not limited to sewage treatment and disposal plants and sanitary facilities, airports, hospitals, health clinics and educational facilities, recreational facilities, and existing water supply systems proposed to be undertaken by local agencies in accordance with the purposes of this act. Except as to public utilities specifically mentioned in this section, "specific project" does not include the construction, acquisition, extension of or additions to, public utilities as defined in the Public Utilities Act.

SEC. 4. As used in this act, "construction" means the supervision, inspection, actual building and all expenses incidental to the construction, reconstruction, modification and alteration of public works and facilities but does not include ordinary repair and maintenance thereof.

SEC. 5. The sum of one hundred million dollars ($100,000,000) is hereby set aside and transferred in the State Treasury to the credit of the Local Postwar Construction Fund, which fund is hereby created and established out of unappropriated moneys in the State Treasury. No moneys shall be expended from said fund until acts of appropriation therefrom shall have been adopted by the Legislature.

SEC. 6. The moneys in said fund shall be apportioned to the cities, counties, cities and counties of the State as follows: 55 per cent of said fund to cities and cities and counties, hereinafter called the "city allocation", and 45 per cent of said fund to the counties and cities and counties, hereinafter called the "county allocation".

The city allocation shall be apportioned to each city and county in the proportion that the total population of such city or city and county bears to the total population of all the cities and cities and counties of this State, as reported by the United States Census of 1940.

The county allocation shall be apportioned as follows: One-half of said county allocation shall be apportioned to the counties and cities and counties for the construction of roads and highways, as hereinafter in this act provided, and the balance of said county allocation shall be apportioned to each county and city and county in the proportion that the total population of such county or city and county bears to the total population of all the counties and cities and counties in this State, as reported by the United States Census of 1940.

The Director of Finance shall determine the maximum amounts to be allocated for the city allocation and the county allocation, except as to roads and highways, to each city, county and city and county under this section and shall notify the controller of such determination. The controller shall not draw his warrant in behalf of any city,

county or city and county on said Local Postwar Construction Fund if the amount of such warrant together with any amount previously paid to such local agency from such fund exceeds the maximum amount allowable as provided in this section, except as in this act provided with respect to roads and highways.

SEC. 7. The one-half of the county allocation apportioned for roads and highway purposes shall be allocated to each county in its proportionate share based on (1) rural population in each county as against the total rural population in the State; and (2) mileage in county roads in unincorporated territory maintained in each county as against the total mileage of each road in this State. Each factor shall be given equal weight.

(a) Rural population shall be determined by the Decennial Census of 1940 as published by the United States Bureau of the Census. Mileage shall be determined from the latest available records of the Highway Planning Survey conducted by the Department of Public Works in cooperation with the United States Public Roads Administration.

(b) In the case of any county having no rural mileage or rural population it shall be assumed for the purposes of Section 2 that a portion of its population is rural and that a proportion of the mileage of public highways and streets maintained by it are rural, the proportion to be determined as provided in this section. The ratio of rural population to total population in the three counties of the State having the largest urban population, excluding any county actually having no rural mileage or population, shall be determined and averaged and the average ratio applied to the total population of such county. The ratio of such rural county highway mileage to total mileage of rural county highways and city streets (other than State highways) shall be ascertained for each of said three counties having the largest urban population and averaged. The ratio so determined shall be applied to the total mileage of public streets and highways other than State highways maintained by any said county having no rural county mileage.

The mileage determined on such assumption shall be added to the total county highway mileage of the State, and the rural population determined on such assumption shall be added to the total of rural population of the State before making the allocation provided in this section.

(c) The Director of Public Works shall certify the correct county mileage for each county as shown by such records, the correct mileage of city streets in each of said three counties, and in any county having no rural population or rural county highway mileage, such mileage of city streets to be taken from the records of the Department of Public Works, to the controller. The Controller shall thereupon apportion that part of the county allocation to be apportioned for roads and highways purposes among the counties, as provided in this section.

(d) All such moneys received by each county from said Local Postwar Construction Fund for roads and highways purposes shall be deposited in a Special Road Improvement Fund. Such moneys shall be expended exclusively for the acquisition of rights of way for and the construction and improvement of county highways in unincorporated territory, except in the case of any county having no highways, in which case it shall be expended for the acquisition of rights-of-way for and the construction and improvement of public streets and highways of such county of greater than rural interest. None of the moneys appropriated from said Local Postwar Construction Fund for roads and highways purposes shall be expended for maintenance or any other purpose.

(e) All construction and improvement work done hereunder shall be in accordance with standards to be specified by the Department of Public Works. The department shall specify standards equal to those required by the Public Roads Administration for secondary and feeder roads. Plans and specifications for each project shall be submitted to and approved by the department prior to awarding any contract for, or commencing construction by days' labor of, any such project. Final reports on all such projects shall be made by each county to the department in such form and at such times as the department may require.

At the beginning of each regular session of the Legislature the department shall report to each house of the Legislature as to the work done and expenditures made hereunder until all of the moneys appropriated have been expended.

(f) Each county and the department may enter into agreements for the performance of the work on any project by either party. Any county may use moneys allocated to it under this act to match Federal-aid moneys to be expended on any county highway or any other public highway under the provisions of the Federal Highway Act as amended and supplemented.

Any county may enter into an agreement with any other county or counties or joint highway district or other public agency for the expenditure of moneys allocated to such county hereunder on any public highway outside its corporate limits.

(g) In selecting projects in their respective counties, the boards of supervisors are directed to choose those which will be best suited to provide employment for returned servicemen and workers released from war industries.

(h) "County" as used in this act includes "city and county" and "county highway" includes any "city and county street or highway".

SEC. 8. The Legislature shall prescribe in each act making an appropriation from said fund the percentage of the total cost of projects, or classes of projects, which may be paid from moneys so appropriated, and the extent to which local agencies shall be required to match allotments from the Local Postwar Construction Fund.

SEC. 9. The Postwar Public Works Review Board, hereinafter called "the board", shall prescribe rules and regulations for the general administration of this act and acts of appropriations that may be made from said Local Postwar Construction Fund, requiring such procedures, forms and information it deems necessary to carry out the provisions of this act and those of any act of appropriation made from said fund.

The Director of Finance, hereinafter called "the director", shall administer this act and said fund and shall provide such assistance to the board as it may require.

In order to permit local agencies to plan for and complete local financing, the board shall approve applications for aid to local projects in the manner herein provided, conditioned upon the right of the board to set the date for the commencement of construction of public works projects to be paid for in part from said Local Postwar Construction Fund.

The board shall not approve any application for aid from the Local Postwar Construction Fund submitted by any local agency, pursuant to the provisions of this act or of any act of appropriation from said fund, for the construction of any specific project which is for purely local purposes and in which there is no State interest.

The board shall not authorize the construction of any specific project unless and until it finds and determines that the construction of such project will contribute to the prevention or alleviation of unemployment; provided, however, that the board shall authorize the immediate construction of any specific project otherwise eligible as to which the State Director of Public Health certifies that the construction of the specific project is necessary and desirable in the interests of public health and safety and of any county highway project otherwise eligible.

The construction of a specific project shall be deemed to contribute to the prevention or alleviation of unemployment either by reason of the employment directly provided thereby or because the construction of the specific project will contribute to the expansion or maintenance of a higher level of industrial, commercial, agricultural or other business activity and thereby maintain or expand private employment.

The Legislature finds and determines that the county highways of the State have reached such a state of deterioration that the construction or reconstruction of such county highways is necessary for, and will contribute to, the expansion and maintenance of a higher level of industrial, commercial, agricultural and other business activity and will thereby maintain and expand private employment.

It is hereby declared to be the policy of the Legislature that, except as to county highway projects or projects certified as necessary and desirable in the interest of public health and safety, said board shall determine the timing of the construction of specific projects in such manner that the construction of said projects shall be coordinated with employment conditions within the State.

SEC. 10. A local agency may, from time to time, apply to the director for an allotment of the State's share of any appropriation from said fund of the cost of constructing any specific project for which it desires aid from said fund. The application shall be accompanied by a certified copy of a resolution or ordinance showing that the local agency has made provision for paying its share of the cost of the construction of such project together with such other information as may be required by the board. After determining that all the proper information has been submitted, the director shall present such application to the board. The board may make such recommendations to the local agency for the local agency's consideration as the board thinks proper.

SEC. 11. When appropriations from the Local Postwar Construction Fund have been passed by the Legislature, the board shall by rule applicable to any case or class of cases prescribe for how much of the State's share of the cost of constructing a specific project for which a local agency has received an allotment under this act, the local agency shall, on its request, be paid. A local agency shall in any event, on its request, be entitled to be reimbursed up to 25 per cent of the State's share after each 25 per cent of the total estimated cost has been expended by the local agency.

SEC. 12. The local agency may from time to time as the work progresses or after its completion apply to the director for reimbursement, as allowed by this act and the board, from the State's share for expenditures made in constructing a specific project for which the local agency has received an allotment under this act. The Board of Control shall be rule prescribe the information to be shown on applications for reimbursement of the cost of constructing specific projects under this act and the nature of the evidence of payment to be required in support of such application. When the director approves such application and finds the reimbursement to be due, he shall transmit a claim for the amount due, together with all supporting information and evidence of payment, to the Controller. The Controller shall make such audit as he deems necessary and shall thereupon draw his warrant for the amount of reimbursement he finds to be due.

SEC. 13. A revised estimate of the cost of the construction of a specific project may be submitted from time to time.

SEC. 14. When the board finds that the application meets the requirements of this act it shall approve the application and shall, by resolution adopted by it, allot to the

local agency the amount requested by the local agency to be paid by the State up to the maximum percentage of the cost of the construction fixed by the act of appropriation. A copy of the resolution shall be transmitted to the local agency and a copy shall be filed with the State Controller and the Director of Finance.

SEC. 15. Sections 664, 677.5 and 3714 of the Political Code do not apply to the expenditures made from said Local Postwar Construction Fund.

SEC. 16. The allocations to local agencies provided by this act shall be available in cases where one or more local agencies engage jointly in the undertaking of a postwar construction activity as now provided by law, and in cases where a local agency engages in such activity jointly with or through a district or other governmental unit.

SEC. 17. A local agency may by resolution or ordinance, certified copies of which it files with the controller, the director, the board and the assignee, assign the money allocated to it under this act, or any portion thereof, to any other local agency or to any governmental unit or district in this State either for the sole use of such assignee or for use by the assignee acting in behalf of any local agency, governmental unit or district or of any combination thereof, including or excluding the assigning local agency. Such assignment may not be revoked unless the board, upon request of the assigning local agency, certifies to the assigning local agency, the assignee, the director and the controller that there is good cause for such revocation and specifies what should be done with the work done and how to arrange for audit and settlement for the assignee's expenditures, unused money, and activities. Money unused by the assignee shall be credited to the allocation of the assigning agency.

SEC. 18. After an assignment under Section 17, the assignee has all the powers and duties given to the assigning local agency or local agencies under this act other than assignment of an allocation and shall generally be treated for the purpose of this act as a local agency, except for the allocation of money which is fully covered in this section. The director, the board, the Reconstruction and Reemployment Commission, and the controller shall thereafter deal with the assignee as if it were a local agency, and warrants shall be drawn payable directly to the assignee. All allocations or portions thereof assigned to the assignee shall be considered together as one allocation and the assignee need make only one request or application at a time covering all such assigned allocations and the controller need draw only one warrant in payment of any such application or request. In charging any such warrants against the amount allocated to each assigning local agency under Section , the controller shall charge against each such allocation an amount which bears the same proportion to the amount of the warrant as the amount assigned by the particular local agency to the assignee bears to all amounts assigned by local agencies (including the amount allocated to the assignee, if it is a local agency) to the assignee.

SEC. 19. Any money lawfully available for expenditure by or on behalf of a local agency for construction of public works or facilities under this act, other than money made available by the State from appropriations from said Local Postwar Construction Fund, shall be considered as a part of the money required to be provided by the local agency under this act.

SEC. 20. The Legislature hereby finds and determines that the public health and safety require prompt, proper and adequate treatment and disposal of sewage and that in the preparation and construction of the postwar public works program first consideration should be given to such sewage facilities, and the board and the governing bodies of the respective local agencies are directed to consider the public health and safety needs of the people in this State in formulating and carrying out the Public Works Program, consistent with the purpose of this act to provide employment in the postwar period. The board shall not authorize the construction of any specific project other than the construction of sewage facilities to be paid for in part from said Local Postwar Construction Fund from the city allocation thereof provided for in this act unless the board shall find and determine that:

(a) The Director of Public Works certifies that the sewage facilities of such city are adequate to the extent that they do not create a public health problem; or

(b) The city has taken reasonable and adequate steps to insure the construction of sewage facilities adequate to comply with the requirements of the Director of Public Health with respect thereto; or

(c) The city does not have the financial ability to meet the matching requirements of any act or acts of appropriation adopted by the Legislature from said fund.

Amendment No. 3

On page 2 of the printed bill, strike out lines 1 to 12, inclusive.

Amendment No. 4

On page 2, line 13, of the printed bill, strike out "Sec. 3", and insert "Sec. 20".

Amendment No. 5

On page 2 of the printed bill, after line 23, insert

"SEC. 21. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application thereof to other persons or circumstances, shall not be affected thereby.

Amendments read and adopted.

Bill order printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 752—An act concerning contracts of this State, its agencies, municipalities and other political subdivisions, with the Federal Government for the purchase of equipment, supplies, materials or other property, and providing for the suspension of certain laws in connection therewith.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 1 to 5, inclusive, and insert

"An act authorizing municipalities to purchase Federal surplus property and providing for the suspension of certain laws in connection therewith, declaring the urgency thereof and providing this act shall take effect immediately."

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. As used in this act, the term "municipality" shall mean any county, city and county, city, municipal corporation or public district.

SEC. 2. Any municipality may acquire in any manner whatsoever from the United States of America or any department, board or agency thereof, or from the State or any department or agency thereof any Federal surplus property, real or personal, without regard to provisions of law which require posting of notices or advertising for bids, inviting or receiving of bids, delivery of purchases before payment, or provisions of law which prevent such municipality from entering a bid or bids in its behalf at any sale of Federal surplus property, real or personal, by the United States of America or any department, board or agency thereof, or by the State or any department or agency thereof. The legislative body of any such municipality may authorize any municipal officer to make a down payment or payment in full required in connection with such bidding or sale.

SEC. 3. Any provisions of any statute, charter, ordinance, or resolution which are inconsistent with the provisions of this act are suspended to the extent that such provisions are inconsistent herewith.

SEC. 4. The provisions of this act shall not be construed to require posting of notices or advertising for bids, the inviting or receiving of bids, the delivery of purchases before payment, or other similar acts not now required by law. Nor shall the provisions of this act be construed to prevent any municipality from entering bids on its behalf at any sale or from making any down payment in connection therewith where such authority now exists by provision of any law.

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

The Congress of the United States enacted and the President of the United States approved, October 3, 1944, the "Surplus Property Act of 1944." The Federal act provides for the distribution of Government surplus property and makes special provision for disposal of such property to local governments. The Surplus Property Board, created by the Federal act, must provide priority to States and their political subdivisions in the disposal of such property.

The Surplus Property Board has been appointed and Federal surplus property is being disposed of at the rate of several million dollars per month. Some municipalities can not take advantage of the Federal law in the acquisition of such property because they must either advertise for or invite bids, or such municipalities are unable to pay cash without first auditing claims, approving warrants, etc. Other municipalities are in doubt as to their power. In order to enable all municipalities to take advantage of the provisions of the Surplus Property Act of 1944, or regulations adopted by the Surplus Property Board pursuant to such law, it is necessary that this act go into immediate effect."

Amendment No. 3

On page 1 of said bill, strike out lines 2 to 25, inclusive; and on page 2, strike out lines 1 to 18, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

59—L-3785 SJ

Senate Bill No. 803—An act to provide for the mapping of the State of California; authorizing investigations, reports, recommendations, and plans for a Mapping Program; authorizing cooperation with governmental and other agencies; and making an appropriation to carry out the purposes hereon.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

Strike out line 5 of the title of the printed bill, and insert "tion therefore."

Amendment No. 2

On page 1, of said bill, strike out lines 4 to 8, inclusive, and insert ", including supplemental and specialized maps, required for and useful in programs for the development and conservation of the natural and economic resources of the State, and for the coordination of plans, explorations, and developments. It is further declared that efficiency and economy will result if the program contemplated by this act is maintained at a relatively constant level of activity for the period of at least a decade.

SEC. 2. The Department of Public Works, hereinafter referred to as "Department", acting by and through the State Engineer, shall be in charge of the administration of this act and shall be assisted by the Advisory Council on Maps, which council is hereby created and is hereinafter referred to as "Council".

SEC. 3. The council shall consist of one member from each of the following agencies of the State: Division of Water Resources, Division of Highways, Division of Mines, Division of Forestry, Division of State Lands, Division of Assessment Standards, State Reconstruction and Reemployment Commission, Department of Geological Sciences of the University of California, and College of Agriculture of the University of California, together with four additional members to be appointed by the Governor, after consultation with the other members of the council, one of which additional members shall be a county engineer and one a county assessor. The member from the College of Agriculture shall be experienced in soil technology and science.

SEC. 4. The appointing power of each agency of the State from which a member of the council is to be selected shall designate the member or members from the respective agency under his jurisdiction. For the purposes of this section, the Director of Reconstruction and Reemployment shall appoint the member from the State Reconstruction and Reemployment Commission and the President of the University of California shall appoint the members from the Department of Geological Sciences and College of Agriculture.

SEC. 5. Each member of the council shall hold office at the pleasure of his respective appointing power.

SEC. 6. Members shall receive no compensation for their services as members of the council but shall be reimbursed for their necessary traveling and other expenses incurred in the performances of their respective duties.

SEC. 7. The department shall undertake a comprehensive investigation of mapping, including methods and means employed by any agency of government or by corporations, firms, or persons; shall prepare a report thereon with plans and recommendations for an adequate Mapping Program for California and submit such report, plans and recommendations to the council. The council shall consider such report, plans, and recommendations, and thereafter adopt a general plan and program for accomplishing the purposes of this act. The general plan and program adopted by the council, and as from time to time amended by it, shall be the authorized general plan and program to be carried out by the department as provided in Section 8.

SEC. 8. In the manner it determines best adapted to accomplish the purposes of this act, the department shall have sole authority to carry out the work of mapping and the general plan and program authorized by the council as provided in Section 7. The department, with the approval of the Director of Finance, may enter into agreements or contracts with the Federal Government or any of its agencies, or with others for finished maps or parts thereof or for material, equipment, or services or the department may itself perform all or any part of the work required.

SEC. 9. The department may from time to time conduct investigations and studies concerning mapping and shall report thereon to the council. Also, the department shall report to the council from time to time upon progress in carrying out the authorized general plan and program and the council may advise and make recommendations as it deems proper.

SEC. 10. The department shall compile and maintain an index of such maps, surveys, aerial photographs and aerial mosaics as may be available to public inspection and deemed useful in relation to the purposes of this act, and shall advise the public of the manner of obtaining said material.

SEC. 11. For the purpose of carrying out the provisions of this act the sum of three million dollars ($3,000,000) is hereby appropriated, out of any money in the State treasury, not otherwise appropriated, to the Map Fund, hereby created, for expenditure by the department. Expenditures from the Map Fund shall be without regard to fiscal years, except that such expenditures shall not exceed one hundred thousand dollars ($100,000) for the Ninety-seventh Fiscal Year, two hundred thousand dollars ($200,000) for the Ninety-eighth Fiscal Year and four hundred thousand dollars ($400,000) for any succeeding fiscal year. Moneys hereby appropriated to the Map Fund and hereafter deposited therein shall not be subject to the provisions of Section 16304 of the Government Code, but shall continue available for expenditure as herein provided. Except for (1) compiling and maintaining the index and advising the public as provided in Section 10, (2) the expenses of the council and its members, (3) the expense of investigations, studies and reports of the department as provided in Sections 7 and 9, and (4) other expenses of the department not incurred in the work of producing maps, none of the moneys hereby appropriated shall be expended unless and until moneys equal to or in excess of the amounts expendable from said appropriations shall have been made available (by any person, firm, corporation, political subdivision, public district, municipality, county or public agency, including agencies of local and Federal Government but excluding agencies which are a part of the Executive Department of the State Government) for expenditure by the department for such work to the end that any sums expended from this appropriation shall be matched by like or greater amounts from sources other than the State treasury or funds of any agency which is a part of the Executive Department of the State Government; except that when the United States or any agency thereof is to provide matching funds it shall not be required that funds to be provided from Federal sources shall be paid into the State treasury.

Moneys in the Map Fund shall be expendable for paying expenses incurred pursuant to an agreement hereunder or for reimbursing the United States or any agency thereof for expenses paid pursuant to such an agreement, but shall not be advanced to the Federal Treasury or to the funds of any Federal agency, or otherwise advanced.

Amendments read and adopted.

Bill ordered printed and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 140—An act to add Chapter 4, consisting of Section 10700, to Division 12 of the Elections Code, relating to elections of county and township officers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 455—An act to amend Sections 2541, 2574, 2576, 2702, 2703, 2705, 2753, 2791, 3920, 3921, 3924, 3926, 3930, 3946, 7966, and 8720 of the Elections Code, relating to nominations and party conventions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

Amendment No. 1

On page 1 of the printed bill, strike out line 4, and insert "Secretary of State, Attorney General, Member of State Board of Equalization, and Judicial, school, county, township,".

Amendment No. 2

On page 12 of the printed bill, strike out line 17.

Amendment No. 3

On page 12 of the printed bill, strike out line 19.

Amendment No. 4

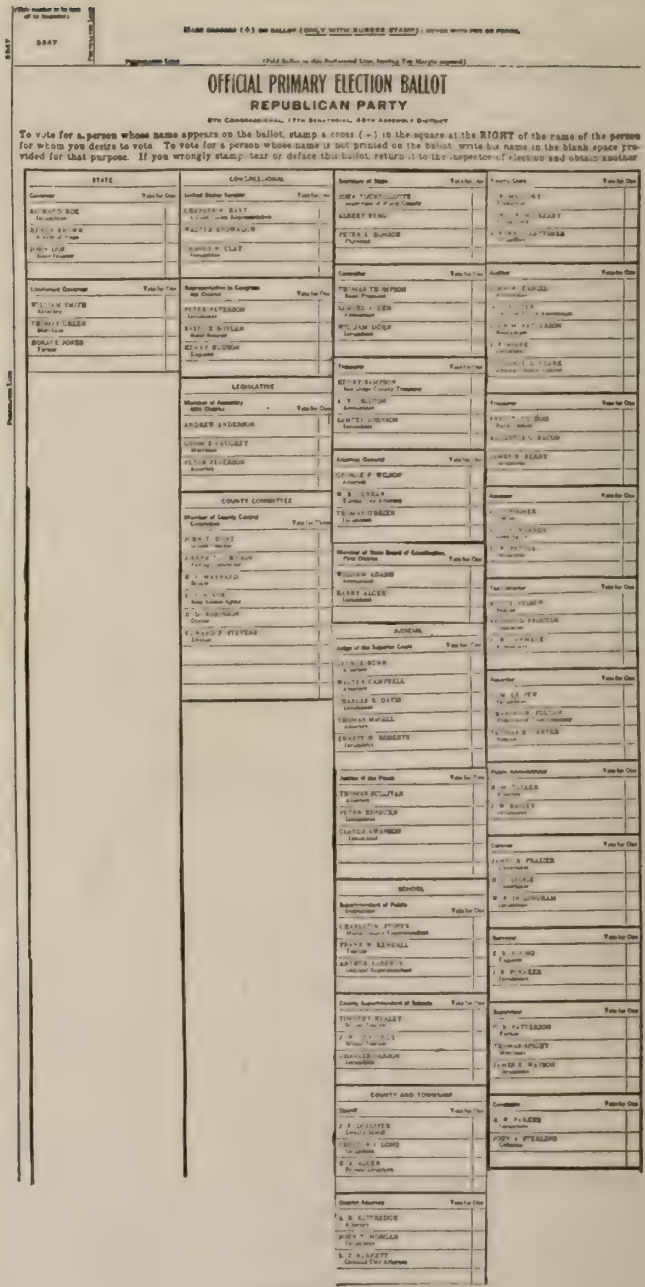
On page 12, line 20, of the printed bill, strike out "*(e)*", and insert "(c)".

Amendment No. 5

On page 12, line 22, of the printed bill, strike out "*(f)*", and insert "(d)".

Amendment No. 6

Strike out Ballot No. 1, between pages 14 and 15 of the printed bill, and insert the attached Ballot No. 1.



OFFICIAL PRIMARY ELECTION BALLOT

REPUBLICAN PARTY

6TH CONGRESSIONAL, 17TH SENATORIAL, 40TH ASSEMBLY DISTRICT

To vote for a person whose name appears on the ballot, stamp a cross (+) in the square at the RIGHT of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another

STATE

Governor — Vote for One

ANTHONY ROE — Republican

RICHARD ROWE — Republican

JOHN LOE — Socialist Labor

Lieutenant Governor — Vote for One

WILLIAM SMITH — Republican

THOMAS ALLEN — Republican

HORACE JONES — Farmer

CONGRESSIONAL

United States Senator — Vote for One

CHESTER F. BART — Republican Incumbent

WALTER STEWART — Republican

ARTHUR CLAY — Republican

Representative in Congress 6th District — Vote for One

PETER PETERSON — Republican

ERIC D. BUTLER — Republican Incumbent

HENRY BROWN — Republican

LEGISLATIVE

Member of Assembly 40th District — Vote for One

ANDREW ANDERSON — Republican

JOHN DOUGLAS — Republican

PETER PEARSON — Republican

COUNTY COMMITTEE

Member of County Central Committee — Vote for Three

FRANK BART — Republican

ARTHUR BROWN — Republican

E. J. HOWARD — Republican

E. J. HOWARD — Republican Party Unpledged

A. C. ROBINSON — Republican

EDWARD P. STEVENS — Republican

Secretary of State — Vote for One

JOHN VINCENT SMITH — Republican Incumbent

ALBERT BENG — Republican

PETER E. BURNS — Republican

Controller — Vote for One

THOMAS TEMPSON — Republican

CHARLES J. GEN — Republican

WILLIAM DOLE — Republican Incumbent

Treasurer — Vote for One

HENRY TEMPSON — Republican Incumbent

A. T. CLINTON — Republican

SAMUEL JOHNSON — Republican

Attorney General — Vote for One

CHARLES P. WILSON — Republican

H. D. LOGAN — Republican

THOMAS BAKER — Republican

Member of State Board of Equalization, First District — Vote for One

WILLIAM ADAMS — Republican

BARRY ALGER — Republican Incumbent

JUDICIAL

Judge of the Supreme Court — Vote for One

JOHN E. BURR — Republican

WALTER CAMPBELL — Republican

CHARLES E. DAVIS — Republican Incumbent

THOMAS MARSHALL — Republican

ERNEST B. ROBERTS — Republican Incumbent

Justice of the Peace — Vote for One

THOMAS BOWMAN — Republican

PETER BRADLEY — Republican Incumbent

CHARLES HANSON — Republican Incumbent

SCHOOL

Superintendent of Public Instruction — Vote for One

CHARLES H. STATE — Republican Incumbent

FRANK W. KENDALL — Republican

ARTHUR JONES — Republican Incumbent

County Superintendent of Schools — Vote for One

TIMOTHY RILEY — Republican

J. W. [illegible] — Republican

CHARLES HANSON — Republican Incumbent

COUNTY AND TOWNSHIP

Sheriff — Vote for One

J. P. LEICESTER — Republican

[illegible] J. LONG — Republican Incumbent

E. A. ALGER — Republican Incumbent

District Attorney — Vote for One

A. B. [illegible]RIDGE — Republican

JOHN T. MORGAN — Republican

E. J. [illegible]ETT — Republican Incumbent

County Clerk — Vote for One

[illegible] — Republican

[illegible] — Republican

[illegible] — Republican

Auditor — Vote for One

[illegible] — Republican

[illegible] — Republican

[illegible] — Republican

Treasurer — Vote for One

[illegible] — Republican

[illegible] — Republican

JAMES B. HEARY — Republican

Assessor — Vote for One

[illegible] — Republican

[illegible] — Republican

[illegible] — Republican

Tax Collector — Vote for One

[illegible] — Republican

[illegible] — Republican

[illegible] — Republican

Recorder — Vote for One

[illegible] — Republican

[illegible] — Republican

[illegible] — Republican

Public Administrator — Vote for One

[illegible] — Republican

[illegible] — Republican

Coroner — Vote for One

JAMES B. FRAZER — Republican

[illegible] — Republican

[illegible] — Republican

Surveyor — Vote for One

[illegible] — Republican

[illegible] — Republican

Supervisor — Vote for One

[illegible] — Republican

THOMAS SPROUT — Republican

JAMES E. WATSON — Republican

Constable — Vote for One

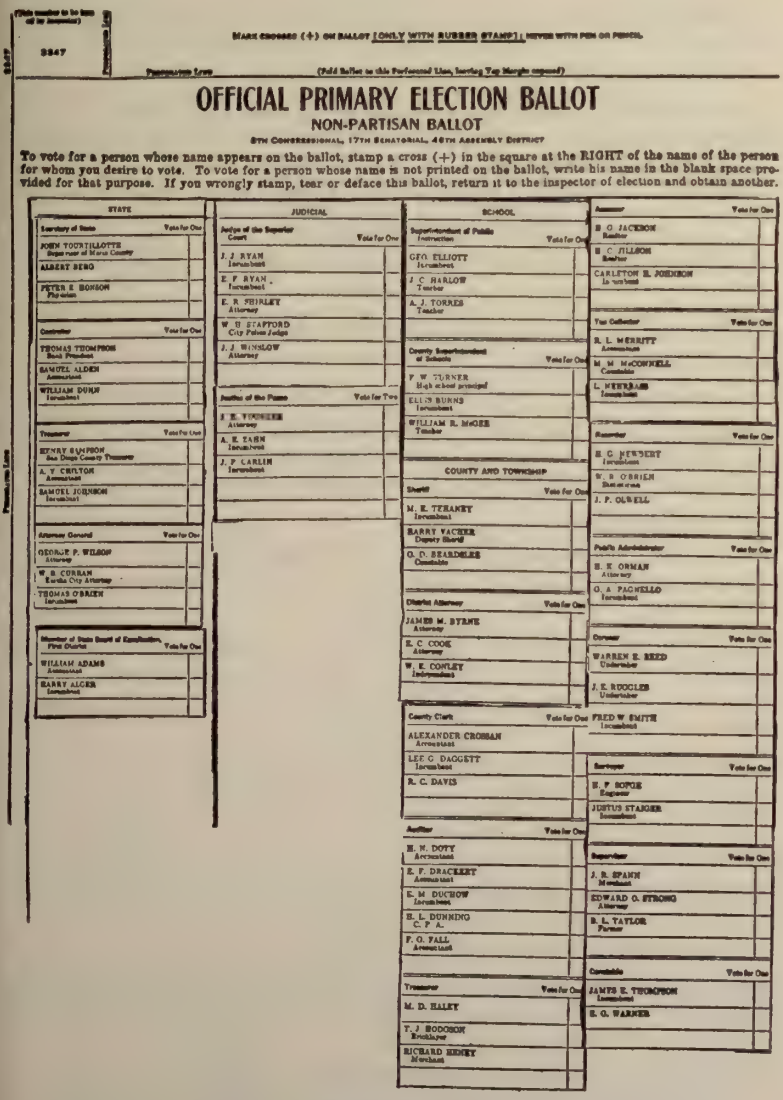
[illegible] — Republican

JOHN A. STERLING — Republican

Ballot No. 1

Amendment No. 7

Strike out Ballot No. 2, between pages 14 and 15 of the printed bill, and insert the attached Ballot No. 2.



Ballot No. 2

Amendments read and adopted.

Bill ordered printed and re-referred to Committee on Elections.

Senate Bill No. 136—An act to amend Section 6902 of the Labor Code, relating to operation personnel of railroads.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 900—An act to amend Section 75 of the Labor Code, relating to the Commission of Immigration and Housing.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1253—An act to add Article 1.5, comprising Sections 235, 236 and 237, to the Labor Code, relating to wage discriminations on account of sex.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Labor:

Amendment No. 1

On page 2 of the printed bill, strike out lines 21 to 25, inclusive, and insert "in any such proceedings, is guilty of a misdemeanor. Each day a violation shall con-".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

Senate Bill No. 320—An act to amend Sections 4214, 4217 and 4219 of the Political Code and to repeal Section 4220 thereof, relating to the qualification, powers and duties of the county surveyor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "4217 and 4219", and insert "and 4217".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "and to repeal Section 4220 thereof".

Amendment No. 3

On page 2 of the printed bill, strike out lines 3 to 19, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 295—An act to amend Section 203 of the Welfare and Institutions Code, relating to county hospitals.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 434—An act to amend the County Employees Retirement Act of 1937, relating to County Employees' Retirement Systems.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 20—An act to amend Section 737ww of the Political Code, relating to salaries of judges of the superior court in and for the County of Sonoma.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 5 of the printed bill, strike out "eight thousand five hundred dollars ($8,500)", and insert "nine thousand dollars ($9,000)".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 899—An act to add Section 1.5 and to amend the title and Section 1 of an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, relating to vacations and hours on duty of members of fire departments.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 2 of the printed bill, strike out Section 3, lines 5 to 12, inclusive.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 703—An act to amend Section 4257 of the Political Code, relating to compensation for public service in counties of the twenty-eighth class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In the heading of the printed bill, after "Introduced by Senator Cunningham", insert "; Senators Biggar, Brown, Burns, Carter, Collier, DeLap, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Powers, Rich, Seawell, and Slater joint authors."

Amendment No. 2

In line 1 of the title of the printed bill, strike out "Section 4257", and insert "Sections 4234, 4238, 4242, 4244, 4248, 4249, 4250, 4251, 4252, 4253, 4255, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4265, 4267, 4268, 4269, 4273, 4275, 4278, 4279, 4280, 4281, 4282, 4283, 4284, 4285 and 4286".

Amendment No. 3

In the second and third lines of the title strike out "of the twenty-eighth class".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 4

On page 1 of the printed bill, strike out lines 1 and 2, and insert

SECTION 1. Section 4234 of the Political Code is amended to read:

4234. In counties of the fifth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, [three thousand two hundred dollars ($3,200)] *five thousand dollars ($5,000)* per annum.

2. The district attorney, [four thousand eight hundred dollars ($4,800)] *six thousand dollars ($6,000)* per annum. The district attorney shall devote his entire time

during office hours to the work of the county and State and is prohibited from engaging in private work during office hours.

3. Each supervisor, [three thousand dollars ($3,000)] *four thousand dollars ($4,000)* per annum for all services, either as supervisor or road overseer; *in addition thereto, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor as ex officio road commissioner, shall be paid the following sums:*

(a) In supervisorial districts containing five hundred (500) miles of road or less, the amount of fifty dollars ($50) per month shall be paid as and for the use of such privately owned automobile.

(b) In supervisorial districts containing more than five hundred (500) miles, but less than seven hundred fifty (750) miles of road, seventy-five dollars ($75) per month shall be paid as and for the use of such privately owned automobile.

(c) In supervisorial districts containing road mileage in excess of seven hundred fifty (750) miles, one hundred dollars ($100) per month shall be paid as and for the use of such privately owned automobile in the discharge of necessary official business.

(d) In addition to any sums herein mentioned, the chairman of the board of supervisors shall receive the sum of twenty-five dollars ($25) per month for the use of his privately owned automobile in the discharge of necessary official business.

4. Grand jurors and trial jurors in the superior courts, three dollars ($3) per day while engaged in the performance of the duties required of them by law, and in addition shall receive the mileage now allowed by law [except that jurors excused before 12 o'clock noon shall receive only two dollars ($2) for the day so excused;] trial jurors in the justices' courts shall receive [two dollars ($2)] *three dollars ($3)* per day and no mileage.

The county officers provided for in this section shall receive as compensation for the services required of them by law or by virtue of their offices, the salaries and expenses herein set forth, except that the members of the board of supervisors, auditor and district attorney shall be allowed all actual expenses which are necessary to the performance of their duties under the law. The expenses and the salaries designated in this section for such officers except as in this section otherwise specifically provided, shall be as full and complete compensation for giving their entire time and attention to the duties required of them by law, or which are, for any reason imposed upon or performed by them under the laws of or on behalf of the United States or this State or any political subdivision thereof, or any public corporation.

All other fees, statutory mileage or other remuneration or compensation of any kind or character received by such officers or their deputies from the United States or this State or any political subdivision thereof or any public corporation, shall be by such officers named in this section paid into the county treasury, except that the requirement of this paragraph shall not apply to that portion of any such fees collected which is authorized by statute to be paid to other persons or is necessarily diverted to other persons for the purpose of carrying out the objects of the statute.

The compensation provided by this section shall apply to incumbent officers.

SEC. 2. Section 4238 of the Political Code is amended to read:

4238. In counties of the ninth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

1. The auditor, four thousand *eight hundred* dollars [($4,000)] *($4,800)* per annum, together with his necessary expenses incurred while traveling in the performance of his official duties. The auditor shall pay into the county treasury all fees and commissions or compensations received by him in his official capacity, other than the official salary herein provided.

2. The district attorney, six thousand dollars ($6,000) per annum and the necessary expenses incurred in the discharge of his official duties. All fees and commissions or compensations received by the district attorney in his official capacity, from any source, shall be paid into the county treasury, other than the official salary herein provided.

The district attorney shall devote his entire time during office hours to the work of the county and the State and is prohibited from engaging in private work within such office hours.

3. Supervisors, four thousand *eight hundred* dollars [($4,000)] *($4,800)* per annum each, and actual and necessary expenses incurred in the performance of the duties of their office.

4. For attending as a grand juror, for each day's actual attendance, per day, five dollars ($5), and ten cents ($0.10) per mile for each mile actually traveled in going only, and the judges of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attending as a trial juror, in the superior court, for each day's actual attendance, per day, three dollars ($3), and ten cents ($0.10) per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage, and the treasurer shall pay the same.

For attending as a trial juror in criminal cases in justice courts, two dollars ($2) per day, for each day of actual service as a juror, and the justice of said court shall

make an order directing the auditor to draw his warrant in favor of such juror for said per diem and the treasurer shall pay the same.

The compensation provided by this section shall be paid to incumbent officers.

SEC. 3. Section 4242 of said code is amended to read:

4242. In counties of the thirteenth class, the following shall receive as compensation for the services required of them by law or by virtue of their office, the following sums:

1. The county auditor, [three thousand three hundred dollars ($3,300)] *four thousand five hundred dollars ($4,500)* per annum.

2. The district attorney, [three thousand seven hundred eighty dollars ($3,780)] *five thousand two hundred dollars ($5,200)* per annum.

3. Each supervisor shall be paid a salary of [two thousand four hundred dollars ($2,400)] *four thousand five hundred dollars ($4,500)* per annum for all personal services performed by him as supervisor, member of the board of equalization and road commissioner, and in addition thereto each supervisor shall receive his actual and necessary traveling expenses incurred in performing any of the duties of his office, the claim for which shall be allowed and paid out of the county general fund in the same manner as other claims are allowed and paid; provided, however, that the said traveling expenses exclusive of meals and hotel accommodations shall not exceed the sum of five cents ($0.05) per mile.

4. Each member of the grand jury shall be allowed four dollars ($4) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of five cents ($0.05) per mile for each and every mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee, duly called by the secretary, or committee chairman; provided, no mileage shall be allowed outside of the county; for attending as a trial juror in the superior court, for each day's attendance per day two dollars ($2); for attending as a trial juror in the justice's court for each juror sworn to try the cause per day two dollars ($2); for each mile actually traveled in attending court as a juror, five cents ($0.05) per mile each way.

The compensation provided by this section shall apply to incumbent officers.

SEC. 4. Section 4244 of the Political Code is amended to read:

4244. In counties of the fifteenth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, [five] *six* thousand dollars [$5,000] *($6,000)* per annum.

2. The district attorney, [five] *six* thousand dollars [$5,000] *($6,000)* per annum.

3. Each supervisor, [three thousand three hundred dollars ($3,300)] *five thousand dollars ($5,000)* per annum for personal services performed by him as supervisor, member of the board of equalization and road commissioner. There is hereby allowed to each supervisor a sum not to exceed [25] *5* per cent of his monthly salary for expenses necessarily incurred in the conduct of his office. Each supervisor shall file an itemized statement, supported by receipts and vouchers, on the first day of each and every month, designating the actual expenditure on his part of expenses necessarily incurred in the conduct of his office for the preceding month, and no allowance shall be made to any supervisor for expenses necessarily incurred in conduct of his said office unless the same shall be itemized and designated in said claim filed by him as herein provided.

4. Grand jurors and trial jurors, [three] *six* dollars [($3)] *($6)* per day and mileage for each attendance at the rate of seven cents ($0.07) for each mile actually traveled. Grand jurors shall also receive as compensation three dollars ($3) per day for each day's attendance as a member of any committee of the grand jury called by the secretary or committee chairman and mileage at seven cents ($0.07) for each mile actually traveled in attending any such committee meeting.

No official of the county, whose compensation is fixed by this section, shall receive any other compensation in any form in any other capacity from the county. The salaries and expenses provided in this section shall be in full compensation for the services required of them by law, or by virtue of their offices, and all other fees, mileage, or other remuneration or compensation of any kind or character received by such officers for or by reason of any duty imposed by law on such officers, or by virtue of their offices shall be by such officers paid into the county treasury at such times and in such manner as required by law, except that until such time as the county provides for such officers and makes available to their use such numbers of automobiles as are reasonably necessary to carry out the duties of their respective offices, such officers shall be allowed to retain for their own use and benefit such mileage as may be allowed by law. In lieu of the mileage allowed members of the board of supervisors each member shall be supplied by the county with an automobile for use in performance of official duties. All expenses for fuel, oil, supplies, upkeep and maintenance of automobiles for members of the board of supervisors shall be paid from county funds.

The compensation provided by this section shall be paid to incumbent officers.

SEC. 5. Section 4248 of the Political Code is amended to read:

4248. In counties of the nineteenth class the following shall receive as full compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, four thousand eight hundred dollars ($4,800) per annum.

2. The district attorney, [six thousand two hundred fifty dollars ($6,250)] *seven thousand two hundred fifty dollars ($7,250)* per annum and actual traveling expenses while away from his office on county business, and when traveling in his own car, the district attorney shall receive six cents ($0.06) per mile for each mile actually traveled. The district attorney shall not personally engage in the private practice of law.

3. Each supervisor, three thousand dollars ($3,000) per and his necessary expenses when attending to the business of the county. When traveling in his own car on county business, he shall receive six cents ($0.06) per mile for each mile actually traveled.

4. For acting as a grand juror in the superior court, each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, the sum of five dollars ($5) per day. For every mile actually traveled as a grand juror in attending court, grand jury meetings, regularly called committee meetings or when properly appointed by the foreman of the grand jury to make individual investigations, six cents ($0.06) per mile for each mile actually traveled.

The compensation provided by this section shall apply to incumbent officers.

SEC. 6. Section 4249 of the Political Code is amended to read:

4249. In counties of the twentieth class the following shall receive as compensation for services required of them by law, or by virtue of their office, the following sums:

1. The auditor, [three thousand six hundred dollars ($3,600) *four thousand five hundred dollars ($4,500)* per annum.

2. The district attorney [five thousand dollars ($5,000] *six thousand dollars ($6,000)* per annum. The district attorney shall devote his entire time to the duties of his office, and shall not engage in private practice of law.

3. Each member of the board of supervisors for all services required of them by law, or by virtue of their office, [two hundred dollars ($200)] *two hundred fifty dollars ($250)* per month as a salary, and seven cents ($0.07) per mile in traveling to and from his place of residence to the courthouse on each day of a board meeting.

Any member of the board of supervisors when required to travel within or without the county on official business of the county, may use or travel in any vehicle owned and maintained by such counties for official purposes. When traveling on official business the expense of maintenance and upkeep of such automobiles and of all necessary supplies therefor shall be borne by the county.

4. The fees for jurors in counties of this class shall be as follows: For attending as a grand juror or juror in the superior court, or as a member of any committee of the grand jury duly called by the secretary or committee chairman, for each day's attendance, while serving as such juror, or on such committee per day, three dollars ($3); for each day's attendance when not selected to serve, two dollars ($2), but in no case shall there be charged for more than one per diem on any one calendar day. For attending justice's court, for each juror sworn to try the cause, per day, in civil cases, only, one dollar and fifty cents ($1.50). For attending justice's court, for each juror sworn to try the cause, per day, in criminal cases, only, three dollars ($3). A juror excused at his own request shall not be entitled to a per diem fee but shall be entitled to mileage for each mile actually and necessarily traveled in attending court as a juror, or in attending the regular sessions of the grand jury, or any committee meeting of the grand jury duly called, except in criminal cases in justice's courts, for which no allowance shall be made, per mile, ten cents ($0.10).

The compensation provided for by this section shall be paid to incumbent officers.

SEC. 7. Section 4250 of the Political Code is amended to read:

4250. In counties of the twenty-first class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, three thousand [dollars ($3,000)] *six hundred dollars ($3,600)* per annum.

2. The district attorney, five thousand dollars ($5,000) per annum, which shall be in full for all services performed by him as such district attorney. The district attorney shall devote his entire time during office hours to the duties of his office, and shall not engage in private practice of the law during his term of office.

3. Each supervisor, one thousand [two] *eight* hundred dollars [($1,200)] *($1,800)* each per annum which shall be in full for all services performed by him as supervisor and road commissioner for each year; provided, however, that each supervisor shall be allowed [his necessary and actual traveling expenses at the rate of seven cents ($0.07) per mile traveled within the county in attending the meetings of the board of supervisors and in performing his duties as road commissioner. In case it shall be necessary for any member of said board of supervisors to travel outside of the county and within the State of California on official matters pertaining to his duties as supervisor

and as road commissioner, he shall receive his actual and necessary expenses only and shall file his demand in the same manner as other county officers and shall submit signed receipts and vouchers for all such expenses in excess of one dollar ($1.).] *the sum of fifty dollars ($50) per month as a mileage allowance for mileage traveled within the county in attending the meetings of the board of supervisors and in performing other duties as supervisor and road commissioner and said sum shall be paid on the first day of each month irrespective of the number of miles traveled within the county. In case it shall be necessary for a supervisor to travel outside the county on official matters pertaining to his duties as supervisor and as road commissioner, said member shall receive actual and necessary expenses, and also mileage as hereinafter fixed, and shall file a demand in the same manner as other county officers and shall submit signed receipts and vouchers for all such expenses in excess of one dollar ($1). Each supervisor shall be entitled to the use of an automobile provided and maintained by any county of this class in connection with the performance of official duties within and without the county, and where an automobile at county expense is furnished, it shall be in lieu of mileage at fifty dollars ($50) per month, except that if said automobile shall not be available at all times, through accident or otherwise, and during the period of such nonavailability, mileage at the rate of seven cents ($0.07) per mile shall be allowed. If a supervisor is not furnished an automobile at county expense and it is necessary for a supervisor to travel outside the county on official business and transportation is not furnished by common carrier, mileage at the rate of seven cents per mile for all mileage actually traveled outside the county shall be paid.*

4. Trial jurors in criminal cases, shall receive as compensation for each day's attendance for trial in the superior courts the sum of three dollars ($3) per day, and for each mile actually and necessarily traveled from their residence in attending the superior court, one way only, the sum of ten cents ($0.10) per mile.

Grand jurors shall receive as compensation for each day's attendance at sessions of the grand jury, the sum of three dollars ($3) per day, and for each mile actually and necessarily traveled from their residence in attending the sessions of the grand jury, one way only, the sum of ten cents ($0.10) per mile, such mileage for said grand jurors to be allowed but once during each meeting day said grand jurors are required to attend sessions thereof.

All jurors who are required to attend trials in the several justice's courts in such counties shall receive as compensation for each day's attendance for trial in a justice court, the sum of one dollar and fifty cents ($1.50) per day, and for each mile actually and necessarily traveled, one way only, in attending trials in said justice's courts, the sum of ten cents ($0.10) per mile, such mileage to be allowed but once during each meeting day said trial jurors are required to attend trial.

In addition to the above compensation to be paid the county officers mentioned in this Section the county shall pay one-third of the insurance premium for group life, accident and health insurance, where said county officers are covered by such group insurance.

The compensation provided by this Section shall apply to incumbent officers.

SEC. 8. Section 4251 of the Political Code is amended to read:

4251. In counties of the twenty-second class the following shall receive, as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, [four thousand five hundred dollars ($4,500)] *five thousand five hundred dollars ($5,500)* per annum.

2. The district attorney, [five thousand dollars ($5,000)] *six thousand five hundred dollars ($6,500)* per annum. The district attorney shall devote his entire time to the duties of his office and shall not engage in private practice of the law during his term of office.

3. Each member of the board of supervisors, one hundred fifty dollars ($150) per month, and eight cents ($0.08) per mile for each mile necessarily and actually traveled in attending meetings of said board or in the discharge of county business within the county, and actual and necessary traveling expenses incurred in the discharge of official business outside of the said county; provided however that all claims for mileage thus incurred shall be under oath and shall itemize the places to which the travel was incurred and the nature of the business transacted.

4. Members of the board of supervisors, the auditor, and the district attorney shall be allowed their actual and necessary expenses incurred while traveling to and from the annual convention of their respective associations, but in no event shall such expenses exceed the sum of fifty dollars ($50) for each of said officers in any one year.

The compensation provided by this section shall be paid to incumbent officers.

SEC. 9. Section 4252 of the Political Code is amended to read:

4252. In counties of the twenty-third class, the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums:

(a) The auditor, [three thousand eight hundred dollars ($3,800)] *four thousand five hundred dollars ($4,500) per annum.*

(b) The district attorney, [three thousand eight hundred dolars ($3,800)] *four thousand eight hundred dollars ($4,800) per annum.*

(c) Each member of the board of supervisors, [one thousand two hundred dollars ($1,200)] *two thousand four hundred dollars ($2,400) per annum* for all services rendered including mileage and including services as road commissioners; provided, that when required to go on business to any point outside of the county, they shall be allowed actual expenses.

(d) Trial jurors in the superior court in criminal and civil cases three dollars ($3) per day for each day's attendance. In addition, mileage fees shall be allowed trial jurors for attendance in court at the rate of fifteen cents ($0.15) per mile for each mile traveled in going only, payable only once in any three days.

The compensation provided by this section apply to incumbent officers.

SEC. 10. Section 4253 of the Political Code is amended to read:

4253. In counties of the twenty-fourth class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, three thousand *six hundred* dollars [($3,000)] *($3,600)* per annum. When required by the board of supervisors to compile an annual statistical report, the auditor shall receive one hundred fifty dollars ($150) from the general fund of the county as compensation for compiling such report.

2. The district attorney, four thousand dollars ($4,000) per annum. The district attorney shall not engage in private practice and he shall devote all his time and attention during business hours to the duties of his office.

3. Each supervisor, [two thousand one hundred] *three thousand* dollars [($2,100)] *($3,000)* per annum for all services performed by them as supervisors, as members of the board of equalization and as road commissioners. No mileage allowance is necessary as the county furnishes automobiles for the use of supervisors and road commissioners.

4. For attending as a grand juror, or a trial juror in the superior court, for each day's attendance, three dollars ($3) per day; for each mile he travels in attending court as such juror, twelve cents ($0.12) per mile in going only.

Grand jurors, when attending as a member of a regularly constituted committee or sub-committee of the grand jury, shall receive the same per diem and mileage as is allowed for attending court.

5. The salaries of all county and township officers and their deputies shall be payable in equal monthly installments from the salary fund of the county on the first day of each month.

The compensation provided by this section shall apply to incumbent officers.

SEC. 11. Section 4255 of the Political Code is amended to read:

4255. In counties of the twenty-sixth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, [three thousand dollars ($3,000)] *three thousand six hundred dollars ($3,600)* per annum.

2. The district attorney, [two thousand four hundred dollars ($2,400)] *three thousand three hundred dollars ($3,300)* per annum.

3. *The chairman of the board of supervisors, two hundred dollars ($200) per month and each of the other members thereof,* [Each supervisor one hundred twenty-five dollars ($125)] *one hundred fifty dollars ($150)* per month and each member shall also be furnished with necessary transportation while engaged in the business of the county. Whenever it shall be necessary for any member of the board of supervisors to leave the county in and for which he is elected for the purpose of performing any of his duties, that then in that event, said supervisor shall be allowed his actual expenses. The supervisors, while acting as road commissioners, shall give their personal attention to the repair, maintenance, construction and improvement of all roads under their supervisions.

4. Grand jurors and trial jurors in the superior court, shall each receive for each day's attendance, per day the sum of three dollars ($3) and for each mile actually and necessarily traveled from their residence to the county seat, in going only, the sum of ten cents ($0.10) per mile, such mileage to be allowed but once during each session such jurors are required to attend.

Any officer, of the county mentioned herein entitled to receive mileage for distances traveled by him in the discharge of his official duties shall receive such mileage at the rate of five cents ($0.05) per each mile so traveled.

It is hereby expressly provided that the salaries and fees above provided shall be in full compensation for all services of every kind and description rendered by the officers named herein, either as officers or ex officio officers, their deputies and assistants. It is hereby further expressly provided, that all of the fees, commissions, per diem and expenses provided for in Section 4290 of the Political Code of the State of California, and all other moneys coming into the hands of the county officers mentioned, no matter from what source derived or received, shall belong to and be the property of the county, in counties of this class, and shall be paid into the county treasury by officers at the same time and in the same manner that other moneys are required by law to be paid into

the county treasury, except, however, that the provisions of this paragraph shall not apply to the office of district attorney and he is expressly exempted from the provisions of this paragraph, and as to said office, to wit, district attorney, he shall receive the salaries, fees and commissions provided for by law.

The compensation provided for in this section shall be paid to incumbent officers.

SEC. 12. Section 4257 of the Political Code is amended to read:

Amendment No. 5

On page 2 of the printed bill, strike out lines 6 and 7, and insert

"The compensation provided by this section shall be paid to incumbent officers.

SEC. 13. Section 4258 of the Political Code is amended to read:

4258. In counties of the twenty-ninth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

(a) The auditor shall receive as compensation three thousand dollars ($3,000) per annum.

(b) The district attorney, [three thousand six hundred dollars ($3,600)] *six thousand dollars ($6000)* per annum.

The district attorney shall devote his entire time during office hours to the work of the county and State and is prohibited from engaging in private work within such office hours; however, this shall not be construed to preclude the district attorney from continuing or concluding any private matter in which he has appeared of record prior to taking office.

(c) Each member of the board of supervisors, for all services required of each of them as supervisor and as road commissioner, one thousand eight hundred dollars ($1,800) per annum; also each shall be allowed and paid his actual expenses necessarily incurred in the performance of county business within the county not to exceed five cents ($0.05) per mile and actual expenses incurred doing county business outside of the county on order of the board of supervisors; and that each shall be allowed the sum of five cents ($0.05) per mile going to and from his residence to the courthouse and to attend regular and special meetings of the board.

(d) Grand and trial jurors in the superior court shall receive for each day's attendance per day the sum of three dollars ($3). In justices' courts in civil cases the jurors sworn to try the cases shall receive for each day's attendance per day the sum of two dollars ($2). All jurors shall receive for each mile actually and necessarily traveled from their residence to the place of service the sum of fifteen cents ($0.15) per mile; provided, that in the justices' courts mileage shall be allowed only to those sworn to try the case.

The compensation provided by this section shall be paid to incumbent officers.

SEC. 14. Section 4259 of the Political Code is amended to read:

4259. In counties of the thirtieth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, [two thousand eight hundred dollars ($2,800)] *three thousand six hundred dollars ($3,600)* per annum, which shall include compensation for the compilation of the annual financial report and classified annual pay roll of the counties of this class.

2. The district attorney, [two thousand one hundred dollars ($2,100)] *three thousand six hundred dollars ($3,600)* per annum.

3. Each supervisor, [one thousand five hundred dollars ($1,500)] *two thousand four hundred dollars ($2,400)* per annum and ten cents ($0.10) per mile, one way between residence and county seat, in attending upon all regular, special or adjourned meetings of the board of supervisors. The chairman of the board of supervisors may receive twenty-five cents ($0.25) per mile, one way, between his residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury as required by law.

4. Grand jurors in grand jury duty and trial jurors in civil and criminal cases in the superior court, shall receive, for each day's attendance, [three dollars ($3)] *five dollars ($5)* and for each mile necessarily traveled in his attendance, ten cents ($0.10).

The compensation provided by this section shall apply to incumbent officers.

SEC. 15. Section 4260 of the Political Code is amended to read:

4260. In counties of the thirty-first class the following shall receive as compensation for services required of them by law or by virtue of their offices, the following sums:

1. The auditor, three thousand [dollars ($3,000)] *three hundred dollars ($3,300)* per annum.

2. The district attorney, three thousand [dollars ($3,000)] *three hundred dollars ($3,300)* per annum.

3. Each member of the board of supervisors, one thousand [two hundred dollars ($1,200)] *three hundred twenty dollars ($1,320)* per annum and mileage at the rate of twenty cents ($.20) per mile from his home to and from county seat.

4. In counties of this class grand jurors and jurors in the superior court shall receive for each day's attendance the sum of [three] *five dollars*, and for each mile actually and necessarily traveled from residence to county seat the sum of [twenty-five]

twenty cents; such mileage to be allowed but once during each session such jurors are required to attend.

The compensation provided by this section shall apply to incumbent officers.

SEC. 16. Section 4261 of the Political Code is amended to read:

4261. In counties of the thirty-second class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, four thousand two hundred dollars ($4,200) per annum.

2. The district attorney, three thousand six hundred dollars ($3,600) per annum.

3. Each supervisor, one thousand eight hundred dollars ($1,800) per annum which shall be in full for all services rendered as supervisor.

4. Grand jurors and trial jurors, in the superior court, in civil and criminal actions and in all special proceedings, three dollars ($3) a day for each day's attendance, and mileage, to be computed at the rate of fifteen cents ($0.15) per mile for each mile necessarily traveled in attending court, or in attending sessions of the grand jury, in going only. In criminal actions such fees and mileage of such trial jurors shall be paid by the treasurer, out of the general funds of the county, upon warrants drawn by the auditor, who shall draw such warrants upon the written order of the judge of the superior court in which said juror was in attendance, and the treasurer shall pay all such warrants.

The compensation provided by this section shall be paid to incumbent officers.

SEC. 17. Section 4262 of the Political Code is amended to read:

4262. In counties of the thirty-third class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, [two thousand seven hundred dollars ($2,700)] *three thousand three hundred dollars ($3,300)* per annum.

2. The district attorney, [two thousand four hundred dollars ($2,400)] *three thousand dollars ($3,000)* per annum.

3. Each supervisor, [one thousand eight hundred dollars ($1,800)] *two thousand four hundred dollars ($2,400)* per annum, for all services rendered as supervisor, as a member of the board of equalization, and as road commissioner; provided, that each supervisor shall also receive six cents ($0.06) for each mile traveled on county business, but not in excess of the sum of fifty dollars ($50) in any one calendar month, and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

4. Grand jurors and jurors in the superior court shall receive for each day's attendance the sum of three dollars ($3), and for each mile actually and necessarily traveled from residence to county seat the sum of twenty-five cents ($0.25); such mileage to be allowed but once during each session such jurors are required to attend.

The compensation provided by this section shall apply to incumbent officers.

SEC. 18. Section 4263 of said code is hereby amended to read as follows:

4263. In counties of the thirty-fourth class, the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums:

1. The auditor, [three thousand dollars ($3,000)] *four thousand dollars ($4,000)* per annum.

2. The district attorney, [three thousand dollars ($3,000)] *four thousand dollars ($4,000)* per annum, and his traveling, office and other expenses in criminal matters, and cases, and in civil actions, proceedings and all other matters in which the county is interested, incurred by him in the performance of his duties, and all expenses incurred by him in the detection of crime and prosecution of criminal cases and in civil actions and proceedings and in all other matters in which the county is interested.

3. Each supervisor, [one thousand five hundred dollars ($1,500)] *two thousand four hundred dollars ($2,400)* per annum and the further sum of ten cents ($0.10) per mile in traveling to and from his residence to the county seat; and for services as road commissioner, he shall receive twenty cents ($0.20) per mile for all distances actually traveled by him in the performance of his duties within the county but he shall not in any one year receive more than nine hundred dollars ($900) as such road commissioner.

4. Grand jurors and trial jurors in the superior courts of said counties, shall receive the sum of three dollars ($3) for [each] *the first* day's attendance, *and six dollars ($6) thereafter* and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of twenty cents ($0.20) per mile, such mileage to be allowed but once during any one session of such court or grand jury. Jurors in justices' courts and recorders' courts and coroner's inquests, shall receive for each day's attendance, the sum of two dollars ($2), and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of ten cents ($0.10) per mile; provided, that the fees of trial jurors in civil cases shall be paid by the litigants, as other costs are paid, and jurors in criminal cases in recorders' courts shall be paid by municipalities in which such court is or may be established.

The compensation provided for by this section shall be paid to incumbent officers.

SEC. 19. Section 4265 of the Political Code is amended to read:

4265. In counties of the thirty-sixth class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, two thousand seven hundred dollars ($2,700) per annum.

2. The district attorney, three thousand dollars ($3,000) per annum.

3. Each member of the board of supervisors, [two thousand one hundred dollars ($2,100) per annum, in full payment for services as member of the board of supervisors, and as member of the board of equalization. Each member shall receive his actual mileage as road commissioner not to exceed three hundred dollars ($300) per annum.] *for all services required of him as supervisor and as road commissioner two thousand one hundred dollars ($2,100) per annum. He shall also receive the following mileage and traveling expense: When using a privately owned automobile six cents ($0.06) per mile each way for each mile actually traveled in the performance of his duties as road commissioner, said mileage not to exceed the sum of four hundred eighty dollars ($480) per annum; six cents ($0.06) per mile each way for each mile actually traveled in going to and from his residence to the court house in attending each day's session of the regular and special meetings of the board of supervisors and in attending each day's session of the meetings of the board of supervisors when said board convenes as a board of equalization and, six cents ($0.06) per mile each way for each mile actually traveled in the County of Madera in the performance of his duties as supervisor and as a member of the county board of equalization. Each member of the board of supervisors when using a privately owned automobile shall also be allowed mileage at the rate of six cents ($0.06) per mile or railroad or bus fare, together with other traveling expenses incurred in traveling to and from places outside of the County of Madera when he is on county business authorized by the board of supervisors.*

4. Grand jurors and jurors [in the superior court shall receive the following fees: For each day's attendance three dollars ($3), and for each mile actually traveled in attending court as a juror, or otherwise traveled in the performance of their duties, six cents ($0.06) per mile each way.] *summoned for duty in the superior court, the justices' courts and in city courts in cities of the sixth class shall receive the following fees and traveling expenses:*

(a) For attending as a juror in the superior court, the justices' courts and in city courts in cities of the sixth class, each juror shall be paid three dollars ($3) for each day's attendance upon said court and six cents ($0.06) per mile each way for each mile actually traveled in attending each day's session of said court.

(b) For serving as a grand juror, each grand juror shall be paid three dollars ($3) for each day's attendance upon the duly called sessions of the grand jury, for each day's attendance upon the meetings of committees appointed by the foreman of the grand jury and for each day's service when authorized in writing by the foreman of the grand jury to make individual investigations. When using a privately owned automobile, each grand juror shall also be allowed six cents ($0.06) per mile each way for each mile actually traveled by him in attending each day's sessions of the grand jury, each day's sessions of meetings of committees appointed by the foreman of the grand jury and when making individual investigations upon being authorized in writing to make such investigations by the foreman of the grand jury.

The above fees and traveling expenses shall be paid to jurors attending the superior court and to grand jurors by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

The above fees and mileage shall be paid to jurors attending the justices' courts by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon written order of the judge of the court in which said juror was in attendance.

The above fees and mileage shall be paid to jurors attending city courts of cities of the sixth class by the treasurer of the city in which the juror's services were rendered out of the general fund of said city upon warrants drawn by the city auditor upon the written order of the judge of the court in which said juror was in attendance.

The compensation provided by this section shall apply to incumbant officers.

SEC. 20. Section 4267 of the Political Code is amended to read:

4267. In counties of the thirty-eighth class, the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums.

1. Auditor, three thousand two hundred dollars ($3,200) per annum.

2. District attorney, two thousand eight hundred dollars ($2,800) per annum.

3. Supervisors, each supervisor shall receive one hundred fifty dollars ($150) per month, and his actual expenses while attending to the business of the county by the order of the board of supervisors and mileage at the rate of fifteen cents ($0.15) per mile, one way, for traveling from his residence to the county seat to attend regular, special and adjourned sessions of the board of supervisors, and mileage at the rate of fifteen cents ($0.15) per mile, one way, for all actual distances traveled by him in the performance of his duties as road commissioner.

4. Grand jurors and jurors and jurors in the superior court shall receive for each day's attendance three dollars ($3); for each mile actually traveled in attending

court as a juror, and for attending regularly called grand jury meetings and grand jury committee meetings, one way, fifteen cents ($0.15). Mileage shall be paid for each time a regularly empaneled jury or grand jury shall be called in separate session.

The compensation provided by this section shall be paid to incumbant officers.

SEC. 21. Section 4268 of the Political Code is amended to read:

4268. In counties of the thirty-ninth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

1. The auditor, one thousand [five hundred dollars ($1,500)] *seven hundred fifty dollars ($1,750)* per annum.

2. The district attorney, four thousand *six hundred* dollars [$4,000] *($4,600)* per annum. The district attorney shall not engage in the private practice of law, and shall devote his entire time to the service of the county. In the event that the office of district attorney is consolidated with that of public administrator, the holder of said consolidated office shall receive a salary of four thousand dollars ($4,000) per annum, and all fees received by the holder of said consolidated office while said holder is performing the duties of public administrator shall be paid into the county treasury.

3. Each supervisor, one thousand [two] *four* hundred dollars [($1,200)] *($1,400)* per annum, and mileage when acting as road commissioner, twenty-five cents ($0.25) per mile one way; provided, the amount of mileage shall not exceed the sum of [three hundred dollars ($300)] *six hundred dollars ($600)* in any one year.

Grand jurors and trial jurors in the superior court shall each receive for each day's attendance the sum of three dollars ($3), and mileage to be computed at the rate of fifteen cents ($0.15) per mile for each mile actually and necessarily traveled from their residences to the county seat, in going only. Such fees and mileage shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in said county.

The compensation provided by this section shall be paid to incumbent officers.

SEC. 22. Section 4269 of the Political Code is amended to read:

4269. In counties of the fortieth class, the following shall receive as compensation for services required of them by law, or by virtue of their offices, the following sums:

1. The auditor, eight hundred dollars ($800) per annum.

2. The district attorney, [two thousand four hundred dollars ($2,400)] *three thousand three hundred dollars ($3,300)* per annum.

3. Each supervisor, [one thousand two hundred dollars ($1,200)] *one thousand five hundred dollars ($1,500)* per annum, and mileage from residence to the county seat, at each sitting of the board, at twenty-five cents ($0.25) per mile. Each supervisor is, in addition, allowed three hundred dollars ($300) per annum to cover mileage expense at twenty-five cents ($0.25) per mile in viewing the roads, which salaries and mileage shall be in full for all services.

4. Grant jurors and trial jurors shall receive the following fees and mileage:

(a) Grant jurors and jurors in the superior court shall be paid three dollars ($3) per day for each day's attendance and for each mile actually traveled in going only, while acting as jurors, twenty-five cents ($0.25). The judge of the court shall certify to the auditor the number of days' attendance of each juror and his mileage and the auditor shall then draw his warrant on the treasurer in favor of each juror therefor and the treasurer shall pay the same.

(b) For attending as a trial juror in criminal cases only in any justice's court of the county, for each day's attendance, two dollars and fifty cents ($2.50). The justice of the peace shall certify to the auditor the number of days' attendance of each juror, and the auditor shall then draw his warrant therefor, and the treasurer shall pay the same.

The compensation provided in this section shall apply to incumbent officers.

SEC. 23. Section 4273 of said code is hereby amended to read:

4273. In counties of the forty-fourth class, the following county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following sums:

1. The auditor, [four hundred dollars ($400)] *one thousand four hundred dollars ($1,400)* per annum.

2. The district attorney, [two thousand dollars ($2,000)] *three thousand dollars ($3,000)* per annum.

3. Each supervisor, [one thousand two hundred dollars ($1,200)] *two thousand four hundred dollars ($2,400)* per annum and mileage from residence to the county seat at each sitting of the board, twenty cents ($0.20) per mile; said compensation to be in full for services either as supervisor or for mileage as road commissioner.

4. Grand and trial jurors, three dollars ($3) per day, and such mileage fees as may be allowed by law.

The compensation provided by this section shall be paid to incumbent officers.

SEC. 24. Section 4275 of the Political Code is amended to read as follows:

4275. In counties of the forty-sixth class the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums:

1. The auditor, [one thousand nine hundred twenty dollars ($1,920)] *two thousand two hundred twenty dollars ($2,220)* per annum.

2. The district attorney, [two thousand two hundred dollars ($2,200)] *two thousand eight hundred dollars ($2,800)* per annum.

3. Supervisors, each the sum of [one thousand five hundred dollars ($1,500)] *one thousand eight hundred dollars ($1,800)* per annum for all services performed by them, as supervisors, and members of the board of equalization and road commissioners.

In lieu of mileage, supervisors shall be entitled to the use of automobiles provided and maintained by any county of this class in connection with the performance of their official duties.

4. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in criminal cases in said court, before the grand jury, for preliminary examinations and for coroners' inquests, and for transcribing notes in justices' courts preliminary examinations, a monthly salary of one hundred thirty-five dollars ($135), payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid, and shall receive as compensation for taking notes, when required, in civil cases, a per diem as is now or may be hereafter provided by law, to be paid by the litigants as the court may direct; and for transcription of said notes, in civil cases, and in criminal cases on appeal from the superior court, such fees as are now or may be hereafter provided by law; said compesation for transcriptions in criminal cases on appeal from the superior court to be audited and allowed upon a written order of the court, and paid out of the county treasury and in civil cases to be paid by the party ordering the same or when ordered by the judge, by either party, or by both or all parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

5. In counties of this class, grand jurors and jurors in the superior court in criminal and civil cases shall be paid three dollars ($3) per day for each day's attendance, and for each mile actually traveled in attending court as such juror under summons or under order of court, in going only, twenty-five cents ($0.25); and in criminal cases, the county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror, and the auditor shall then draw his warrant for the fees and mileage due such juror, and the treasurer shall pay the same.

6. In counties of this class, witnesses, when legally required to attend upon the superior court, in criminal cases, and upon the juvenile court in juvenile court matters, shall be paid two dollars ($2) per day for each day's actual attendance, and twenty-five cents ($0.25) per mile for each mile actually traveled, in going only; and in criminal cases and in juvenile court matters the county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each such witness, and the auditor shall then draw his warrant for the fees and mileage due such witness, and the treasurer shall pay the same.

The compensation provided by this section shall apply to incumbent officers.

SEC. 25. Section 4278 of said code is amended to read:

4278. In counties of the forty-ninth class the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums:

1. The auditor, [eight hundred dollars ($800)] *one thousand fifty dollars ($1,050)* per annum, and such fees as are now or may hereafter be allowed by law.

2. The district attorney, [two thousand dollars ($2,000)] *two thousand five hundred dollars $(2,500)* per annum.

3. Each supervisor, [one thousand dollars ($1,000)] *one thousand five hundred dollars ($1,500)* per annum and mileage at the rate of fifteen cents ($0.15) per mile in traveling from his residence to attend regular meetings of the board, and in returning therefrom.

Each supervisor shall also be allowed fifteen cents ($0.15) per mile actually traveled in inspecting county roads, which allowance shall not exceed three hundred dollars ($300), annually.

4. For attending as a grand juror or as a trial juror in the superior court, in criminal cases, three dollars ($3) per day for each day's attendance. For each mile actually traveled in attending upon the superior court, in going only, per mile, twenty-five cents ($0.25). In counties of this class the grand jurors and trial jurors in criminal cases shall be paid by warrants drawn by the county auditor, issued upon the order of the court, or judge thereof. Jurors who serve in civil actions in the superior court shall receive the sum of two dollars ($2) per day, to be paid by the party or parties demanding the jury.

The compensation provided by this section shall be paid to incumbent officers.

SEC. 26. Section 4279 of the Political Code is amended to read as follows:

4279. In counties of the fiftieth class the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums:

1. The auditor, [one thousand dollars ($1,000)] *one thousand three hundred dollars ($1,300)* per annum.

2. The district attorney, [two thousand dollars ($2,000)] *two thousand three hundred dollars ($2,300)* per annum and necessary traveling expenses to be allowed by the board of supervisors.

3. Each supervisor, [one thousand five hundred dollars ($1,500)] *one thousand eight hundred dollars ($1,800)* per annum, in full payment for services as member of the board of supervisors, as member of the board of equalization and as road commissioner, and twenty cents ($0.20) per mile, going only, in traveling from his residence to the county seat at each session of the board. Each supervisor shall also receive his necessary and actual itemized traveling expenses when traveling outside the county by order of the board on business connected with his office; said traveling expenses not to exceed five hundred dollars ($500) per year in the aggregate for all members of the board of supervisors.

4. For attending as a grand juror, or a trial juror in criminal and civil cases in the superior court, for each day's attendance, three dollars ($3); for each mile actually traveled one way as such grand juror, or trial juror, in the superior court, under summons or order of the court, twenty-five cents ($0.25). The county clerk shall certify to the auditor the number of days' attendance, and the number of miles traveled by each juror and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

The compensation provided by this section shall apply to incumbent officers.

SEC. 27. Section 4280 of the Political Code is amended to read:

4280. In counties of the fifty-first class, the following shall receive as compensation for services required of them by law or by virtue of their offices, the following sums:

1. The auditor [two thousand two hundred twenty dollars ($2,220)] *two thousand seven hundred sixty dollars ($2,760)* per annum, in lieu of all fees and commissions.

2. The district attorney, two thousand four hundred dollars ($2,400) per annum.

3. Each supervisor, twelve hundred dollars ($1,200) per annum for his services as supervisor, and a further sum of ten cents ($0.10) per mile, in traveling to and from his residence to the county seat; and for his services as road commissioner he shall receive a salary of six hundred dollars ($600) per annum; and ten cents ($0.10) per mile, for every mile actually traveled in the performance of his duty as road commissioner. He shall not receive more than five hundred dollars ($500) in any one year for such mileage as road commissioner nor more than three hundred dollars ($300) in any one year for such mileage as supervisor.

4. For attending as grand juror or as trial juror, each such juror shall receive such fees and mileage as are now or may hereafter be allowed by law.

The compensation provided by this section shall apply to incumbent officers.

SEC. 28. Section 4281 of the Political Code is hereby amended to read as follows:

4281. In counties of the fifty-second class, the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums:

1. The auditor, [two thousand four hundred dollars ($2,400)] *three thousand dollars ($3,000)* per annum.

2. The district attorney, [two thousand four hundred dollars ($2,400)] *three thousand dollars ($3000)* per annum.

3. Each member of the board of supervisors, one thousand [two hundred dollars ($1,200)] *five hundred dollars ($1,500)* per annum; thirty cents ($0.30) per mile one way in attending the meetings of the board, and three dollars ($3) per day when actually serving as road commissioner, not to exceed three hundred dollars ($300) per annum.

4. In counties of this class, jurors shall receive the following fees and mileage:

For attending as a grand juror, for each day's actual attendance, per day, three dollars ($3), and twenty cents ($0.20) per mile for each mile actually traveled, in going only; for attending as a trial juror in the superior court in civil and criminal cases, for each day's actual attendance, per day, three dollars ($3), and twenty cents ($0.20) per mile for each mile actually traveled, in going only; for attending as a trial juror in the justice's court, in civil cases only, for each day's actual attendance, per day, two dollars ($2), and twenty cents ($0.20) per mile for each mile actually traveled, in going only. The fee of such jurors shall be paid to them, respectively, on each day during the period of their attendance, if demanded, and the mileage herein provided for shall be paid at the time the fee for the first day's attendance is paid.

The compensation provided for by this section shall be paid to incumbent officers.

SEC. 29. Section 4282 of the Political Code is amended to read:

4282. In counties of the fifty-third class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, [five hundred seventy dollars ($570)] *eight hundred seventy dollars ($870)* per annum.

2. The district attorney, [one thousand six hundred dollars ($1,600)] *one thousand nine hundred dollars ($1,900)* per annum.

3. Each supervisor, [one thousand five hundred dollars ($1,500)] *one thousand eight hundred dollars ($1,800)* per annum, for all services required of him by law in any capacity. Supervisors may use automobiles provided and maintained by the county in the performance of the duties required of them by law.

4. Grand jurors, shall be paid four dollars ($4) per day and jurors of the superior court in civil and criminal cases shall be paid three dollars ($3) per day for each day's attendance, and for each mile actually traveled in going only, while acting as such juror, thirty cents ($0.30) per mile. The court shall make an order directing the

auditor to draw his warrant on the treasurer in favor of such jurors for said per diem and mileage and the treasurer shall pay the same.

The compensation provided by this section shall apply to incumbent officers.

SEC. 30. Section 4283 of said code is amended to read:

4283. In counties of the fifty-fourth class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, two thousand dollars ($2,000) per annum. If statements on the assessment roll exceed 3,700, he shall receive seventy-five dollars ($75) for every additional 100, or major fraction thereof. No other fees shall be allowed to the auditor. He shall receive the sum of no dollars per year from the time and in the event that said office is consolidated with that of recorder.

2. The district attorney, two thousand [dollars ($2,000)] *two hundred dollars ($2,200)* per annum and such fees as are now or may hereafter be paid to that officer.

3. Each supervisor, [seventy-five dollars ($75)] *eighty-five dollars ($85)* per month and an allowance *at seven cents ($0.07) per mile* not to exceed [two hundred dollars ($200)] *three hundred dollars ($300)* per year for mileage and expenses in traveling from his residence to the county seat, but only one mileage shall be allowed for any session, regular or special, of the board. Actual expense outside county to be allowed and paid.

4. Grand jurors and trial jurors in the superior courts in civil and criminal cases, three dollars ($3) in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents ($0.15) per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of the trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the juror was in attendance and the treasurer of the county shall pay the warrants. The fees of jurors in justices' courts shall be two dollars ($2) per day for each day's attendance and mileage to be computed at the rate of fifteen cents ($0.15) per mile traveled in attending court, in going only. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for, and shall pay all fees for mileage at the rate of six cents ($0.06) per mile.

Allowance for mileage within county in no case shall exceed six cents ($0.06) per mile.

The compensation provided by this section shall be paid to incumbent officers.

SEC. 31. Section 4284 of the Political Code is amended to read:

4284. In counties of the fifty-fifth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, fees and expenses, to wit:

1. The auditor, one thousand eight hundred dollars ($1,800) per annum.

2. The district attorney, [one thousand eight hundred dollars ($1,800)] *two thousand four hundred dollars ($2,400)* per annum.

3. Each member of the board of supervisors, one thousand two hundred dollars ($1,200) per annum; mileage from residence to county seat at each sitting of the board, twenty cents ($0.20) per mile.

The fees of grand jurors and trial jurors in the superior courts of counties of this class, in civil and criminal cases, shall be three dollars ($3), in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of twenty-five cents ($0.25) per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrant.

The compensation provided by this section shall apply to incumbent officers.

SEC. 32. Section 4285 of the Political Code is amended to read:

4285. In counties of the fifty-sixth class the following county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries and expenses, to wit:

1. The auditor, [three hundred dollars] *seven hundred dollars ($700)* per annum.

2. The district attorney, [one thousand eight hundred dollars] *two thousand two hundred dollars ($2,200)* per annum, and his necessary traveling expenses, to be allowed by the board of supervisors.

3. Each supervisor, [twelve hundred dollars] *one thousand five hundred dollars ($1,500)* per annum, for all services rendered as supervisor, as a member of the board of equalization, and as road commissioner; provided, that each supervisor shall also receive six cents for each mile traveled on county business, but not in excess of the sum of thirty dollars ($30) in any one calendar month, and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

4. For attending as a grand juror or a trial juror in both civil and criminal cases, in the superior court, for each day's attendance, three dollars ($3); for each mile

actually traveled one way as such grand juror or trial juror in both civil and criminal cases, in the superior court, under summons or order of the court, twenty-five cents ($0.25). The county clerk shall certify to the auditor the number of days attendance, and the number of miles traveled by each juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

The compensation provided by this section shall apply to incumbent officers.

SEC. 33. Section 4286 of the Political Code is amended to read:

4286. In counties of the fifty-seventh class [the county and township officers shall respectively receive, as compensation for the services required of them by law or by virtue of their offices,] the following salaries and compensation [,] *shall be paid* to wit:

[1. The county clerk, one thousand two hundred dollars per annum.

2. The sheriff, two thousand six hundred dollars per annum.

3. The recorder, nine hundred dollars per annum. In counties of this class the recorder shall have one deputy at a salary of three hundred sixty dollars per annum, payable in equal monthly payments of thirty dollars each and every month, and in addition to said salary said deputy shall receive as added compensation for his services fifty per cent of the amount collected in said office during his period of service for filing and recording any and all instruments required to be filed and recorded in said county recorder's office and the total compensation of said deputy shall be paid out of the salary fund of said county in the same manner and at the same time as the county recorder is paid. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation of said county recorder, and it is intended that the same shall apply immediately to the present incumbent.]

[4.] 1. The auditor, [nine] *one thousand two* hundred dollars *($1,200)* per annum.

[5. The treasurer, one thousand five hundred dollars per annum.

6. The tax collector, one thousand two hundred dollars per annum.

7. The assessor, one thousand five hundred dollars per annum.

8.] 2. The district attorney, two thousand dollars *($2,000)* per annum.

[9. The coroner, such fees as are or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, six hundred dollars per annum.

12. In counties of this class the county surveyor shall receive the sum of ten dollars per day for all work performed for the county. The said county surveyor shall also receive all necessary expenses and transportation on work performed for the county in the field.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population, as shown by the total number of registered voters, in each township, at the next preceding general election, prior to the fixing of the classification, the said population to be determined by the supervisors by multiplying the said total number of registered voters by three; townships having a population of not more than one hundred shall belong to and be known as townships of the first class; townships having a population of not more than three hundred and not less than one hundred one shall belong to and be known as townships of the second class; townships having a population of not more than seven hundred fifty and not less than three hundred one shall belong to and be known as townships of the third class; townships having a population of not more than one thousand five hundred and not less than seven hundred fifty-one shall belong to and be known as townships of the fourth class; townships having a population excess of one thousand five hundred shall belong to and be known as townships of the fifth class; provided, that the board of supervisors may, prior to any general election, consolidate two or more such townships into one.

14. Justices of the peace and constables each of townships of the first class shall receive an annual salary of one hundred dollars, to be paid in monthly installments as county officers are paid; justices of the peace and constables of townships of the second class shall each receive an annual salary of one hundred fifty dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the third class shall each receive an annual salary of two hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the fourth class shall each receive an annual salary of three hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the fifth class shall each receive an annual salary of four hundred dollars to be paid in monthly installments as county officers are paid. The salaries so received by justices of the peace and constables aforesaid shall be in full compensation for all services rendered by them. These salaries shall also apply to incumbents.

15.] 3. Each member of the board of supervisors, [sixty] *one hundred dollars ($100)* per month, and twenty cents *($0.20)* per mile one way to board meetings.

[16.] 4. Jurors' fees [in criminal cases] shall be as follows: For attending as a grand juror or trial juror in the superior court, [in criminal cases only,] for each day's attendance, per day, [three] *four* dollars *($4)*; for each mile actually traveled

in attending court as such juror under summons or under order of court, [in criminal cases,] in going only, per mile, fifteen cents *($0.15)* and the county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror, and the auditor shall draw his warrant therefor and the treasurer shall pay the same.

The compensation provided by this section shall be paid to incumbent officers, except the compensation of the auditor shall remain unchanged until the expiration of the term of the incumbent.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 39—An act to add Sections 4041.7, and 4408.5 to the Political Code, relating to the planning and development of facilities for transportation by water.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 18, of the printed bill, after "exceed," insert "two (2)".

Amendment No. 2

On page 2, line 13, of said bill, after "exceed," insert "two (2)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 920—An act to amend Section 1352 of the Labor Code, relating to working hours for women.

Bill read second time, and ordered to third reading.

CONSIDERATION OF MOTION TO RECONSIDER

Senate Bill No. 340—An act to amend Sections 25 and 33 of the Civil Code, relating to minors.

Postponement of Reconsideration

On motion of Senator Seawell, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 340 was passed, was continued until the next legislative day.

THIRD READING OF SENATE BILLS

Senate Bill No. 84—An act to amend Section 10601.5 of the Elections Code, relating to candidates for judicial offices.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 116—An act to add Section 6049.1 to the Business and Professions Code, relating to attorneys.

Motion to Refer Bill to Inactive File

Senator DeLap moved that Senate Bill No. 116 be placed on the inactive file.

Motion carried.

Senate Bill No. 888—An act to repeal Section 6061 of the Business and Professions Code, relating to exceptions to qualifications for admission to the bar.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Seawell, Slater, Sutton, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 1138—An act to add Chapter 7 to Part 1, Division 2, Title 2, to add Part 2 to said Division 2, to add Division 3 to said Title 2, of, and to add Sections 500016 to 500023, inclusive to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Slater, Sutton, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1140—An act to add Sections 13074 and 500024 to the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1141—An act to add Article 5 to Chapter 2, Part 3, Division 3, Title 2 of, and to add Section 500025 to, the Government Code, to consolidate and revise the law relating to the organization,

operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1145—An act to add Parts 5, 6, 7, and 8, to Division 3, Title 2 of, and to add Section 500030 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1147—An act to add Parts 2, 3 and 4 to Division 4, Title 2 of, and to add Section 500032 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1149—An act to add Article 3 to Chapter 2, Part 2, Division 4, Title 2 of, and to add Section 500034 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal certain acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1139—An act to add Parts 3 and 4 to Division 3, Title 2 of, and to add Section 500029 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1142—An act to add Chapter 4 to Part 3, Division 3, Title 2 of, and to add Section 500026 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1143—An act to add Chapter 6 to Part 3, Division 3, Title 2 of, and to add Section 500027 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1144—An act to add Sections 13643, 13644, 16345 and 500028 to the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1146—An act to add part 9 to Division 3, Title 2 of, to add Division 4 to said Title 2, and to add Section 500031 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1148—An act to add Article 2 to Chapter 2, Part 2, Division 4, Title 2 of, and to add Section 500033 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1150—An act to add Division 5 to Title 2 of, and to add Section 500035 to, the Government Code, to consolidate and revise the law relating to organization, operation, and maintenance of a System of State and Local Government, and to repeal acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 252—An act to transfer to the City of Oakland a surface easement over certain tide and submerged lands and to define the powers and duties of the city in relation thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 377—An act to add Section 207 to the Streets and Highways Code, relating to investment of moneys in the State Highway Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 406—An act granting certain salt marsh, tide and submerged lands of the State of California to the City of Eureka, including the management, use, and control thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 428—An act to add Section 14.1 to an act entitled "An act to aid commerce and navigation by authorizing certain improvements in and about Islais Creek and as a means thereof creating a reclamation district to be called and known as the "Islais Creek Reclamation District," fixing the boundaries thereof, providing for the management and control thereof, vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district; and to aid and assist such works of reclamation granting to the City and County of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said Islais Creek Reclamation District," approved April 6, 1925, relating to the deposit of funds in the bond fund of the district.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 190—An act to amend Section 48 of Chapter 4, Division 1 of the Fish and Game Code, relating to the disposition of fines and forfeitures imposed or collected for violations of any of the provisions of said code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating,

Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 638—An act to amend Sections 709, 711 and 712 of the Fish and Game Code, relating to fish.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 378—An act to add Section 1348 to the Fish and Game Code, relating to tule elk.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 640—An act to amend Section 65.5 of the Fish and Game Code, relating to districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 641—An act to amend Section 66.5 of the Fish and Game Code, relating to Lake County.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 452—An act to amend Sections 615.6, 615.7, and 615.8 of the Fish and Game Code, relating to trout.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo,

McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 202—An act to amend Section 307 of the Agricultural Code, relating to meat.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 459—An act to amend Section 1103 of the Agricultural Code, relating to eggs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 907—An act to amend Section 366 of the Agricultural Code, relating to the transportation of cattle and hides.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

Motion to Reconsider

Senator Dilworth moved to reconsider the vote whereby Senate Bill No. 907 was passed.

Postponement of Reconsideration

On motion of Senator Dilworth, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 907 was passed, was continued until the next legislative day.

Senate Bill No. 909—An act to amend Section 343 of the Agricultural Code, relating to brands and marks inspection.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Ward, and Weybret—27.
NOES—Senators Cunningham, Dilworth, Salsman, and Sutton—4.

Bill ordered transmitted to the Assembly.

Senate Bill No. 910—An act to amend Section 360 of the Agricultural Code, relating to tagging hides.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 911—An act to amend Section 334.5 of the Agricultural Code, relating to branded cattle moving from one district to another.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 912—An act to amend Section 332.5 of the Agricultural Code, relating to exempt brands on dairy cattle.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 913—An act to amend Section 358 of the Agricultural Code, relating to cattle slaughterer reports.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 916—An act to amend Section 336 of the Agricultural Code, relating to brand recordation fees, penalties and elimination of old brands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah,

Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 918—An act to add Section 363.4 to the Agricultural Code, relating to penalties for public sales yards.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1226—An act to amend Section 212 of the Agricultural Code, relating to importation of animals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 639—An act to amend Sections 721, 722, 724, and to repeal Section 724.3 of the Fish and Game Code, and to add Section 724.7 to the Fish and Game Code, relating to catfish.

Bill read third time.

Motion to Amend

Senator Biggar moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 4, of the printed bill, as amended, strike out "4½".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 1080—An act to amend Section 7 of the Unemployment Insurance Act, relating to unemployment insurance and the definition of employment thereunder.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 3, line 2, of the printed bill, after "at", insert "a".

Amendment No. 2

On page 3, line 34, of said bill, strike out "of", and insert "or".

Amendment No. 3

On page 3, line 36, of said bill, strike out the period, and insert a comma.

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Secretary J. A. Beek at the Desk

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1083

Senator Judah moved that Senate Bill No. 1083 be withdrawn from Committee on Social Welfare for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 1083

Senate Bill No. 1083—An act to add Section 57.1 to the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Motion to Amend

Senator Judah moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 4 to 13, inclusive, and insert "individual who has been paid more than one-half the total wages in employment in his base period in a single calendar quarter of the base period, the commission shall consider as tests of his current availability such factors among others as:

1. Pattern of prior employment;
2. Continuity of registration for work;
3. Refusal or evasion without good cause of work opportunities since the beginning of his base period."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 260

Senator Hatfield moved that Senate Bill No. 260 be withdrawn from Committee on Natural Resources for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 260

Senate Bill No. 260—An act to add Sections 4000.2, 4000.3, 4000.4, and 4000.5 to the Public Resources Code, relating to prevention and suppression of fires.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 5, of the printed bill, as amended, strike out "duty", and insert "financial responsibility".

Amendment No. 2

On page 1, line 11, of said bill, strike out "duty", and insert "financial responsibility".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

RESOLUTIONS

The following resolutions were offered:

By Senator Powers:

Senate Resolution No. 73

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law with the compensation set opposite their names, beginning Monday, March 26, 1945, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the respective amounts, and the Treasurer is hereby directed to pay the same.

David Whiting, Page	$3 00 per day
Robert Sweeny, Page	3 00 per day
Robert Bromley, Page	3 00 per day
Philip L. Sheehan, Page	3 00 per day
John P. Redwine, Page	3 00 per day
David T. Day, Page	3 00 per day
Jack Quinn, Page	3 00 per day
Dick Salsman, Page	3 00 per day

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—24.

NOES—None.

By Senator Shelley:

Senate Resolution No. 74

Extending sympathy to Joseph P. Gilmore

WHEREAS, The Members of the Senate have learned with regret of the passing of Ethel Gilmore, beloved wife of former Assemblyman Joseph P. Gilmore of San Francisco; and

WHEREAS, Joseph P. Gilmore served ably as a Member of the Assembly from 1929 to 1937 and from 1939 to 1941, winning many friends within these halls; now, therefore, be it

Resolved by the Senate of the State of California, That we, the members, hereby extend to former Assemblyman Joseph P. Gilmore our sincere condolences in his great loss; and, be it further

Resolved, That when the Senate adjourns this day it do so in honor of the memory of Ethel Gilmore; and be it further

Resolved, That the Secretary of the Senate is directed to convey to Joseph P. Gilmore this expression of our sympathy.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 59	Assembly Bill No. 559
Assembly Bill No. 60	Assembly Bill No. 560
Assembly Bill No. 62	Assembly Bill No. 721
Assembly Bill No. 70	Assembly Bill No. 722
Assembly Bill No. 87	Assembly Bill No. 889
Assembly Bill No. 434	Assembly Bill No. 1265
Assembly Bill No. 549	Assembly Bill No. 1708
Assembly Bill No. 550	

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 59—An act to add Section 1039.3 to the Military and Veterans Code, relating to gifts to the Veterans' Home of California.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 60—An act to add Sections 1030.1 and 1030.2 to the Military and Veterans Code, relating to the Veterans' Home of California.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 62—An act to amend Sections 1018, 1034, and 1042, and to repeal Sections 1022 and 1046 of the Military and Veterans Code, relating to the Veterans' Home of California.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 70—An act to add Section 1042.1 to the Military and Veterans Code, relating to uncashed checks drawn on trust funds at the Veterans' Home of California.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 87—An act to amend Section 142 of the Vehicle Code, relating to types of vehicles exempt from registration.

Referred to Committee on Transportation.

Assembly Bill No. 434—An act to amend Sections 529 and 530 of the Agricultural Code, pertaining to butter cutting, wrapping and distributors' licenses.

Referred to Committee on Agriculture.

Assembly Bill No. 549—An act to amend Section 471 of the Agricultural Code, relating to cream.

Referred to Committee on Agriculture.

Assembly Bill No. 550—An act to amend Sections 466 and 476 of the Agriculture Code, relating to milk.

Referred to Committee on Agriculture.

Assembly Bill No. 559—An act to amend and renumber Section 509 of the Agricultural Code, as added by Chapter 436, Statutes 1943, to be numbered 509.1 of said code, relating to frozen products standards.

Referred to Committee on Agriculture.

Assembly Bill No. 560—An act to amend Section 643.2 of the Agricultural Code, relating to milk rooms.

Referred to Committee on Agriculture.

Assembly Bill No. 721—An act to amend Section 656 of the Agricultural Code, relating to substances prohibited in milk or milk products.

Referred to Committee on Agriculture.

Assembly Bill No. 722—An act to amend Section 662 of the Agricultural Code, relating to milk and milk products reports.

Referred to Committee on Agriculture.

Assembly Bill No. 889—An act to add a new section to the Streets and Highways Code, to be numbered 100.6, relating to powers of the Department of Public Works with respect to agreements with adjoining States.

Referred to Committee on Transportation.

Assembly Bill No. 1265—An act to add Section 596.4 to, and to amend Section 599 of, the Vehicle Code, relating to motor vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 1708—An act to add Section 3606 to the Public Resources Code, relating to oil and gas, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Natural Resources.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 26, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 136
Senate Bill No. 140
Senate Bill No. 295
Senate Bill No. 434
Senate Bill No. 660
Senate Bill No. 900

And reports the same correctly engrossed.

SEAWELL, Chairman

ADJOURNMENT

At 4.32 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Tuesday, March 27, 1945, out of respect to the memory of the late Ethel Gilmore.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

THIRTY-THIRD LEGISLATIVE DAY
SEVENTY-NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Tuesday, March 27, 1945

The Senate met at 2 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Desmond, on motion of Senator Seawell, account of illness.

Senator DeLap, on motion of Senator Seawell, account of legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Daniel K. Halpin, of Los Angeles.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. John S. Carroll, Superintendent San Diego County Schools, and Mr. Donovan Cartwright, President, San Diego County School Administrators' Association, both of San Diego; Mr. Chester Harriott, Manager, La Mesa Irrigation District, and Mr. William H. Jennings, attorney for La Mesa Irrigation District and City Attorney for City of La Mesa.

On request of Senator Hulse, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. George Kirk and Mr. William McFaden, both of El Centro, California.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Governor C. C. Young.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain Harry Clotfelter, California Highway Patrol, San Diego.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to District Attorney Charles J. McGoldrick, Sonoma County, Santa Rosa.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. H. H. Sawyer and H. G. Sawyer.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 165
Assembly Bill No. 220
Assembly Bill No. 274
Assembly Bill No. 356
Assembly Bill No. 599
Assembly Bill No. 638
Assembly Bill No. 678
Assembly Bill No. 684
Assembly Bill No. 998
Assembly Bill No. 2118

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 165—An act to amend Section 808 of the Penal Code, relating to magistrates.

Referred to Committee on Judiciary.

Assembly Bill No. 220—An act to amend Section 9 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Assembly Bill No. 274—An act to amend Sections 19601, 19613, and 19616 of the Education Code, relating to child care centers, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 356—An act to add Title 10a to Part 4 of Division 3 of the Civil Code, relating to unincorporated nonprofit associations and the members thereof.

Referred to Committee on Judiciary.

Assembly Bill No. 599—An act to add Section 15.1 to the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Assembly Bill No. 638—An act to add Section 480 to the Penal Code, relating to the powers and duties of the Attorney General.

Referred to Committee on Judiciary.

Assembly Bill No. 678—An act to amend Section 411 of the Code of Civil Procedure, relating to service of summons.

Referred to Committee on Judiciary.

Assembly Bill No. 684—An act to amend Section 4460 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Assembly Bill No. 998—An act to amend Section 630 of the Probate Code, relating to summary probate proceedings.

Referred to Committee on Judiciary.

Assembly Bill No. 2118—An act to provide for the receiving as evidence in any court, office or other place in this State, official findings, records, reports, or certified copies thereof, of death, presumed death, missing or other status, issued by the Secretaries of War and Navy and other Federal officers and employees.

Referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, March 26, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 1201

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 26, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 934

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported bill ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 198

Senate Bill No. 752

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 197

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 60
Senate Bill No. 265

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Joint Resolution No. 23

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported resolution ordered to third reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 173
Senate Bill No. 174

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

COLLIER, Chairman

Above reported bills ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 953

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 955

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 26, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 639
Senate Bill No. 1080

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 26, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 20
Senate Bill No. 39
Senate Bill No. 899

And reports the same correctly engrossed.

SEAWELL, Chairman

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Constitutional Amendment No. 14: By Senator Salsman—Proposed amendment to Article I, Section 9, of the Constitution, relative to freedom of speech.

Referred to Committee on Judiciary.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 677

Senator Crittenden moved that Senate Bill No. 677 be withdrawn from Committee on Water Resources for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 677

Senate Bill No. 677—An act declaring the public policy of the State, relating to flood waters, flood control, flood damage, the washing away of river and stream banks by floods; creating the State Flood Control Advisory Board and making an appropriation for the support of same, and prescribing its powers and duties; prescribing the powers and duties of the Department of Public Works and authorizing the cooperation of the State Flood Control Advisory Board and the Department of Public Works with the United States, its instrumentalities and agencies, and with counties, cities, State agencies and public districts relating to flood waters and their control, flood damage, and the washing away of river and stream banks by floods; adopting and authorizing construction of certain flood control projects and providing cooperation with the United States thereon.

Bill read second time.

Motion to Amend

Senator Crittenden moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 45, of the printed bill, after "at the next regular", insert "or special".

Amendment No. 2

On page 4 of the printed bill, strike line 33, and insert "sion), and as may be hereafter required by similar acts of Congress, which are to be constructed in California."

Amendment No. 3

On page 6 of the printed bill, strike lines 14 and 15, and insert "the Department of Public Works by any law or in the State Reclamation Board pursuant to the provisions of Part 4, Division 5, of the Water Code."

Amendment No. 4

On page 7, line 14, of the printed bill, after "six thousand dollars ($3,326,000)", insert "subject to modifications that may hereafter be made by Congress."

Amendment No. 5

On page 7, line 36, of the printed bill, after "hundred four thousand dollars ($204,000)", insert "subject to modifications that may hereafter be made by Congress."

Amendment No. 6

On page 8, lines 43 and 44, of the printed bill, strike out "Sacramento and San Joaquin Drainage District", and insert "State".

Amendment No. 7

On page 8, line 46, of the printed bill, after "of this act", insert "and on any flood control projects on any stream flowing into or in the Sacramento Valley or the San Joaquin Valley hereafter approved and authorized by Congress."

Amendment No. 8

On page 9, lines 41 and 42, of the printed bill, strike out "without cost to the State".

Amendment No. 9

On page 10 of the printed bill, strike out lines 27 and 28, and insert "gress, First Session, at an estimated cost to the State of thirteen thousand four hundred dollars ($13,400)."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

CONSIDERATION OF DAILY FILE

CONSIDERATION OF MOTION TO RECONSIDER

Senate Bill No. 340—An act to amend Sections 25 and 33 of the Civil Code, relating to minors.

Postponement of Reconsideration

Senator Seawell moved that the consideration of Senator Desmond's motion to reconsider the vote whereby Senate Bill No. 340 was passed, be continued until the next legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

CONSIDERATION OF MOTION TO RECONSIDER

Senate Bill No. 907—An act to amend Section 366 of the Agricultural Code, relating to the transportation of cattle and hides.

Postponement of Reconsideration

Senator Dilworth moved that the consideration of his motion to reconsider the vote whereby Senate Bill No. 907 was passed, be continued until the next legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

THIRD READING OF SENATE BILLS

Senate Bill No. 1134—An act to amend Section 60 of the Unemployment Insurance Act, relating to unemployment insurance and benefits payable under said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 619—An act to amend Section 1 of an act entitled "An act relating to the liability in damages of municipalities, counties, cities and counties, and school districts, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works or property; prescribing the duties of the officers thereof in such cases, and authorizing such public or quasi public corporations to take out and pay for insurance to protect them against such liability," approved June 19, 1931, relating to the liability of public agencies for injuries to person or property.

Bill read third time.

Motion to Re-Refer Senate Bill No. 619

Senator Kuchel moved that Senate Bill No. 619 be re-referred to Committee on Judiciary.

Motion carried.

Senate Bill No. 619 ordered re-referred to Committee on Judiciary.

Senate Bill No. 482—An act to abolish the Joint Navigation and Flood Control Project Fund and to repeal Article 1 of Chapter 7 of Part 4 of Division 5, comprising Sections 8900 to 8913, of the Water Code, relating to said fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 499—An act to provide for the employment of prisoners in State prisons in the production and harvesting of crops and the fighting of forest and range fires, to permit their removal for such work, to provide the conditions and regulations for the governance of such work, to authorize the establishment of camps for their housing in such work, to provide for the financing of such work from prisoners' earnings and public funds by creating a Prisoners' Harvest Fund and appropriating said fund, by repealing Section 2715 of the Penal Code and by adding Article 6 to Chapter 5 of Title 1 of Part 3 of the Penal Code, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 491—An act to amend Sections 2700 and 3323 of the Penal Code, relating to the employment of prisoners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 636—An act to add Section 2215.5 to, and to amend Section 2216 and 2270 of the Health and Safety Code, relating to mosquito abatement districts, declaring the urgency thereof, to go into immediate effect.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—32.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 875—An act to add a new article heading to Chapter 1, Part 1, Division 12 of the Health and Safety Code, to amend Sections 13101, 13104, 13107, 13108, 13109, 13111, 13316, and 13654 thereof, and to add Sections 13100.1, 13111.1 and 13111.2, and Article 2, comprising Sections 13140 to 13146, inclusive, to Chapter 1, Part 2, Division 12 thereof, relating to the State Fire Marshal.

Bill read third time.

RESOLUTIONS

The following resolution was offered:

By Senator Shelley:

Senate Resolution No. 75

Resolved, That consideration of this bill, Senate Bill No. 875, and other bills having to do with salary increases in the upper salary brackets be postponed pending action on a bill considering salary raises of general civil service employees of the State of California and that such bills be placed on the inactive file.

Resolution read, and, on motion of Senator Shelley, adopted.

SENATE BILL NO. 875 ORDERED TO INACTIVE FILE

Senate Bill No. 875 ordered placed on the inactive file.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 931—An act to add Section 495 to the Fish and Game Code, for the protection of fish in the Sacramento River above the confluence of Battle Creek, to that end prohibiting the bringing in of water from without the Sacramento River Watershed.

Motion to Refer Bill to Inactive File

Senator Quinn moved that Senate Bill No. 931 be placed on the inactive file.

Motion carried.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 694—An act to amend Sections 407, 408 and 409 of the Fish and Game Code, relating to licenses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senators Slater, Seawell, Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Sutton, Swing, Tenney, Ward, and Weybret:

Senate Resolution No. 76

WHEREAS, The Members of the California Senate look forward in pleasant anticipation again tonight to an evening of friendship, conviviality and fellowship as the guests of their distinguished Secretary of the Senate, Joseph A. Beek; and

WHEREAS, The Senate desires, by this resolution, at least partially, to acknowledge a just need of praise of the said Joseph A. Beek; and

WHEREAS, The said Joseph A. Beek for many months to the convening of the Fifty-sixth Session of the California Legislature was a member, on active duty at sea, of the Army Transport Service, giving of his utmost patriotically to the cause for which our great Country is now at war; and

WHEREAS, The most lucid, learned and interesting work on the legislative department of this State is the book entitled "The California Legislature," written by the said Joseph A. Beek, published in 1942, a material contribution to the science of State Government and one which has evoked a very considerable approval by men of letters and men in Government; and

WHEREAS, Since 1913, as Assistant Secretary or Minute Clerk, and since 1919, excepting one short interval, as Secretary of the Senate, the said Joseph A. Beek has discharged his multitudinous duties in such a fashion as to make his presence here well nigh indispensable; and

WHEREAS, Beyond all this, the said Joseph A. Beek is a gentleman of standing and repute among all who know him, a successful citizen of many friends and considerable achievement; now, therefore, be it

Resolved, That the members of the California Senate, in this, the Fifty-sixth Session of the California Legislature, felicitate and congratulate Joseph A. Beek, Secretary of the California Senate, upon his varied and successful accomplishments, and

Resolved, further, That the Assistant Secretary of the Senate prepare and present to Joseph A. Beek a suitably engrossed copy of this resolution.

Resolution read, and, on motion of Senator Slater, adopted.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 695—An act to amend Sections 611.6, 612, 613, 615, and 615.5 of the Fish and Game Code, relating to trout.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—Senator Quinn—1.

Motion to Reconsider

Senator Quinn moved to reconsider the vote whereby Senate Bill No. 695 was passed.

Postponement of Reconsideration

On motion of Senator Quinn, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 695 was passed, was continued until the next legislative day.

Senate Bill No. 639—An act to amend Sections 721, 722, 724, and to repeal Section 724.3 of the Fish and Game Code, and to add Section 724.7 to the Fish and Game Code, relating to catfish.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 560—An act to add Article 6, comprising Sections 4421 to 4435, inclusive, to Chapter 2 of Division 4 of the Public Resources Code, relating to the acquisition, their management as State forests and

administration, protection and reforestation of forest lands, the management for demonstration purposes and sale of forest products therefrom.

Bill read third time.

Motion to Refer Bill to Inactive File

Senator Biggar moved that Senate Bill No. 560 be placed on the inactive file.

Motion carried.

Secretary J. A. Beek at the Desk

Senate Bill No. 132—An act to add Section 6359.5 to the Revenue and Taxation Code, relating to the sales and use taxes and exemptions therefrom, including the declaration of a continuing legislative intent to exempt containers, ice, packing materials and labels used or employed in packing, shipping, or transporting food products for human consumption, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Ward moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill, as amended, strike out "including the declaration of a continued legislative"; strike out lines 4 and 5 of the title; and in line 6 of the title, strike out "products for human consumption,".

Amendment No. 2

On page 1 of said bill, strike out lines 9 to 19, inclusive.

Amendment No. 3

On page 1, line 20, of said bill, strike out "3", and insert "2".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 233—An act to amend Section 10505 of the Business and Professions Code, relating to persons exempt from the provisions regulating mineral, oil and gas brokers and salesmen.

Bill read third time.

Motion to Amend

Senator Seawell moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 12 and 13, and insert "between an owner of mineral, oil or gas lands, leases or mineral rights, on the one hand, and a person organized".

Amendment No. 2

On page 1, line 16, of the printed bill, as amended, immediately before the period, insert ", on the other".

Amendment No. 3

On page 1 of the printed bill, as amended, after line 16, insert

"(e) Any owner of mineral rights or land, other than oil or gas rights or land, when dealing solely with his said rights or land."

Amendments read and adopted.

Bill ordered printed, and to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 688

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

QUINN, Chairman

REQUEST FOR UNANIMOUS CONSENT

Senator Quinn asked for, and was granted, unanimous consent to take up Senate Bill No. 688, at this time, for purpose of adopting committee amendments.

CONSIDERATION OF SENATE BILL NO. 688

Senate Bill No. 688—An act to amend Section 1203.6 and to repeal Sections 1203.7 to 1203.16, both inclusive, of the Fish and Game Code, relating to pheasants.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 1, line 7, of the printed bill, as amended, strike out "3", and insert "4".

Amendment No. 2

On page 1, line 10, of said bill, strike out "3", and insert "4".

Amendment No. 3

On page 2, line 4, of said bill, strike out "3", and insert "4".

Amendment No. 4

On page 2, line 7, of said bill, strike out "3", and insert "4".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 179

And reports the same correctly engrossed.

SEAWELL, Chairman

ADJOURNMENT

At 4.35 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Wednesday, March 28, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

THIRTY-FOURTH LEGISLATIVE DAY
EIGHTIETH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Wednesday, March 28, 1945

The Senate met at 2 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Kuchel, on motion of Senator Keating, account of illness.

Senator Breed, on motion of Senator Keating, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Jean Stout of Sacramento.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Will C. Crawford, City Superintendent of Schools, San Diego.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor George Morgan of Soquel, and Charles Street, Mayor of Soquel.

On request of Senator Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Staff Sergeant Merle Peart of Williams, Colusa County.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Harry Jordan, of Lakeport, and Miss Beth Annett of Kelseyville.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Leslie J. Cooper and son Clifford, South Pasadena, also Mrs. Miriam Cooper, daughter-in-law.

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Alexander Von Hafften of Palo Alto.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Drummond J. McCunn, Assistant Superintendent, Pasadena City Schools, Pasadena, California; Senorita Argentina Blanco of Mexico City, Republic of Mexico; and Mrs. Alfred H. Mason of Sacramento.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Emerson B. Herrick, of Lodi.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Ralph H. Bennett of Santa Paula.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following members of the Roseville Bethel of the Order of Job's Daughters: Jerry Seawell, Janet Gregory, Alice Freeman, Charlie Schubert, Lola Wards, Jane McConnell, Colleen Kay, Marlene Hunzeler, Anita Stanley, Maxine Rector, Avalon Barusch, Margaret Wolf, Katherine Wolf, Dolores Minard, Irene Palmer, Betty Tintinger, Yetive Barusch, Madelon McConnell, Faye Sparks, and Edna Gregory, accompanied by Mrs. Arlen Allen, all of Roseville.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Edna E. Curtis, Mrs. Lenore Wieser, Mrs. Eleanor M. Blonski, Miss Eda Rieder, Mrs. Frieda E. Steiner, and Mr. Christian G. Steiner, all of Martinez.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ruth Dolson, Instructor of Americanization Group of Modesto, and the following students: Mrs. Mary Mello, Mrs. Adel Vernezza, Mrs. Madeleine Petersen, Mrs. Wally Pfeifer, Mrs. Alfons Pfeifer, Mr. Joe Vicari, Mrs. Viola Stoll, Mr. Ed. Lewis, Mrs. Berta Felix, Mrs. Ella Delong, Rev. Naoum Nitsiotus, Mr. Charles Vourmard, Mrs. Charles Vourmard, Mr. Steve Radevero, Mrs. Mary Gervase, Mrs. Alice Batie, Mrs. Edna Pierce, Mrs. Maria Macedo, Mr. Robert Larrence, Mr. Manuel Mello, Mr. Joe Silveira, Mrs. Maria Podesto, Mrs. Josephine Arata, Mr. Joe Delucchi, Mr. Clements Ott, Mrs. Clements Ott, and Mrs. Joe Vicari.

On request of Senators Tenney, Mixter, and Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Otto L. Steele of Lodi, Mrs. O. J. Schuman of Visalia, and Mrs. Clayce Browne of Los Angeles.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Carl Bopp of San Diego, District Rationing Representative; Kathleen Taft of Spokane,

Washington; and Mr. Phil J. Scott, affiliated with the American Federation of Labor, San Diego.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 11

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 401
Assembly Bill No. 433
Assembly Bill No. 693
Assembly Bill No. 701
Assembly Bill No. 702
Assembly Bill No. 762
Assembly Bill No. 895
Assembly Bill No. 1214
Assembly Bill No. 1405
Assembly Bill No. 1406
Assembly Bill No. 1407
Assembly Bill No. 1408
Assembly Bill No. 1570
Assembly Bill No. 1571
Assembly Bill No. 1572

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 401—An act to amend Section 10601.5 of the Elections Code, relating to candidates for judicial offices.

Referred to Committee on Elections.

Assembly Bill No. 433—An act to amend Section 4827 of the Business and Professions Code, relating to veterinary medicine.

Referred to Committee on Agriculture.

Assembly Bill No. 693—An act to add Section 3013.5 to the Insurance Code, relating to the powers of fire or marine insurers incorporated under the laws of this State in any State, Territory or country in which they may be admitted to do business.

Referred to Committee on Financial Institutions.

Assembly Bill No. 701—An act to amend Section 429.5 of the Fish and Game Code, relating to free fishing licenses for members of the armed forces of the United States.

Referred to Committee on Fish and Game.

Assembly Bill No. 702—An act to amend Section 38 of the Fish and Game Code, relating to powers and duties of the commission.

Referred to Committee on Fish and Game.

Assembly Bill No. 762—An act to add Section 29a to the Bank Act, providing for actions to determine claims to membership in banking corporations having no capital stock, or to any right or interest in their property or assets.

Referred to Committee on Financial Institutions.

Assembly Bill No. 895—An act to amend Section 1035 of the Military and Veterans Code, relating to disposition of funds of deceased members of Veterans Home of California.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 1214—An act to amend Section 728 and to repeal Sections 734, 736, 738, and 738.5 of the Fish and Game Code, relating to fish.

Referred to Committee on Fish and Game.

Assembly Bill No. 1405—An act to amend Section 83 of the Bank Act, relating to loans to officers, directors and employees of commercial banks.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1406—An act to amend Section 65 of the Bank Act, relating to loans to officers, directors and employees of savings banks.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1407—An act to add a new section to the Bank Act to be numbered 136e, relating to the sale or compromise of bad or doubtful debts by the Superintendent of Banks when liquidating a bank.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1408—An act to amend Section 68 of the Bank Act, relating to deposits by saving banks in other banks.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1570—An act to amend Sections 6854, 6855, 6857, 6860, 6861, 6862, 6863, 6864, 6865, 6871, 6876, 6877, 6878, 6880, 6881, 6885, 6886, 6887, 6888, 6889, 6890, 6891, 6895, 6897, 6898, 6902, 6906, 6907, 6908, 6910, 6911, 6912, 6913, 6914, 6915, 6916, 6922, 6923, 6950, 6951, and 6956, and to add Sections 6866 and 6947, and to amend and renumber Sections 6866 and 6867, and to renumber Sections 6939 and 6940, and to repeal Section 6944 of the Business and Professions Code, relating to the regulation and licensing of collection agencies.

Referred to Committee on Business and Professions.

Assembly Bill No. 1571—An act to amend Sections 6925, 6926, 6927, 6928, 6929, 6930, 6931, 6932, 6933, 6934, 6935, 6936, 6937, 6938, 6939, 6940, 6941, 6942, and 6943 of the Business and Professions Code, relating to the regulation and licensing of collection agencies.

Referred to Committee on Business and Professions.

Assembly Bill No. 1572—An act to amend Sections 6925, 6926, and 6930, and to repeal Sections 6927, 6928, 6929, 6931, 6932, 6933, 6934, 6935, 6936, and 6937 of the Business and Professions Code, relating to the regulation and licensing of collection agencies.

Referred to Committee on Business and Professions.

REPORTS OF STANDING COMMITTEES

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, March 26, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 818
Senate Bill No. 1257
Senate Bill No. 463
Senate Bill No. 464

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 26, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 466

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 26, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 465
Senate Bill No. 816
Senate Bill No. 817
Senate Bill No. 819

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 413
Assembly Bill No. 48

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 206
Senate Bill No. 648

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 158
Senate Bill No. 362

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bills ordered to second reading.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 645

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bill ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 402
Senate Bill No. 405
Senate Bill No. 444
Senate Bill No. 618
Senate Bill No. 1193
Senate Bill No. 1195

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 387
Senate Bill No. 443

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 132

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 688
Senate Bill No. 448

And reports the same correctly engrossed.

SEAWELL, Chairman

RESOLUTIONS

The following resolution was offered:

By Senator Slater:

Senate Resolution No. 77

Relative to the extending of felicitations to Richard E. Collins on the anniversary of his birth

Seventy-two years ago today, Wednesday, March 28, 1945, Richard E. "Dick" Collins, was born in Trinity County, California.

Always a loyal champion of his home State, unceasing in his enthusiasm as one development has followed another indication of the growing importance of the Golden State and its natural resources, its demonstration of productiveness and its continuing appreciation of the undaunted spirit of the West, Mr. Collins is still "72 years young." One of his proudest tokens is the 50-year membership pin in the Native Sons of the Golden West.

Since January, 1907, Dick Collins has been a member of the State Board of Equalization and most of the time the chairman of that organization. Prior to being elected to the State Board of Equalization, he filled the office of County Assessor of Shasta County for four years, this being his first introduction into public office. As a tribute from the Senate of the State of California, be it

Resolved, That the Senate very pleasurably takes the opportunity of his birthday to felicitate Richard E. "Dick" Collins on his loyalty to public service, his constant effort to promote interest in the history, romance and chivalry of his native State and to wish him "Many Happy Returns of the Day."

Resolution read, and on motion of Senator Slater adopted.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 897

Senator Crittenden moved that Senate Bill No. 897, be withdrawn from Committee on Water Resources for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 897

Senate Bill No. 897—An act to amend the heading to Part 1 of Division 6 of the Water Code, to insert in said part a chapter heading (Chapter 1) and article headings in said chapter (Article 1, preceding Section 10000; Article 2, preceding Section 10001), and to add Chapters 2, 3, 4, 5, and 6 to said Part 1, to amend Sections 11101, 11400, and to repeal Sections 11401, 11402, 11403, 11404, 11405, 11410 11411, 11412, 11413, 11414, 11415, 11416, 11417, 11418, 11419, 11420, 11701, 11702, of said code.

Bill read second time.

Motion to Amend

Senator Crittenden moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 4, of the printed bill, strike out "Definition", and insert "Definitions".

Amendment No. 2

On page 2, line 8, of said bill, strike out "includes", and insert ", for the purpose of this part, includes".

Amendment No. 3

On page 2, of said bill, strike out line 10, and insert "district, water district, water storage district, mutual water company, and any public".

Amendment No. 4

On page 2, line 22, of said bill, after "for the", insert "control,".

Amendment No. 5

On page 2 of said bill, strike out lines 24, 25, 26, and 27, and insert "together with the generation, transmission, and distribution of electric power incident thereto."

Amendment No. 6

On page 2, line 29, of said bill, strike out "act", and insert "division".

Amendment No. 7

On page 2, line 32, of said bill, strike out "Division 6 of this act", and insert "division".

Amendment No. 8

On page 2, line 38, of said bill, strike out "California State Water".

Amendment No. 9

On page 2, line 42, of said bill, strike out "California State".

Amendment No. 10

On page 2, line 43, of said bill, strike out "Water".

Amendment No. 11

On page 2, of said bill, strike out lines 46 to 50, inclusive, and insert

"10025. The Authority as to matters within its jurisdiction, shall be the official representative of the State of California dealing with State agencies within the State and with the Federal Government and its agencies and with the governments and agencies of other states, and upon request by a State agency, shall act as intermediary

between such State agency and the Federal Government and its agencies and between the governments and agencies of other States."

Amendment No. 12

On page 2, of said bill, strike out lines 51 and 52; and on page 3, strike out lines 1 to 4, inclusive, and insert

"10026. The Authority in the performance of its duties shall cooperate with the State Reclamation Board, the Colorado River Board, and the San Luis Rey Authority."

Amendment No. 13

On page 3, line 15, of said bill, strike out "three", and insert "five".

Amendment No. 14

On page 3, of said bill, strike out lines 18 to 29, inclusive, and insert

"10032. The appointees shall be distributed geographically so that the State generally shall be represented, and they shall have knowledge of the water resources of the State and the practical utilization thereof as gained from personal experience.

10033. Of the members first to be appointed, three shall be appointed for a term expiring January 15, 1947; and two shall be appointed for a term expiring January 15, 1949; thereafter all terms shall be for four years or such remaining part thereof to expire in multiples of four years from the expiration dates of the original terms, except that appointments to fill vacancies shall be for unexpired terms only.

10034. Any member of the Authority may be removed by vote of two-thirds of the members elected to each house of the Legislature."

Amendment No. 15

On page 3, line 30, of said bill, strike out "10033", and insert "10035".

Amendment No. 16

On page 3, line 34, of said bill, strike out "10034", and insert "10036".

Amendment No. 17

On page 3 of said bill, strike out lines 40 to 44, inclusive, and insert

"10037. Each member of the Authority shall receive twenty dollars ($20) for each day during which he is engaged in the performance of his official duties as such member but his total compensation shall not exceed in any one fiscal year the sum of two thousand dollars ($2,000). In addition to his compensation each member shall be reimbursed for his necessary traveling and other expenses incident to the performance of his duties."

Amendment No. 18

On page 3 of said bill, strike out lines 48 to 52, inclusive; and on page 4, strike out lines 1 to 4, inclusive, and insert

"10040. The Authority has power to appoint a chairman. The State Engineer is ex officio the executive officer of the Authority. The executive officer shall exercise such powers and shall perform such duties as the Authority prescribes and he shall be responsible to the Authority for the proper exercise of such powers and the performance of such duties. The executive officer may receive and be paid a salary for his services as executive officer in addition to his salary as State Engineer, and shall be reimbursed for his necessary traveling and other expenses incident to the performance of his duties as executive officer."

Amendment No. 19

On page 4 of said bill, strike out lines 14 to 17, inclusive.

Amendment No. 20

On page 4, line 18, of said bill, strike out "10045", and insert "10044".

Amendment No. 21

On page 4, line 19, of said bill, after "technical", insert ", legal".

Amendment No. 22

On page 4, between lines 21 and 22, of said bill, insert

"10045. If the Department of Public Works shall be unable to furnish the Authority with assistants required by it as provided for in Section 10044, the Authority is authorized to employ such assistants as may be necessary to enable the performance of the duties imposed upon it by this Division."

Amendment No. 23

On page 4, line 37, of said bill, after "duties", insert "in addition to those described elsewhere in this Division".

Amendment No. 24

On page 4 of said bill, strike out lines 41 to 44, inclusive, and insert "ing to the sources, control, conservation, distribution and use of water, and the incidental generation, transmission and distribution of electric power for agricultural, industrial, and domestic advantage."

Amendment No. 25

On page 4 of said bill, strike out lines 46 and 47, and insert "the purposes of such surveys, investigations, and research."

Amendment No. 26

On page 4, line 49, of said bill, strike out "concerning the ".

Amendment No. 27

On page 4, line 50, of said bill, strike out "development and use of water and electricity".

Amendment No. 28

On page 5, line 5, of said bill, strike out "joint".

Amendment No. 29

On page 5, line 8, of said bill, after "the", insert "control,".

Amendment No. 30

On page 5, of said bill, strike out lines 10 to 14, inclusive, and insert

"(e) To develop, construct, operate and maintain projects in accordance with the provisions of this division."

Amendment No. 31

On page 5, of said bill, strike out lines 15 to 27, inclusive, and insert

"10051. The Authority shall have power to make such investigations and reports upon proposed water projects as it may deem advisable from time to time. Upon request of any State agency the Authority shall make an investigation and render a report upon the feasibility and probable cost of any proposed project outlined in such request. The costs of making such investigation and report shall be borne equally by the Authority and the State agency. All original reports shall be filed with the Authority. The report shall include an estimate of the cost of the project, an estimate of the nonreimbursable funds to be contributed to the project, an estimate of the balance of the cost to be financed by the issuance of revenue bonds, and a request for authority to issue such bonds."

Amendment No. 32

On page 5 of said bill, strike out lines 28 to 50, inclusive; and on page 6, strike out lines 1 to 22, inclusive, and insert

"10052. Water projects may be authorized for acquisition in the following manner.

(a) After the completion of an investigation and the filing of a report thereon with the Authority on any proposed project as provided in this division, the Authority may by its resolution propose a plan for the project and operation and maintenance, or construction or acquisition thereof, and by its order fix a time and place for a hearing thereon and provide for notice thereof, which notice shall be in such form as adopted by the Authority and shall state with sufficient certainty the general nature of the project and the time and place for the hearing. The time so fixed shall be not less than 60 days after the date of the order fixing the day of hearing.

(b) The notice shall be published by the Authority once a week for a period of four consecutive weeks preceding the date of the hearing in one or more newspapers of general circulation published in each county in which any part of the project is to be located. A copy of the notice and a copy of the report on the proposed project shall be sent by registered mail at least 30 days before the date of the hearing to each State agency whose interests are affected by the proposed project, in so far as such State agencies can be reasonably ascertained. A copy of the notice and a copy of the report shall also be mailed by ordinary mail or delivered to each other affected person making written request therefor.

(c) In case there is no newspaper published within the appropriate county, publication shall be made in a newspaper having a general circulation within the county.

(d) That said hearing may be continued from time to time by order of the Authority, until completed and all persons or agencies affected by the proposed project shall have the right to be heard thereat, either orally or in writing.

(e) Upon or after the conclusion of such hearing the Authority shall make its order either abandoning the project or recommending it with or without modification to the Legislature for authorization. If the Authority shall recommend the project it shall deliver to the Legislature a copy of its order of recommendation and a copy of the report on the recommended project. If any State agency shall have submitted to the Authority a written objection to the project and shall not have withdrawn such objection at or before the conclusion of the hearing the Authority shall also deliver to the Legislature a copy of such objection. Any State agency may file at any time before said order is made its written request for exclusion from the project; and in the event any State agency shall file such request for exclusion from the project, the Authority shall exclude it.

(f) In the event the Legislature, acting upon such recommendation submitted thereto by the Authority, shall authorize such project, the Authority shall proceed in accordance with the authorization granted therefor by the Legislature."

Amendment No. 33

On page 8, of said bill, strike out lines 14 to 17, inclusive, and insert

"(b) Enter into contracts with the United States for the acquisition by the Authority of any part or all of the works and properties of any project or projects constructed or under construction by the United States in the State of California, and pay to the United States such consideration therefor not exceeding the cost of such works and properties as may be determined by agreement between the Authority and the United States."

Amendment No. 34

On page 8, line 25, of said bill, strike out "this", and insert "the".

Amendment No. 35

On page 8, line 30, of said bill, strike out "Possession", and insert "Provisions".

Amendment No. 36

On page 9 of said bill, strike out lines 24 to 48, inclusive.

Amendment No. 37

On page 9, line 49, of said bill, strike out "10187", and insert "10184".

Amendment No. 38

On page 10, line 38, of said bill, insert

"10192.1. Proceedings under Section 10192 hereof may be commenced, maintained and determined in the mode prescribed in paragraphs 1, 2, 3, 4, 5, 6, and 7 of subsection (c), Section 43, of the Public Utilities Act as amended by Statutes of 1933, Chapter 855, pages 2229 to 2234."

Amendment No. 39

On page 10, line 41, of said bill, strike out "10164", and insert "10064".

Amendment No. 40

On page 13 of said bill, strike out lines 47 to 52, inclusive; on page 14, strike out lines 1 to 52, inclusive; on page 15, strike out lines 1 to 52, inclusive; on page 16, strike out lines 1 to 15, inclusive, and insert

"CHAPTER 6. REVENUE BONDS.

10300. The Authority is empowered to borrow money and for that purpose to issue revenue bonds as provided in this chapter for the acquisition, construction or completion of any project which shall have been authorized by the Legislature.

10301. (a) The term "revenue bond" means any bond, note or other written evidence of the obligation of the Authority the principal of and interest on which is payable solely from and secured by the project revenues. Revenue bonds constitute obligations only of the Authority and shall contain a recital on their face that neither the payment of the principal or any part thereof or any interest thereon constitutes a debt, liability or obligation of the State of California. All revenue bonds issued by the Authority are negotiable instruments.

(b) The term "project" means the improvements, structures, works, or properties, real or personal, corporeal or incorporeal, more particularly described in the resolution of the Authority pursuant to which revenue bonds are issued.

(c) The term "project revenues" means all income derived by or for the account of the Authority from the operation of the project, including, without limiting the generality of the foregoing, all tolls, rates, rents, fees and other charges so derived from the project, together with interest and other profits accrued on such revenues and any property derived from the sale, conversion, insurance of, or in any other manner by way of substitution for, such revenues; together with the income and profits derived from any investments held in any sinking fund, reserve fund or any other special fund created or maintained as further security for the revenue bonds.

10302. Whenever any project is authorized by the Legislature pursuant to a report of the Authority wherein all or a portion of the estimated cost of the project is proposed to be financed by the issuance of revenue bonds, the Authority may thereafter by resolution declare its intention to issue revenue bonds for such project in an amount not exceeding the amount so stated in the report. The costs which may be so financed by the issuance of revenue bonds may include (i) the estimated cost of the acquisition, construction and completion of the project; (ii) interest on the revenue bonds during the estimated period of such acquisition, construction and completion and for one year thereafter; (iii) any amount required initially to create any reserve or other special fund as further security for the revenue bonds; (iv) administrative, maintenance and operation costs during the estimated period of such acquisition, construction and completion and for one year thereafter; and (v) all costs and expenses of the issuance and sale of revenue bonds.

The term "costs and expenses of the issuance and sale of Revenue bonds" means and includes the cost of printing, lithographing or engraving the revenue bonds, the fees and expenses of any trustee, fiscal, paying or collection agents, the fees and expenses of any independent audits, engineers' reports, municipal bond attorneys'

opinion and the cost of any prospectus or official statement with respect to the revenue bonds deemed necessary or advisable by the Authority to effect or assist in effecting the sale of the revenue bonds, the fees and charges of the Superintendent of Banks of the State of California, the California Districts Securities Commission and of any other public official, bureau or department thereof of the State of California required to enable the revenue bonds to be certified as legal investments or to be declared eligible security for the deposit of public funds and also the fees and charges of any public official, commission or agency of any other state in the United States or of the Government of the United States necessary or advisable in the opinion of the Authority to enable the revenue bonds to be qualified as legal investments for any purpose under the laws of any such state or of the United States or to enable the same to be sold in interstate commerce under any present or future law of the United States.

(b) At any subsequent meeting of the Authority held not less than thirty (30) days after the adoption of the resolution determining the amount of revenue bonds to be issued, the Authority may, by resolution, provide for the issuance and sale of the revenue bonds in an amount not exceeding the amount so estimated. The Authority shall determine the time, form and manner of the issuance of said revenue bonds and may authorize the execution of an indenture providing the terms and conditions under which the revenue bonds shall be executed, issued and secured. The term "resolution" includes any indenture authorized thereby. Reference on the face of the revenue bonds to such resolution or indenture by its date of adoption or the apparent date on the face thereof is sufficient to incorporate all of the provisions thereof and of this act into the body of the revenue bonds and the coupons appertaining thereto. Each taker and subsequent holder of the revenue bonds and coupons, whether the coupons are then attached to or detached from the bonds, has recourse to all of the provisions of the resolution and of this act and is bound thereby.

10303. The resolution of the Authority creating and authorizing any issue of revenue bonds may provide for

(a) Limitations or restrictions on the amount of revenue bonds to be issued for any project;

(b) The date of issue of revenue bonds;

(c) The maturity or maturities of the revenue bonds. Revenue bonds may mature serially at such times and in such amounts as may be prescribed by the Authority, or may be issued as sinking fund term bonds. No bond by its terms shall mature in more than fifty (50) years from its date. In the event any authorized issue is divided into one or more series or divisions, the maximum maturity date shall be calculated from the date of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue;

(d) The terms and conditions, and notice on which, and the premium upon the payment of which, revenue bonds may be redeemed prior to the date of maturity stated therein; provided, however, that said terms and conditions must be stated on the face of the revenue bonds. No revenue bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call for redemption is expressly stated on the face of the bond;

(e) The place or places of payment of the principal of and interest on such revenue bonds which may be at any place within or without the State of California. The principal of and interest on revenue bonds shall be payable in lawful money of the United States;

(f) The rate or rates of interest on said revenue bonds; provided, however, that the rate of interest shall not exceed 6 per cent per annum, payable annually or semi-annually;

(g) The form of the revenue bonds. Revenue bonds may be issued as coupon bonds or registered bonds and the resolution may provide that revenue bonds may be registered as to principal only or as to both principal and interest as fully registered bonds, and the terms and conditions upon which the same shall be registered and discharged from registration;

(h) The terms and conditions upon which said revenue bonds are to be executed and designating the officers to execute the bonds and coupons. Lithographed or other facsimile signatures may be authorized and the seal of the Authority may be affixed by facsimile reproduction thereof. The Authority may provide for additional authentication of the bonds by a trustee or fiscal agent appointed by the Authority. If any of the officers whose signatures or countersignatures appear on the bonds or coupons cease to be such officers before delivery of the bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the officers had remained in office until the delivery of the bonds and coupons;

(i) Such covenants and agreements on the part of the Authority as the Authority may deem necessary, convenient or desirable to make the revenue bonds more marketable.

10304. The resolution providing for the issuance of revenue bonds may also, in addition to all other appropriate agreements deemed necessary or advisable by the Authority contain such covenants and agreements on the part of the Authority as it deems necessary or advisable for the better security of the revenue bonds and the

Authority is authorized by the terms of the resolution to covenant and agree with the holders of the revenue bonds so long as the same shall be outstanding as follows:

(a) That the revenue bonds, and any sinking fund, reserve fund or other special fund established for the bonds shall constitute a lien upon the revenues of the project in the manner, to the extent and as set forth in the resolution;

(b) That the Authority will preserve and protect the security of the revenue bonds and the rights of the holders thereof and warrant and defend such rights and execute further instruments of assurance to carry out and make effective the resolution of issuance;

(c) That the Authority will pay or cause to be paid the principal of the revenue bonds and the interest thereon punctually on the date or dates, at the place or places, and in the manner provided in such revenue bonds and the coupons attached thereto;

(d) That the Authority will continuously operate the project or any part thereof in an efficient and economical manner;

(e) That the Authority will make all necessary repairs, renewals and replacements of the project, and to keep the same at all times in good condition, working order and repair;

(f) That the Authority will pay and discharge or cause to be paid and discharged all lawful claims for labor, materials, or supplies, or other charges which if unpaid would become a lien or charge upon the revenues of the project, or any part thereof, or otherwise impair the security of the revenue bonds;

(g) That the Authority will not mortgage or otherwise encumber, or sell, lease, or dispose of, the project, or any part thereof, or any of the revenues thereof, or enter into any contract which will impair the operation of the project or the revenues thereof, except to the extent that provision may be made in the resolution for the release of properties constituting any part of the project, or project revenues and the application of the proceeds of sale or other disposition of the project, or project revenues, or any part thereof upon such terms and conditions as may be specifically defined in the resolution, and except that the resolution may provide for the issuance of additional bonds to be secured by the project revenues upon such terms as may be specified therein;

(h) That the Authority will fix, prescribe and collect tolls, rates, rents, fees, or other charges, in connection with the services and facilities furnished by the project, or any part thereof, at all times adequate and sufficient to yield annual revenues equal to the annual principal and interest payments on the bonds as the same become due and payable, and such additional sums as may be required for any sinking fund, reserve fund, or any other special fund provided for the further security of the bonds, and for maintenance and operation depreciation charges renewals, replacements, extensions and betterments of the project or any other charges in connection with the project, and, in addition, an amount sufficient to pay a fair share, proportionately with other projects of the Authority, of the general administration expenses of the Authority; and that such rates shall not be reduced, changed or modified otherwise than is permitted by the resolution. Provision may be made for advance payment or deposit of rates, standby charges and the manner and method of payment and collection of rates. All rates, tolls and charges for use of any facilities of the project must be payable in lawful money of the United States;

(i) That the Authority hold in trust the project revenues pledged for the payment of the revenue bonds and the interest thereon, or any sinking fund, reserve fund, or other special fund which may be provided for, and that such project revenues will be paid out only as provided in the resolution. Whenever provision is made in the resolution for the deposit of the project revenues or any part thereof in any fund the same shall not be transferred to any other fund except as in the resolution provided. The Authority may not borrow moneys in any fund except as otherwise permitted by the resolution;

(j) That the Authority shall not apply the proceeds of the sale of any issue of revenue bonds to any purpose other than the specific project designated in the resolution;

(k) That the Authority will not issue additional bonds except as may be permitted by the resolution and then only upon the terms, including provision as to security and payment, therein provided;

(l) That the Authority will keep and maintain insurance of the kind, amount, and character specified in the resolution upon the project, or any part thereof, and that the proceeds of such insurance, when collected, will be used and applied as specified in the resolution;

(m) That the holders of the revenue bonds, or any percentage thereof, prescribed in the resolution shall have the rights and powers in the resolution specified upon breach by the Authority of any of the covenants, conditions, or obligations contained in said resolution or in this Act;

(n) That the terms and conditions of the resolution and of the revenue bonds issued thereunder may be amended subsequent to the issuance of the revenue bonds, with the consent of the Authority and the vote or written consent of the holders of a specified amount of the principal of the revenue bonds then issued and outstanding. The resolution may provide for meetings of bondholders upon such notice as may be

provided for in the resolution, and the manner in which the consent of the bondholders may be given, and the effect of such consent upon the rights of the holders of the revenue bonds and interest coupons attached thereto or detached therefrom whether expressly assenting thereto or not. The resolution may provide that revenue bonds held by the Authority or by any department, political subdivision, or agency of the State, or by any municipality or public corporation, district, or subdivision, shall not be counted as outstanding revenue bonds or be entitled to vote or assent, but shall nevertheless be subject to the amendment if the same shall otherwise be affected in accordance with the resolution;

(o) That the Authority will do and perform such other acts, conditions and things required by it under the resolution to be done and performed for the benefit of the holders of the revenue bonds except that none of such covenants, agreements, conditions or terms or anything contained in the resolution shall obligate the Authority to do or perform any of such terms, conditions or covenants by the expenditure of any funds other than the project revenues and under no circumstances shall the Authority be obligated to levy or collect taxes to provide moneys or shall the State of California be obligated in anywise to advance any moneys to the Authority and all obligations assumed by the Authority pursuant to the resolution which shall require the expenditure of any moneys shall be limited solely and exclusively to the project revenues. The State of California, in its discretion, may make contributions or appropriations to the Authority but none of such contributions or appropriations irrespective of their regularity shall be considered project revenues so long as such revenue bonds remain outstanding and unpaid.

10305. The Authority may determine the terms and conditions for the sale or other disposition of any issue of revenue bonds or any part of such issue. It may sell such revenue bonds at less than their par or face value, but no revenue bonds may be sold at a discount below the par or face value which would result in a yield to the purchaser of more than 6 per cent per annum payable semiannually, according to standard tables of bond values.

10306. Pending the actual issuance or delivery of revenue bonds, the Authority may issue temporary or interim bonds or certificates or receipts of any denomination whatsoever, with or without coupons, to be exchanged for definitive revenue bonds when ready for delivery.

10307. All revenue bonds, and the principal and interest payable thereon, are exempt from all taxation in this State other than gift, inheritance and estate taxes.

10308. The Authority may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming or retiring any revenue bonds issued by the Authority pursuant to this act. All provisions of this act applicable to revenue bonds are applicable to such refunding bonds.

Such refunding bonds may be issued in an amount sufficient for the payment of all revenue bonds to be refunded, and in addition of all expenses incident to such refunding, including the calling, retiring and paying of the revenue bonds to be refunded and the issuance of such refunding bonds. These expenses include the difference between the par value of the refunding bonds and the amount less than par for which said refunding bonds are sold, and also the amounts necessary to pay the interest upon such refunding bonds from the date of the sale thereof to the date of payment of the revenue bonds being refunded, and the premium, if any, payable to holders of the revenue bonds being refunded, and the interest accruing upon the revenue bonds being refunded until the date of such refunding.

10309. The Authority may designate a bank or trust company, qualified to do business in this State, as a trustee for the Authority and the holders of revenue bonds issued hereunder, and may authorize such trustee to act on behalf of the holders of the revenue bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of such holders such rights and remedies as may be available to them.

The Authority shall fix and determine the conditions upon which such trustee shall receive, hold, or disburse any or all revenues collected for or on account of the Authority. The Authority shall prescribe the duties and powers of such trustee with respect to the issuance, authentication, sale and delivery of revenue bonds, and the payment of principal and interest thereof, the redemption of revenue bonds, the registration and discharge from registration of revenue bonds, and the management of any sinking fund, reserve fund, or other special fund provided as security for revenue bonds.

10310. Revenue bonds issued pursuant to this act are subject to investigation and certification by the California Districts Securities Commission under the California Districts Securities Commission Act as now or hereafter in effect.

10311. If the California Districts Securities Commission determines that the revenue bonds are adequately secured and the revenues of the Authority applicable to the payment thereof are or will be sufficient to pay the principal and interest of said revenue bonds, and if the commission certifies to that effect, the revenue bonds shall be eligible as legal investments for both public and private funds and as security for the deposit of public funds in banks in the State in the same manner as is provided in the California Districts Securities Commission Act.

10312. Prior to the issuance of revenue bonds, the Authority may commence a special proceeding in the Superior Court of Sacramento County to determine its right to issue said revenue bonds and their validity. Such proceeding shall be instituted and prosecuted in the same manner as provided by Sections 22670 to 22684, inclusive, of the Water Code of the State of California, as these sections now read or may hereafter be amended to read, and these sections apply to and govern all such proceedings instituted under this act. Such proceeding is a proceeding in rem and the judgment rendered therein is conclusive against all persons whomsoever and against the State of California.

10313. The validity of any revenue bonds issued by the Authority shall not depend on or be affected by the validity or invalidity of the proceedings taken by the Authority for the acquisition, construction, or completion of the project, or by the validity or invalidity of any contracts entered into by the Authority in connection with the project or by the failure of the Authority to complete the project.

10314. The Authority is authorized to contract loans with the State of California, the United States of America or any agency or department thereof and to issue revenue bonds on such terms and conditions as may be prescribed in any contract evidencing such loans and upon such terms and conditions as the Authority in its discretion shall deem proper."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Biggar moved that Senate Bill No. 560 be taken from the inactive file, for purpose of amendment, and be placed on the inactive file.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 560

Senate Bill No. 560—An act to add Article 6, comprising Sections 4421 to 4435, inclusive, to Chapter 2 of Division 4 of the Public Resources Code, relating to the acquisition, their management as State forests and administration, protection and reforestation of forest lands, the management for demonstration purposes and sale of forest products therefrom.

Bill read third time.

Motion to Amend

Senator Biggar moved the adoption of the following amendments:

Amendment No. 1

On page 4, line 4, of the printed bill, as amended, after "funds", insert "hereafter".

Amendment No. 2

On page 4, line 5, of the printed bill, as amended, strike out "by law".

Amendment No. 3

On page 4, line 16, of the printed bill, as amended, strike out the period and insert ", and for flood and erosion control."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and placed on inactive file.

CONSIDERATION OF DAILY FILE

CONSIDERATION OF MOTION TO RECONSIDER

Senate Bill No. 907—An act to amend Section 366 of the Agricultural Code, relating to the transportation of cattle and hides.

Motion to Reconsider

Pursuant to his motion previously made, Senator Dilworth moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 907 was passed.

The roll was called, and Senate Bill No. 907 reconsidered by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—26.

NOES—None.

Motion to Re-Refer Senate Bill No. 907

Senator Powers moved that Senate Bill No. 907 be re-referred to Committee on Agriculture.

Motion carried.

Senate Bill No. 907 ordered re-referred to Committee on Agriculture.

CONSIDERATION OF MOTION TO RECONSIDER

Senate Bill No. 695—An act to amend Sections 611.6, 612, 613, 615, and 615.5 of the Fish and Game Code, relating to trout.

Reconsideration Waived

Senator Quinn waived his motion to reconsider the vote whereby Senate Bill No. 695 was passed.

Senate Bill No. 695 ordered transmitted to the Assembly.

SECOND READING OF SENATE BILLS

Senate Bill No. 1201—An act to amend Section 6890 of the Public Resources Code, relating to the granting of prospecting permits and leases for the extraction and removal of minerals other than oil and gas from lands belonging to the State of California.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 6890", and insert "Sections 6890, 6891, 6894, and 6895."

Amendment No. 2

On page 1 of said bill, after line 7, insert

"SEC. 2. Section 6891 of said code is amended to read:

6891. The commission shall issue a prospecting permit, under such rules and regulations as it may prescribe, for lands which are not known mineral lands to any qualified applicant, upon the payment to the commission of one dollar ($1) per acre for each acre in area embraced within the boundaries of the lands described in the permit. No permit shall be issued for any lands which have been classified by the commission prior to such application as containing commercially valuable mineral deposits. Upon receipt of an application for a permit, the commission shall determine whether the lands described therein are known mineral lands. If it determines that the lands are known mineral lands, it shall thereupon so classify them and shall reject the application for a prospecting permit.

[A prospecting permit shall give to the permittee the exclusive right for a period not exceeding two years to prospect for minerals other than oil and gas upon not to exceed 160 acres of land wherein such mineral deposits belong to the State.]

Subject to such terms and conditions as the commission may determine to be in the best interest of the State, a prospecting permit shall give to the permittee the exclusive right for a period not exceeding two years to prospect for minerals other than oil and gas upon lands wherein such mineral deposits belong to the State.

The commission may, in its discretion, extend the term of any permit for a period not exceeding one year, but the term of any such permit, including extensions, shall be limited to a total three years.

SEC. 3. Section 6894 of said code is amended to read:

6894. The applicant shall, within 90 days after receiving a permit, mark each of the corners of the tract described in the permit upon the ground with substantial monuments, so that the boundaries can be readily traced upon the ground, and shall post in a conspicuous place upon the lands a notice that such permit has been granted and a description of the land covered thereby *; provided, however, that if the tract described in any such permit consists of tide or submerged lands, it shall be deemed a compliance with the provisions of this section to record such notice with the county recorder of the county in which the lands or the greater portion thereof are located.*

SEC. 4. Section 6895 of said code is amended to read:

6895. Upon establishing to the satisfaction of the commission that commercially valuable deposits of minerals have been discovered within the limits of any permit, the permittee shall be entitled to a lease for not more than [40] *160* acres of the land embraced in the prospecting permit, if there be that number of acres within the permit. The area selected by the permittee shall be in compact form, and if surveyed shall be described by the legal subdivisions of the public land surveys; if unsurveyed, the area shall be surveyed by the commission at the expense of the applicant for the lease, in accordance with rules and regulations to be prescribed by the commission, and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys. The lease shall be upon a royalty, as specified by the commission in the permit, and the annual payment in advance of a rental of one dollar ($1) per acre, the rental paid for any one year to be credited against the royalties as they accrue for that year. *Notwithstanding the 160 acreage limitation provision of this section, whenever the lands for which a lease is sought are tide and submerged lands, the commission shall be, and is, authorized to divide such lands into such size and number of parcels as the commission shall determine will not substantially impair the public rights to navigation and fishing or interfere with the trust upon which such lands are held.*"

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

Senate Bill No. 934—An act making an appropriation for the purchase of the tract commonly known as the Mountain Home Tract in Tulare County.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

Amendment No. 1

On page 1, line 1, of the printed bill, strike out "State Park Fund", and insert "State Treasury".

Amendment No. 2

On page 1 of said bill, strike out line 5, and insert "improvement by the Department of Natural Resources, through the Division of Forestry, for State forest purposes".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 198—An act to create a medical center under the jurisdiction of the Department of Corrections, providing for its construction, management, operation and administration, specifying the types of persons who may be confined therein, providing for the transfer thereto and retransfer therefrom of persons under the custody of the Director of Corrections and of the Youth Authority, by amending Section 5003 of and adding Chapter 8 to Title 7 of Part 3 and repealing

Sections 2680-2683 of the Penal Code, relating to the establishment of a psychopathic hospital for prisoners.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 752—An act authorizing municipalities to purchase Federal surplus property and providing for the suspension of certain laws in connection therewith, declaring the urgency thereof and providing this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 197—An act making an appropriation for the construction of the Medical Center under the jurisdiction of the Department of Corrections.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the printed bill, after "of", insert "four million eight hundred twelve thousand five hundred".

Amendment No. 2

In line 1 of the printed bill, after "$", insert "4,812,500".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 60—An act to amend Section 82 of the State Employees' Retirement Act and to amend Section 21252 of the Government Code, relating to the State Employees' Retirement System, and redefining the pension payable in respect to current service upon retirement for service.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 4, of the printed bill, after "city," insert "consisting of the larger of the following amounts: (a) an amount equal to that portion of the annuity purchased by the accumulated normal contributions of the member; or (b) an amount".

Amendment No. 2

On page 2, line 7, of said bill, after "agency", insert "consisting of the larger of the following amounts: (1) an amount equal to the portion of the service retirement annuity that is derived from the accumulated normal contributions of the member; or (2) an amount".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 265—An act to authorize the Director of Finance to sell and convey certain real property in the County of Sacramento.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "Sacramento", insert ", and making an appropriation of a portion of the proceeds thereof".

Amendment No. 2

On page 1, line 12, of said bill, after "property", insert ", except such portion or portions thereof as may be located below the ordinary high water mark".

Amendment No. 3

On page 2, after line 22, of said bill, insert

"SEC. 5. There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said lands, together with the right to prospect for, extract and remove such deposits of minerals, including oil and gas, therefrom."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 173—An act to amend Section 20332 of the Health and Safety Code, relating to revenues and expenditures of police protection districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 174—An act to amend Section 14075 of, and to add Section 14114 to, the Health and Safety Code, relating to fire protection districts in unincorporated areas.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 953—An act to amend Section 1144 of the Probate Code, relating to administration by the public administrator of estates of a value not exceeding two hundred dollars ($200).

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 955—An act to add Section 1844a to the Code of Civil Procedure, relating to proof of gifts in view of death.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 5, of the printed bill, after "donor" insert ", unless such gift be executed by delivery,".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:
By Senator Sutton:

Request for Permission to Introduce Bill

SENATE CHAMBER, SACRAMENTO, March 28, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act making an appropriation to pay the claim of Mrs. W. H. Rosbury against the State of California.

Respectfully submitted.

SENATOR LOUIS G. SUTTON

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 28, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time, 2.38 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2.46 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senator Sutton was granted permission to introduce a bill by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—30.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1263: By Senator Sutton—An act making an appropriation to pay the claim of Mrs. W. H. Rosbury against the State of California.

Referred to Committee on Finance.

CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF SENATE BILLS

Senate Bill No. 221—An act to amend Section 1881.3 of the Civil Code, relating to the period during which the chapter of said code relating to private bulk storage of grain shall remain in effect.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating,

Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 396—An act to amend Section 1037 of the Agricultural Code, relating to sampling fertilizing materials.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Fletcher, Hulse, Jespersen, Keating, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—27.
NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 908—An act to amend Section 363 of the Agricultural Code, relating to cattle bills of sale.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—28.
NOES—Cunningham, and Sutton - 2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 915—An act to amend Section 348 of the Agricultural Code, relating to cattle slaughterer license fees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 917—An act to amend Section 333.8 of the Agricultural Code, relating to venting of brands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Swing, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 919—An act to amend Section 363.2 of the Agricultural Code, relating to license and operation of public sales yards.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 673—An act to add Sections 987 and 2190.1 to the Revenue and Taxation Code, relating to the assessment of and payment of taxes on possessory interests in real estate of the Veterans Welfare Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1052—An act to add Chapter 3 consisting of Section 175 to Part 1, Division 1, Revenue and Taxation Code, relating to real property taxation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Collier, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Mayo, Mixter, Parkman, Rich, Salsman, Seawell, Sutton, Swing, Tenney, Ward, and Weybret—24.
NOES—Senators Keating, Quinn, Shelley, and Slater—4.

Bill ordered transmitted to the Assembly.

Senate Bill No. 672—An act to add Section 4986.4 to the Revenue and Taxation Code, relating to the cancellation of taxes on property acquired by the Veterans' Welfare Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.
NOES—Senators Collier, and Judah—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 311—An act to repeal Sections 3800 and 3801 of, and to add Sections 3800 and 3801 to, the Harbors and Navigation Code, relating to the administration of the Port of Eureka, creating a Board of Harbor Commissioners for Humboldt Bay and transferring the powers and duties of the Department of Public Works over such port and bay to said Harbor Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 409—An act to amend Section 2206 of the Education Code, relating to gifts, donations, bequests and devices to school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.
NOES—None.

Motion to Amend

Senator Parkman moved the adoption of the following amendment:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "devices", and insert "devises".

Amendment read, and adopted.

Senate Bill No. 409 ordered reprinted, and transmitted to the Assembly.

Senate Bill No. 760—An act to add Section 14143 to the Education Code, relating to the noncertificated employees of a unified school district coterminous with the boundaries of a city and county.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1080—An act to amend Section 7 of the Unemployment Insurance Act, relating to unemployment insurance and the definition of employment thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 989—An act to add Section 7.6 to the Unemployment Insurance Act, relating to excluded employments under said act.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 9, insert the following

"SEC. 2. The term "insurance agent" as used in Sec. 7.6 shall mean one who maintains his own office, pays his own expenses, controls his own time, is agent for several different companies, sells several different forms of insurance, and is compensated solely from commissions; the term "insurance agent" shall not include one who works for only one company and who is subject to the right of direction and control by such company even though all his compensation may be by commissions."

Amendment read.

Roll Call Demanded

Senators Shelley, Desmond, and Jespersen demanded a roll call.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Dillinger, Fletcher, Jespersen, Keating, Mayo, Powers, Shelley, and Tenney—8.

NOES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—26.

Further Consideration of Senate Bill No. 989

Senate Bill No. 989—An act to add Section 7.6 to the Unemployment Insurance Act, relating to excluded employments under said act.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—Senators Jespersen, Judah, and Shelley—3.

Motion to Reconsider

Senator Jespersen moved to reconsider the vote whereby Senate Bill No. 989 was passed.

Postponement of Reconsideration

On motion of Senator Jespersen, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 989 was passed, was continued until the next legislative day.

Senate Bill No. 621—An act to add Article 5 to Chapter 1 of Title 1 of Part 3 to, and to amend Section 5003 of the Penal Code, providing for the establishment of a medium security prison, relating to the commitment and transfer of persons thereto and therefrom.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Motion to Amend Title

Senator Deuel moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "Code", insert ", relating to institutions under the jurisdiction of the Department of Corrections and".

Amendment No. 2

In line 3 of the title of said bill, strike out "relating to", and insert "and".

Amendments read and adopted.

Senate Bill No. 621 ordered reprinted, and transmitted to the Assembly.

Senate Bill No. 62—An act to add Section 18679.5 to the Business and Professions Code, relating to the regulation of boxing and wrestling.

Bill read third time.

Motion to Amend

Senator Judah moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 3, of the printed bill, after "license", insert "provided for in Section 18679".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 906—An act to amend Section 368 of the Agricultural Code, relating to transportation license fee and penalty.

Bill read third time.

Motion to Amend

Senator Gordon moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 3, of the printed bill, insert

"368. It is unlawful for any person, firm, association or corporation or their agent, except a licensed cattle slaughterer who buys cattle for transportation, in his or their own or borrowed conveyance, for sale or slaughter, to receive the same for transportation or to transport the same, without having first procured from the director a license to do so."

Amendment No. 2

On page 1 of said bill, strike out lines 9 to 14, inclusive, and insert

"Nothing in this section shall be deemed to apply to a farmer operating his own truck so as to prevent him from transporting his own livestock or the livestock of his neighbors."

Amendment No. 3

On page 1 of said bill, strike out line 15, and insert

"Any applicant for such license shall file with the director a".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

MOTION TO RE-REFER ASSEMBLY BILL NO. 48

Senator Gordon moved that Assembly Bill No. 48 be re-referred to Committee on Fish and Game.

Motion carried.

Assembly Bill No. 48 ordered re-referred to Committee on Fish and Game.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 37: By Senator Dorsey—Relative to approving certain amendments to the charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the

electors of said City of Bakersfield at a special election held therein on the twentieth day of March, 1945.

Request for Unanimous Consent

Senator Dorsey asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 37, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 37

Senate Concurrent Resolution No. 37—Relative to approving certain amendments to the charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at a special election held therein on the twentieth day of March, 1945.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, March 28, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 751
Senate Bill No. 796

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 28, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 12

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; noes 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 313
Senate Bill No. 1260

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 11.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 43
Senate Bill No. 310
Senate Bill No. 902

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 27, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 766
Senate Bill No. 770
Senate Bill No. 771
Senate Bill No. 772
Senate Bill No. 773
Senate Bill No. 774
Senate Bill No. 775
Senate Bill No. 777
Senate Bill No. 779
Senate Bill No. 780

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

McCORMACK, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 28, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 173
Senate Bill No. 174
Senate Bill No. 198
Senate Bill No. 752
Senate Bill No. 953

And reports the same correctly engrossed.

SEAWELL, Chairman

RESOLUTIONS

The following resolution was offered:

By Senator Powers:

Senate Resolution No. 78

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law with the compensation set opposite their names, beginning Wednesday, March 28, 1945, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the respective amounts, and the Treasurer is hereby directed to pay the same.

	Per day
Howard Greenberg, page	$3 00
Leal Norton, page	3 00
Leo McMillan, page	3 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Huise, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, and Weybret—27.

NOES—None.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 800

Senator Swing moved that Senate Bill No. 800 be withdrawn from Committee on Governmental Efficiency for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 800

Senate Bill No. 800—An act to amend Sections 2, 5, 6, 6.5, 6.6, 7, 7.2, 11, 12, 16, 16½, 18, 19, 20, 22, 22a, 22b, 22c, 22d, 23, 23a, 23b, 23c, 23d, 24.2, 24.3, 24.4, 24.5, 24.55, 26, 27a, 27b, 28, 34, 34b, 36a, 36b, 37, 39, 46, 48, 49, 49.2, 51, 51c, 51g, 53.9, 54, 54.5, 57, and to repeal Sections 6.4, 33e, 35, 35a, 35b, 35c, 36, 36c, 47, 54.1, 54.3 of the Alcoholic Beverage Control Act, and to add thereto Sections 4.1, 6.2, 21.1, 47.5, and 59.6, relating to alcoholic beverages, and to provide that this act shall go into effect immediately.

Bill read second time.

Motion to Amend

Senator Swing moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "23a".

Amendment No. 2

In line 5 of the title of the printed bill, as amended, after "57," insert "60, 67.1, and 67.5,".

Amendment No. 3

In line 7 of the title of the printed bill, as amended, after "21.1," insert "38f,".

Amendment No. 4

On page 4, lines 5 and 6, of the printed bill, as amended, strike out "disposal of intoxicating liquors, other than beer, to be consumed on the premises without meals.", and insert "selling or serving of alcoholic beverages, other than beer, to the public for consumption on the premises, and which are not equipped and maintained for the sale and service of meals to the public, and in which meals are not actually sold and served to the public."

Amendment No. 5

On page 4 of the printed bill, as amended, strike out line 13, and insert "power and duties which this act provides shall be exercised by him and which may be assigned to".

Amendment No. 6

On page 4, line 33, of the printed bill, as amended, after "means", strike out "an", and insert "and".

Amendment No. 7

On page 7, line 25, of the printed bill, as amended, after "grower's", insert a comma.

Amendment No. 8

On page 9, line 33, of the printed bill, as amended, strike out "classes", and insert "classed".

Amendment No. 9

On page 10, line 44, of the printed bill, as amended, strike out "grower's", and insert "growers".

Amendment No. 10

On page 13, line 31, of the printed bill, as amended, strike out "distilled spirits", and insert "general".

Amendment No. 11

On page 16, line 26, of the printed bill, as amended, before "license", insert "retail".

Amendment No. 12

On page 16 of the printed bill, as amended, strike out lines 28 and 29, and insert "to transfer any such license unless at least seven days before the filing of the transfer appli-".

Amendment No. 13

On page 18, line 37, of the printed bill, as amended, after "hotel,", insert "restaurant,".

Amendment No. 14

On page 18, line 46, of the printed bill, as amended, after "hotel,", insert "restaurant,".

Amendment No. 15

On page 20, line 2, of the printed bill, as amended, strike out "and transcribed", and insert "by a hearing reporter."

Amendment No. 16

On page 20, line 10, of the printed bill, as amended, strike out "hearing", and insert "hearings".

Amendment No. 17

On page 22, line 14, of the printed bill, as amended, after "importer,", insert "or sellers of beer or wine selling beer or wine, with respect to which no tax has been paid, within areas over which the United States Government exercises jurisdiction,".

Amendment No. 18

On page 29, of the printed bill, as amended March 22, 1945, strike out line 13 down to and including line 3, page 30, and insert

"SEC. 33a. Section 38f is hereby added to the act, to read as follows:

Sec. 38f. It is hereby determined that the public welfare and morals require that there be a limitation on the number of premises licensed for the sale of distilled spirits at both retail and wholesale.

The number of premises for which an on-sale general license is issued shall be limited to one of such premises for each 1,000, or fraction thereof, inhabitants of the county in which the premises are situated. The number of premises for which an off-sale general license is issued shall be limited to one of such premises for each 1,000, or fraction thereof, inhabitants of the county in which the premises are situated.

Population, for the purpose of this section, shall be determined by the most recent United States decennial or special census.

Nothing in this section shall be deemed to require the cancellation of any license issued and outstanding in any county because the number of such licenses now exceeds the ratio of such licenses to population as established in this section.

The board shall have power to make all rules and regulations consistent with the provisions of Section 22 of Article XX of the Constitution of this State, or this act, necessary to carry into effect the provisions of this section, and to restrict the issuance of other licenses, including seasonal licenses, to such number in any county as the board shall determine shall be in the interest of public welfare and morals, convenience or necessity.

To foster the orderly wholesale marketing and distribution of distilled spirits, the board may make rules and regulations limiting the number of distilled spirits wholesalers' or rectifiers' licenses to be issued in the State, giving consideration to the number of such licenses needed for the adequate supplying of distilled spirits to retail licensees in this State, and giving consideration to the available supplies of distilled spirits and to the public welfare, convenience and necessity. In no case shall the board restrict the number of distilled spirits wholesalers' and rectifiers' licenses to a total of less than the number issued and outstanding on June 30, 1945, nor issue more of such licenses than necessary to adequately supply the retail trade.

Whenever it shall be made to appear to the board by satisfactory evidence that the population in any county shall have increased by more than 1,000 inhabitants since the most recent United States decennial or special census, and it shall appear to the board that by reason thereof, the inhabitants of such county are unjustly and unfairly discriminated against, the board shall have power to issue, not to exceed, one on-sale general license and one off sale general license for each such increase of 1,000 inhabitants in such county. In all other respects the limitation hereinbefore provided for shall continue in effect.

Any person applying for an off sale general license or on-sale general license on the ground of increased population as hereinbefore provided, shall set forth in his application for such license and shall affirmatively show (1) that he is a qualified applicant and that his premises qualify under the law and rules and regulations of the board, (2) that the issuance of the license applied for would serve the public convenience or necessity, (3) that the issuance of the license applied for would not be contrary to public welfare and morals, (4) that inequality in the ratio of licenses exists between the community in which the applicant's premises are located and other communities in the State, (5) that the population in the county for which such license is applied has increased by more than 1,000 inhabitants since the most recent United States decennial or special census.

When any such application is filed with the board, it shall be referred to the State Liquor Administrator who shall cause a full investigation to be made of all matters stated in and relating to such application and report his findings to the board with his recommendations."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Constitutional Amendment No. 15: By Senator Fletcher—Proposed amendment to the Constitution of the State by adding Section 27 to Article XX thereof, relating to a prepaid health service system for the people.

Referred to Committee on Public Health and Safety.

CONSIDERATION OF DAILY FILE (RESUMED)

CONSIDERATION OF MOTION TO RECONSIDER

Senate Bill No. 340—An act to amend Sections 25 and 33 of the Civil Code, relating to minors.

Motion to Reconsider

Pursuant to his motion previously made, Senator Desmond, moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 340 was passed.

The roll was called, and Senate Bill No. 340 reconsidered by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Judah, Keating, Mayo, McCormack, Mixter, Quinn, Seawell, Shelley, Sutton, and Weybret—23.
NOES—Senator Salsman—1.

Senate Bill No. 340 ordered placed on third reading file.

ADJOURNMENT

At 4.48 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Thursday, March 29, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

THIRTY-FIFTH LEGISLATIVE DAY
EIGHTY-FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Thursday, March 29, 1945

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Jespersen, on motion of Senator Seawell, account of legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Kuchel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Clyde Downing, United States Attorney's Office, Los Angeles.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Victor W. Hart, formerly of Yreka, now of Oakland.

On request of Senators Desmond and Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Frederick John Blankenship, Miss Jane Blankenship, and Master James Blankenship of Palo Alto.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lt. William T. McCarthy, U. S. M. C., Oakland.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Samuel R. Blake, Presiding Judge of the Superior Court of Los Angeles, and his wife, Mrs. Beatrice Blake.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 458
Assembly Bill No. 495
Assembly Bill No. 498
Assembly Bill No. 574
Assembly Bill No. 671
Assembly Bill No. 929
Assembly Bill No. 1177
Assembly Bill No. 1538
Assembly Bill No. 1563

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 458—An act to amend Section 4314 of the Political Code and Section 1181 of the Civil Code, relating to the powers of clerks of Justices' Courts of class A.

Referred to Committee on Judiciary.

Assembly Bill No. 495—An act to add Section 571.5 to the Elections Code, relating to division of electors in a precinct into groups.

Referred to Committee on Elections.

Assembly Bill No. 498—An act to repeal Section 1004 of the Elections Code, relating to notice of election.

Referred to Committee on Elections.

Assembly Bill No. 574—An act to amend Section 28a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therin," approved May 23, 1945, relating to bail in municipal courts in cities of the first and one-half class.

Referred to Committee on Judiciary.

Assembly Bill No. 671—An act to amend Section 2631 of the Elections Code, relating to sponsor list.

Referred to Committee on Elections.

Assembly Bill No. 929—An act to amend Sections 364, 365, and 402 of the Civil Code, relating to shareholders liability for unauthorized dividends and distributions in liquidation.

Referred to Committee on Judiciary.

Assembly Bill No. 1177—An act to amend Section 754.5 of the Probate Code, relating to the sale of personal and real property as a unit.

Referred to Committee on Judiciary.

Assembly Bill No. 1538—An act to amend Section 57 of the Unemployment Insurance Act, relating to unemployment insurance and the waiting period thereunder.

Referred to Committee on Social Welfare.

Assembly Bill No. 1563—An act to add Section 7.2 to the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 28, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 62
Senate Bill No. 906

And reports the same correctly re-engrossed.

SEAWELL, Chairman

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, March 28, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 345
Senate Bill No. 542

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

McBRIDE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 28, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 344
Senate Bill No. 543

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

McBRIDE, Chairman

Above reported bills ordered to second reading.

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 1803

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Joint Resolution No. 8

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported resolution ordered to third reading.

Committee on Institutions

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Institutions, to which was referred:

Senate Bill No. 528

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

DORSEY, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Institutions, to which was referred:

Assembly Bill No. 205

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

DORSEY, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Institutions, to which was referred:

Senate Bill No. 525

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; noes 2; absent 1.

DORSEY, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Institutions, to which was referred:

Senate Bill No. 527

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

DORSEY, Vice Chairman

Above reported bill ordered to second reading.

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Senate Bill No. 815
Senate Bill No. 1089

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 10; committee vote: Ayes 10; absent 1.

MAYO, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Senate Bill No. 90
Senate Bill No. 157
Senate Bill No. 1076
Senate Bill No. 1086
Senate Bill No. 1088
Senate Bill No. 1091

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 10; committee vote: Ayes 9; absent 1.

MAYO, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Senate Bill No. 89
Senate Bill No. 155

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 10; committee vote: Ayes 9; absent 1.

MAYO, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 11—Relative to the establishment of an Optometry Corps in the United States Army;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the twenty-ninth day of March, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 28, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 265
Senate Bill No. 955
Senate Concurrent Resolution No. 37

And reports the same correctly engrossed.

SEAWELL, Chairman

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Cunningham, ordered printed in the Journal:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO 14, March 28, 1945

Hon. R. R. Cunningham, Chairman, Committee on Local Government
Senate Chambers, Sacramento, California

MY DEAR SENATOR CUNNINGHAM: I have been asked by several Members of the Legislature to advise them as to my policy with regard to the county government bills changing salaries of county officers or changing the number or salaries of judges and attaches of the superior and municipal courts.

Section 928 of the Penal Code requires the Grand Jury to investigate and report to the Legislature on the necessity for increasing or decreasing the salaries of county officers, and I shall expect to have such a report as a prerequisite to my approval of all such legislation, including that affecting the salaries of judges. I shall also request the recommendation of the board of supervisors in such matters. It is my opinion that in order to have as much autonomy in local government as possible the opinion of these two bodies should be given serious consideration, and I shall follow that procedure.

Trusting that this will be helpful to you and the members of the Legislature who have county government bills pending, I am

Sincerely,

EARL WARREN, Governor

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Hatfield moved that Senate Bill No. 249 be taken from the inactive file for the purpose of amendment, and be placed on second reading file.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 249

Senate Bill No. 249—An act to amend Section 16424 of the Education Code, relating to injuries to pupils.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 5 and 6; and on line 7, strike out "service", and insert: "The governing board of any school district which does not employ at least five physicians as full time supervisors of health, or the equivalent thereof, may provide medical or hospital service, or both,".

Amendment No. 2

On page 1, line 10, of said bill, strike out "or districts".

Amendment No. 3

On page 1, lines 11 and 12, of said bill, strike out "or districts".

Amendment No. 4

On page 1, line 14, of said bill, strike out "or districts".

Amendment No. 5

On page 1, line 15, of said bill, strike out "or districts".

Amendments read and adopted.

Bill ordered printed, and to second reading.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE, SACRAMENTO 14, March 23, 1945

To the Senate of the State of California:

At the request of the State Reconstruction and Reemployment Commission, I have the honor to present to your honorable body a supplemental report on Postwar Public Works in California.

Respectfully,

EARL WARREN, Governor

Communication read.

Motion to File Report

Senator Seawell moved that the report of the State Reconstruction and Reemployment Commission be filed with the Secretary of the Senate.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILLS NOS. 168 AND 987

Senator Desmond moved that Senate Bills Nos. 168 and 987 be withdrawn from Committee on Judiciary for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 168

Senate Bill No. 168—An act to repeal Title XI of Part III of the Code of Civil Procedure, relating to conciliation proceedings.

Bill read second time.

Motion to Amend

Senator Desmond moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill after "to", insert "amend Sections 1730 and 1771 of", and strike out "repeal".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 strike out all of lines 1 and 2 of the printed bill, and insert

"SECTION 1. Section 1730 of the Code of Civil Procedure is amended to read:

"1730. The purposes of this chapter are to protect the rights of children and to promote the public welfare by preserving, promoting, and protecting family life and the institution of matrimony, and to provide means for the reconciliation of spouses and the amicable settlement of domestic and family controversies. *The provisions of this chapter shall be applicable only in those counties having a population in excess of nine hundred thousand (900,000).*"

"SEC. 2. Section 1771 of the Code of Civil Procedure is amended to read:

"1771. Whenever any action for divorce, annulment of marriage, or separate maintenance is filed in the superior court, and it appears to the court at any time during the pendency of the action that there is any minor child of the spouses or of either of them whose welfare may be affected by the dissolution or annulment of the marriage or the disruption of the household, the case [shall] *may in the discretion of the court* be transferred to the children's court of conciliation for proceedings for reconciliation of the spouses or amicable settlement of issues in controversy, in accordance with the provisions of this chapter."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

CONSIDERATION OF SENATE BILL NO. 987

Senate Bill No. 987—An act to amend Section 146 of the Civil Code, relating to divorce actions.

Bill read second time.

Motion to Amend

Senator Desmond moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "shall be assigned as follows", and insert "and property held in joint tenancy by the spouses may be assigned by the Court as provided herein".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 386

Senator Seawell moved that Assembly Bill No. 386, be withdrawn from Committee on Local Government, and referred to Committee on Governmental Efficiency.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 18

Senator Desmond moved that Senate Bill No. 18 be withdrawn from Committee on Local Government for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 18

Senate Bill No. 18—An act to repeal Section 4071 of the Political Code, relating to monthly financial reports to boards of supervisors.

Bill read second time.

Motion to Amend

Senator Desmond moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "repeal", and insert "amend".

PRINTER'S NOTE:— There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1, line 2, of the printed bill, strike out "repealed.", and insert "amended" to read:

4071. The board must not, for any purpose, contract debts or liabilities, in any manner or for any purpose, which exceed in any fiscal year the income and revenue provided for such year, except as permitted by the constitution.

[It shall be the duty of the auditor, at the commencement of each regular session of the board, to lay before it a statement prepared by him of the aggregate amount of allowance against each fund, and of salaries and liabilities fixed by law, paid or payable therefrom since the beginning of the fiscal year, together with a statement of receipts of each fund for that portion of the year already elapsed, and an exact estimate of the revenue for the remainder of the year apportioned to the different funds, based upon the receipts for the corresponding portion of the preceding year. Whenever the board shall have levied the State and county tax for the fiscal year, the auditor's estimate for the remainder of the year shall, as to receipts from property tax, be based upon the assessment roll and tax levy, deducting 10 per cent for the anticipated delinquencies.]

Any debts or liabilities contracted in any manner or for any purpose and any allowances made contrary to the provisions of this section shall be null and void and the auditor shall not draw his warrant therefor nor the treasurer pay the same.

When several allowances are made on the same day, they shall be deemed to have been made in the order in which they are entered in the "allowance book," and shall be certified in that order by the auditor."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

RESOLUTIONS

The following resolutions were offered:

By Senator Powers:

Senate Resolution No. 79

Resolved, That the following named person be and he is hereby appointed to the position hereinafter set forth as provided by law with the compensation set opposite his name, beginning Thursday, March 29, 1945, and the Controller is hereby directed to draw his warrants in favor of the respective person for the respective amount, and the Treasurer is hereby directed to pay the same.

	Per day
Peter Rowland, page	$3 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—26.
NOES—None.

By Senator Powers:

Senate Resolution No. 80

Resolved, That the following named persons be stricken from the list of Senate Attaches, and that their names be stricken from the pay roll of the Senate, to take effect on completion of work March 30, 1945.

	Per day
David Whiting, page	$3 00
Robert Sweeny, page	3 00
Robert Bromley, page	3 00
Philip L. Sheehan, page	3 00
John P. Redwine, page	3 00
David T. Day, page	3 00
Jack Quinn, page	3 00
Dick Salsman, page	3 00
Howard Greenberg, page	3 00
Leo McMillan, page	3 00
Peter Rowland, page	3 00

Resolution read, and, on motion of Senator Powers, adopted.

CONSIDERATION OF DAILY FILE

CONSIDERATION OF MOTION TO RECONSIDER

Senate Bill No. 989—An act to add Section 7.6 to the Unemployment Insurance Act, relating to excluded employments under said act.

Postponement of Reconsideration

Senator Desmond moved that the consideration of Senator Jespersen's motion, to reconsider the vote whereby Senate Bill No. 989 was passed, be continued to the next legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

SECOND READING OF SENATE BILLS

Senate Bill No. 818—An act to add Section 8723 to the Water Code, relating to approval by the Reclamation Board of plans of reclamation and other works along or near the Sacramento and San Joaquin Rivers, pertaining to refusal of approval of such plans.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1257—An act to create a flood control district to be called San Diego County Flood Control District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds,

and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 463—An act to amend Section 20083 of and to add to Article 5 of Chapter 1 of Division 10 of the Water Code new Sections 20084, 20085, 20086 and 20087, relating to supervision of districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 464—An act to add new Sections 20051, 20052 and 20053 to Article 3 of Chapter 1 of Division 10 of the Water Code, relating to revocation of bond approval.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 466—An act to amend Section 20003 of and to repeal Chapter 2 of Division 10 of the Water Code, relating to the financial supervision of irrigation and other public districts.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Water Resources:

Amendment No. 1

On page 1, line 5, of the printed bill, before "utility district", insert "public".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

Senate Bill No. 465—An act to add a new Section 20033 to Article 2 of Chapter 1 of Division 10 of the Water Code, relating to revocation of orders and reports.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Water Resources:

Amendment No. 1

On page 1, line 6, of the printed bill, after "warrant", insert "amendment or".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 816—An act to add Section 8772 to the Water Code, relating to assessments of the Sacramento and San Joaquin Drainage District now outstanding on lands in public ownership.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

On page 1, line 5, of the printed bill, after "assessed and owned by the", insert "United States,".

Amendment No. 2

On page 1, line 8, of the printed bill, after "or districts for delinquent taxes", insert "or assessments."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 817—An act to amend Section 8710 of the Water Code, relating to approval by the Reclamation Board of plans of reclamation and other works along or near the Sacramento and San Joaquin Rivers, pertaining to definition thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

On page 1, line 4, of the printed bill, after "improvement," insert ", dredging or work", and strike out "dredging or work".

Amendment No. 2

On page 1, line 6, of said bill, after "excavation", insert "in the bed of or", and strike out "in the bed of or".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 819—An act to add Sections 8773 and 8774 to the Water Code, relating to Assessments Numbered 7 and 8 of the Sacramento and San Joaquin Drainage District.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

On page 1, line 4, of the printed bill, after "shall take no action", insert "except in accordance with a judgment of a court of competent jurisdiction".

Amendment No. 2

On page 1, line 8, of the printed bill, strike out "and after January 1, 1947", and insert "and after June 30, 1948".

Amendment No. 3

On page 1, line 14, of the printed bill, after "shall take no action", insert "except in accordance with a judgment of a court of competent jurisdiction".

Amendment No. 4

On page 1, line 18, of the printed bill, strike out "and after January 1, 1947", and insert "and after June 30, 1948".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 413—An act to amend Sections 427, 428, and 990 of the Fish and Game Code, relating to hunting and fishing, and the issuance of licenses therefor.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 206—An act to amend Sections 651.6 and 651.7 of, and to add Section 651.8 to, the Fish and Game Code, relating to salmon.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 648—An act to amend Section 656.5 of the Fish and Game Code, relating to salmon.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 158—An act to amend Section 1340.6 of the Fish and Game Code, relating to bear.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "15th", and insert "16th".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 362—An act to amend Sections 1272, 1273, and 1274 of the Fish and Game Code, relating to deer.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 10, of the printed bill, strike out "23", and insert "in those portions of Plumas, Sierra, Nevada, Placer, Eldorado and Alpine Counties lying easterly of the following boundaries: From the common boundary of the counties of Lassen and Plumas in S. 12, T. 28 N., R. 11 E., M. D. B. & M., and the intersection of Diamond Mountain Motor Way, southerly on said Motor Way to its intersection with the Lights Creek-Boulder Creek Road in S. 2, T. 27 N., R 11 E.; thence southerly on said Lights Creek-Boulder Creek Road to its intersection with the Indian Creek Road in S. 22, T. 27 N., R. 12 E.; thence southerly on said Indian Creek Road to the town of Genesee; thence southerly on the Walker Mine Road to its junction with State Highway No. 24 in S. 28, T. 23 N., R. 14 E.; thence easterly on said State Highway No. 24 to its intersection with the Beckworth-Calpine Road; thence southerly along said Beckworth-Calpine Road to its intersection with State Highway No. 89 in the town of Sattley; thence southerly on said State Highway No. 89 through Sierraville, Hobart Mills, Truckee, Tahoe City, Meeks Bay and Meyer to its junction with State Highway No. 88 in S. 25, T. 11 N., R. 18 E.; thence easterly on said State Highway No. 88 to its junction with State Highway No. 4 in the town of Woodfords; thence southerly on said State Highway No. 4 to the summit (Ebbett's Pass) in S. 17, T. 8 N., R. 9 E.; thence southerly along the boundary of the U. S. Mono National Forest to the common boundaries of the counties of Alpine and Mono in S. 19, T. 6 N., R. 21 E."

Amendment No. 2

On page 1, line 11, of said bill, strike out "23", and insert "in the above-described area".

Amendment No. 3

On page 1, line 14, of said bill, strike out "23", and insert "in the above described area".

Amendment No. 4

On page 1 of said bill, strike out lines 16 to 24, inclusive.

Amendment No. 5

On page 1, line 26, of said bill, strike out "23", and insert "as described in Section 1272".

Amendment No. 6

On page 1, line 28, of said bill, strike out "23", and insert "as described in Section 1272".

Amendment No. 7

On page 1, line 32, of said bill, strike out "23", and insert "as described in Section 1272".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 645—An act to amend Section 163 of the Fish and Game Code, relating to game refuges.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

In line 1 of the title of the printed bill, after "of", insert ", and to add Section 250.1 to,".

Amendment No. 2

On page 1 of said bill, strike out lines 3 to 7, inclusive, and insert

"163. The following shall constitute Fish and Game District 4 D: All that area lying in Riverside County within the following boundaries: Beginning at the intersection of Aqua Alta Canyon with the east line of Sec. 29, T. 7 S., R. 7 E., thence following said canyon in a westerly and northerly direction to the summit of Martinez Mountain, thence northwesterly along the divide between Horsethief Creek and Guadalupe Creek to the summit of Sheep Mountain; thence westerly along a line connecting the summits of Sheep Mountain and Sugarloaf Mountain to the summit of Sugarloaf Mountain; thence northerly and westerly along the divide to Asbestos Mountain and the intersection of the southerly line of Sec. 22, T. 6 S., R. 5 E. thence westerly along the south line of Secs. 22, 21, 20 and 19 to the southwest corner of Sec. 19 of said township and range; thence northerly along the range line between T. 6 S., R. 4 and 5 E. to the south township line of T. 5 S., R. 5 E., thence westerly along said township line to the southwest corner of said township; thence northerly along the range line between T. 5 S., R. 4 and 5 E. to the northwest corner of Sec. 19, T. 5 S., R. 5 E., thence easterly along the north line of Secs. 19 to 24 inclusive to the range line between T. 5 S., R. 5 and 6 E., thence southerly along said range line to the southerly line of T. 5 S., R. 6 E., thence easterly along said southerly line to the northeast corner of Sec. 2, T. 6 S., R. 6 E., thence southerly along the east line of Secs. 2 and 11 to the southeast corner of Sec. 11, T. 6 S., R. 6 E., thence easterly along the south line of Sec. 12, T. 6 S., R. 6 E. and Sec. 7, T. 6 S., R. 7 E. to the southeast corner of Sec. 7, thence southerly along the east line of Secs. 18, 19, 30 and 31 to the south line of T. 6 S., R. 7 E. thence easterly along said south line to the northeast corner of Sec. 5, T. 7 S., R. 7 E., thence southerly along the east lines of Secs. 5, 8, 17, 20, and 29 to the place of beginning, all referred to S. B. B. & M.

SEC. 2. Section 250.1 is added to said code, to read:

250.1. No provision of this code or any other statute which permits, or authorizes the commission to permit, the taking of birds or mammals, other than predatory mammals, in any district, refuge, or other area shall be construed to apply to Districts 4 D and 4 G. No bird or mammal, other than predatory mammals, may be taken in said districts except pursuant to an act of the Legislature specifically referring to such districts."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

Senate Bill No. 402—An act to add Sections 796.3, 796.4, 796.5, 796.8 and 796.9 to the Agricultural Code, relating to citrus fruits.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 2, line 39, of the printed bill, as amended, strike out "2,840", and insert "2.840".

Amendment read and adopted.
Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 405—An act to amend Sections 911.23, 912, 914, 915, 915.5, 917, 919 of, and to add Section 915.1 to, the Agricultural Code, relating to seeds.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 19, of the printed bill, insert "Russian thistle (Salsela Kali)."

Amendment No. 2

On page 1 of the printed bill, strike out lines 33 and 34, and insert "(1) (a) Commonly accepted name, or (b) kind and variety, or (c) kind and type, of each agricultural seed".

Amendment No. 3

On page 3, line 49, of the printed bill, after "giving", strike out "kind", and insert "commonly accepted name".

Amendment No. 4

On page 4, line 10, of the printed bill, strike out "914", and insert "917".

Amendments read and adopted.
Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 444—An act to add Section 92.8 to the Agricultural Code, relating to district agricultural associations.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 8, of the printed bill, strike out ".", and insert "or reined cow horse contest.".

Amendment read and adopted.
Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 618—An act to add Section 87.5 to the Agricultural Code, relating to the construction of buildings as war memorials jointly by District Agricultural Associations and counties.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 13, of the printed bill, strike out "The agreement authorized in subdivision (b) may pro-"; and strike out lines 14 to 16, inclusive, and insert "Any

construction work done pursuant to any such agreement shall be performed in accordance with and subject to the provisions of the State Contract Act."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1193—An act to add Article 3, comprising Section 96, to Chapter 3, Division 1, of the Agricultural Code, relating to county fairs.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 8, of the printed bill, after "authority", insert ": (a)".

Amendment No. 2

On page 1, line 23, of said bill, strike out the period, and insert "; (b) to rent or permit the use of its premises for the holding of sales or auctions of cattle or other livestock or for other purposes beneficial to the agricultural industry."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1195—An act to amend Sections 5154 of the Public Resources Code, relating to use of parks and fair grounds for and expenditures for and revenues from fairs and expositions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, strike out line 15, and insert "such sum of money it deems necessary to be".

Amendment No. 2

On page 1, line 16, of said bill, after "for", insert "advertising or".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 387—An act to amend Section 796.2 of the Agricultural Code, relating to citrus fruits.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, between lines 16 and 17, of the printed bill, insert

"The provisions of this section shall not apply to such fruit shipped to points within this State until after December 1, 1945."

Amendment No. 2

On page 1 of said bill, strike out lines 25 to 31 and insert "exceed 15 pounds, or (3) the sale or marketing of oranges, grapefruit or lemons direct to the consumer or the transportation thereof after such sale or marketing to the consumer.

Inasmuch as packing facilities are generally unavailable in counties producing small quantities of citrus fruits, the provisions of this section requiring packing of citrus fruits, in so far as such provisions apply to intrastate shipments, shall not apply to such fruit produced in any county in which there is less than 750 acres of bearing citrus

fruit trees. The acreage shown in the "Acreage Estimates California Fruit and Nut Crops" as published from time to time by the California Crop and Livestock Reporting Service, United States Department of Agriculture, Bureau of Agricultural Economics, in cooperation with the State Department of Agriculture, shall be prima facie evidence of acreage of bearing citrus fruit trees in each county."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 443—An act to add Section 92.7 to the Agricultural Code, relating to agricultural fairs.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture.

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "cause to be transferred", and insert "advance".

Amendment No. 2

On page 1, line 10, of said bill, after "association", insert ", in accordance with law".

Amendment No. 3

On page 1 of said bill, strike out line 11 and insert "general expense, including insurance, and operation and management of the association. The money so advanced may be deposited in the district fund."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 751—An act to add Article 4 to Part 9, Chapter 2, comprising Sections 4920 to 4925, inclusive, of the Revenue and Taxation Code, relating to real property taxation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 1 of the printed bill, strike out lines 7 to 16, inclusive, and insert

"4920. This article shall be applicable only if all of the following are true:

(a) By substantial evidence a redemptioner convinces the redemption officer that money paid by him in redemption of any property or for the use of any property pursuant to Chapter 3 of Part 7 of this division was intended by him to be paid in connection with any other property.

(b) The right of redemption has not terminated on the property in connection with which the payment was intended.

(c) One year has not elapsed since the date of the payment.

(d) A guarantee or certificate of title has not issued on the property in connection with which the payment was credited.

When all the foregoing are true, the redemption officer may transfer the payment to the property in connection with which the payment was intended, and in case the payment caused the redemption of the property in connection with which the payment was not intended, cancel the redemption of that property."

Amendment No. 2

On page 1, line 18, of said bill, strike out "cancellation voucher", and insert "statement".

Amendment No. 3

On page 1, line 24, of said bill, strike out "unintended property", an insert "property in connection with which payment may be transferred pursuant to this article,".

Amendment No. 4

On page 2, line 4, strike out "unintended property", and insert "property in connection with which payment may be transferred pursuant to this article".

Amendment No. 5

On page 2, line 8, of said bill, strike out "transfer", and insert "matter".

Amendment No. 6

On page 2, line 10, of said bill, after "intended", and before the comma insert "or less than the amount required to be paid for the use of the property pursuant to Chapter 3 of Part 7 of this division".

Amendment No. 7

On page 2, line 14, of said bill, after "intended", insert "or more than the amount required to be paid for the use of the property pursuant to Chapter 3 of Part 7 of this division".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 796—An act to add Sections 3511.4 and 4339 to the Revenue and Taxation Code, relating to redemption.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 2 of the title of the printed bill, after "redemption", insert "of tax deeded property".

Amendment No. 2

On page 1 of said bill, strike out lines 3 to 6, inclusive, and insert

"3511.4. The operation of Sections 3511.3, 3571, 3571.3, 3571.5, 3572, 3573, 3574, 3575, 3576, 3577 and 3578 of this code shall be postponed and suspended, both insofar as their past operation as well as their future operation.

If any conflicting provisions are enacted at the Fifty-sixth Regular Session of the Legislature the Legislature hereby declares that it intends this section to be controlling over the conflicting provisions.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever last occurs.

While this section is in effect it shall postpone and suspend the operation of the sections heretofore enumerated, but those sections are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendment No. 3

On page 1, line 8, of said bill, after "4339.", insert "Notwithstanding Section 4337,".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 12—An act to add Section 6365 to Part 1 of Division 2 of the Revenue and Taxation Code, relating to exemption from taxation under the Sales and Use Tax Law.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 313—An act to add Section 705.5 to the Vehicle Code, relating to transportation of saw logs.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "the distance between the last axle of a 3-axle tractor," and insert "the transportation of a single saw log, which does not exceed 96 inches in diameter or 20 feet six inches in length, regardless of weight. Such log may be hauled on a combination of vehicles consisting of a three-axle tractor and a two-axle semi-trailer, and when so transported said vehicle shall not be operated over any bridge or causeway at a speed of more than 15 miles per hour or on the highway at more than 35 miles per hour."

Amendment No. 2

On page 1 of said bill, strike out lines 6 to 12, inclusive, and insert

"This section shall remain in effect until the ninety-first day after the final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect, it shall supersede Section 705, subdivision (b), of this code; but Section 705, subdivision (b), is not repealed by this section and after this section is no longer effective, Section 705, subdivision (b), shall have the same force as though this section had not been enacted."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1260—An act granting certain lands, tidelands and submerged lands of the State of California to the City of San Diego upon certain trusts and conditions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 2, line 31, of the printed bill, strike out "residential".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 43—An act to amend Section 511.4 of, and to add Section 511.6 to the Vehicle Code, relating to regulation of the speed of vehicles.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 310—An act declaring portions of the lands conveyed to the City of San Diego by an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the City of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and excluding such portions from use for navigation, commerce and fisheries, and authorizing the use of said portions of said lands by the State of California for the erection thereon of a State building.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 902—An act to amend Section 8.8 of the California Toll Bridge Authority Act, relating to the use of toll bridges or other toll highway crossings on a credit basis.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 766—An act to amend Section 1705 of the Harbors and Navigation Code, relating to officers and employees of the Board of State Harbor Commissioners for San Francisco Harbor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 1705 of", and insert "Sections 1700, 1705, 1730, 1732, and 1733 of, add Sections 1732.5, 1732.6, and 1732.7 to, and repeal Sections 1710 and 1731 of".

Amendment No. 2

On page 1 of said bill, between the enacting clause and line 1, insert

"SECTION 1. Section 1700 of the Harbors and Navigation Code is amended to read:

1700. There is in the State Government a Board of State Harbor Commissioners for San Francisco Harbor, consisting of three commissioners. This board is the successor to all previous Boards of State Harbor Commissioners for San Francisco Harbor. The commissioners shall hold office at the pleasure of the Governor *and until the appointment and qualification of their successors.*

All vacancies on the board shall be filled by appointment by the Governor. When an appointment of a successor to any commissioner is made by the Governor, it is valid, subject to the consent of the Senate at its next regular session. Until such session the person appointed has the same authority as if his appointment had been confirmed by the Senate."

Amendment No. 3

On page 1, line 1, of said bill, strike out "SECTION 1.", and insert

"SEC. 2."

Amendment No. 4

On page 1 of said bill, strike out lines 8 to 16, inclusive, and insert "The board shall fix the compensation of its officers and employees other than the commissioners."

Amendment No. 5

On page 1 of said bill, after line 25, insert:

"SEC. 3. Section 1730 of the Harbors and Navigation Code is amended to read:

1730. The board shall organize by electing one of its members president. He shall preside at its meetings[, supervise the official conduct of its officers and employees, especially in the collection, custody, and disbursement of the revenues, and shall require all the books, papers, and accounts to be accurately kept in proper form, and require the provisions of law and the regulations of the board to be enforced and observed]. He may administer official oaths to the officers and employees of the board, except the other commissioners, and to all other persons in relation to the business of the board.

SEC. 4. Section 1732 of the Harbors and Navigation Code is amended to read:

1732. The board shall appoint the following officers: A *port manager, a* secretary *and administrative assistant*, an assistant secretary, [an attorney,] a chief wharfinger, [and] any necessary number of wharfingers and collectors. *and such other officers as it finds necessary. It may appoint and employ such other technical, administrative, clerical and other necessary assistants and employees as it finds necessary to the performance of its functions and duties.*

SEC. 5. Section 1732.5 is added to the Harbors and Navigation Code, to read:

1732.5. The board shall generally supervise the operation of facilities and properties of the State of California under its possession and control, particularly the dock system, and the State Belt Railway.

SEC. 6. Section 1732.6 is added to the Harbors and Navigation Code, to read:

1732.6. The annual salary of the port manager is twelve thousand dollars ($12,000). As such port manager his position is confidential to the board within the meaning of Paragraph (5), subdivision (a), Section 4 of Article XXIV of the Constitution and he is therefore exempt from civil service laws. Before entering upon the duties of his office, he shall give an official bond in the sum of fifty thousand dollars ($50,000), and shall take and subscribe an official oath. The bond, if satis-

factory, shall be approved by the board, by written endorsement thereon, and filed with his oath in the office of the Secretary of State.

SEC. 7. Section 1732.7 is added to the Harbors and Navigation Code, to read:

1732.7. The port manager is the executive officer of the board. Subject to the direction and control of the board, and on its behalf, he shall:

(a) Supervise the conduct of the officers and employees of the board other than the commissioners.

(b) Execute and enforce the laws governing the operation and business of the harbor, and the tariffs, rules, and regulations promulgated by the board thereunder.

(c) Subject to Section 1990 execute contracts and agreements, assignments, leases, and other documents necessary or convenient to the transaction of the business of the harbor and the operation of the properties and facilities in the possession and control of the board.

(d) Perform such duties and exercise such functions as are prescribed by the board.

(e) Except as provided by Sections 1732 and 1740, appoint, subject to the State Civil Service Act, such assistants and other employees as are necessary for the administration of the affairs of the board, prescribe their duties, fix salaries, and require them to execute to the State such official bonds as seem advisable.

(f) Manage the dock system, the State Belt Railway and all other departments of the harbor business.

SEC. 8. Section 1733 of the Harbors and Navigation Code is amended to read:

1733. The secretary *and administrative assistant* shall keep the office of the board open every day, legal holidays excepted, [from nine a.m. till four p.m.] *during the hours when State offices are required by law to be open and during other hours if the board so directs. He shall be assistant to the port manager.* He shall safely keep and is responsible for all moneys paid into the office[,] and for all the books and papers of the board. He shall attend meetings of the board and keep a perfect record of its proceedings[,] with the names of the commissioners present.

He shall keep in proper books an account of all money received and paid pursuant to this part[, and on or before the fifth day of each month, send to the State Controller a statement thereof for the preceding month, under oath, showing the sources from which money was received, and the purposes for which paid, and he shall also report to the Controller the amount paid to the State Treasurer for the month covered by the statement.].

He shall record, at length, all contracts and agreements made by the board, and keep a record of all personal property purchased, and its cost; and if any is sold, the name of the purchaser, date of sale, and the price received.

Before entering on the duties of his office, he shall give an official bond in the sum of fifty thousand dollars ($50,000), and take and subscribe an official oath. The bond, if satisfactory, shall be approved by the board, by written endorsement thereon, and filed with his oath in the office of the Secretary of State.

SEC. 9. Sections 1710 and 1731 of the Harbors and Navigation Code are repealed."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 770—An act to amend Section 1902, and to repeal Section 1903, of the Harbors and Navigation Code, both relating to the insuring of property under the jurisdiction and control of the State Board of Harbor Commissioners for San Francisco Harbor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 4 of the title of the printed bill, strike out "State Board of", and insert "Board of State".

Amendment No. 2

On page 1, line 7, of said bill, after "property", insert "or operations".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 771—An act to add Section 1912 to the Harbors and Navigation Code, relating to regulation of traffic upon property and thoroughfares under the control and jurisdiction of the Board of State Harbor Commissioners for San Francisco Harbor and making an appropriation, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 4, of the printed bill, after "animal", insert a comma.

Amendment No. 2

On page 1, line 5, of the printed bill, after "unattended", insert a comma.

Amendment No. 3

On page 1, line 7, of the printed bill, after "or", insert the following "upon any".

Amendment No. 4

On page 1, line 13, of the printed bill, after "officer", insert the following "or officer or employee authorized thereto by the board".

Amendment No. 5

On page 1, line 15, of the printed bill, after "officer", insert "or authorized employee".

Amendment No. 6

On page 1, line 22, of the printed bill, after "with", insert "the".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 772—An act to add Section 1913 to the Harbors and Navigation Code, relating to refunds for erroneous charges in connection with activities under the jurisdiction and control of the State Board of Harbor Commissioners for San Francisco Harbor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In lines 3 and 4 of the title of the printed bill, strike out "State Board of", and insert "Board of State".

Amendment No. 2

On page 1 of said bill, strike out lines 3 to 10, inclusive, and insert

"1913. Whenever the board, pursuant to authority conferred by this code:

(1) Makes any charge of any nature for service or for use of any property or any facility under its possession and control, and such charge is erroneously computed, or the service or a portion thereof is not rendered, or the property or facility is not used, or is used in a manner which under the tariff, rules, or regulations of the board calls for a lower charge than made, or

(2) Requires a deposit as a condition of rendition of any service or use of any property or facility in its possession and control, and it desires to refund the excess of such deposit over any amount owing to the State, or which will amply secure the State, for such service or use, the excess of such charge over the proper charge, or such excess of the deposit, may be refunded by the board."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 773—An act to amend Sections 1970 and 1971 of the Harbors and Navigation Code, relating to the powers of the Board of State Harbor Commissioners for San Francisco Harbor with respect to property, under the control and jurisdiction of said board, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 11, of the printed bill, after the period, insert "The term of such a lease or any renewal thereof shall not extend beyond the period of one year immediately succeeding the cessation of hostilities."

Amendment No. 2

On page 1, line 24, of the printed bill, strike out "Any"; on page 2, strike out line 25; and strike out lines 1 to 3, inclusive.

Amendment No. 3

On page 2, line 10, of the printed bill, after "may", insert a comma and "subject to Section 1970,".

Amendment No. 4

On page 2, line 12, of the printed bill, after "property", insert a comma and "or any part thereof,".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 774—An act to add Section 1971.1 to the Harbors and Navigation Code, relating to leasing to the United States of America, or any department thereof, of certain described property by the Board of State Harbor Commissioners for San Francisco Harbor, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 2, line 5, of the printed bill, after "Germany", strike out the comma; and strike out "Italy,".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 775—An act to amend Section 1990 of the Harbors and Navigation Code, relating to the signing and countersigning of contracts of the Board of State Harbor Commissioners for San Francisco Harbor.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 6, of the printed bill, after "secretary" insert "or assistant secretary".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 777—An act to amend Sections 2050, 2072 and 2402 of the Harbors and Navigation Code, relating to publication of notices in connection with construction work or leasing of property.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 8 of the printed bill, strike out "during a period not less"; and in line 9 strike out "than 10 days,".

Amendment No. 2

In line 10 of the printed bill, after the period insert "Such advertisement shall be published in at least three successive issues of each such newspaper, commencing not less than 10 calendar days before the day specified in the advertisement for the opening of bids."

Amendment No. 3

In line 16 of the printed bill, strike out "for at least 10 days.", and insert a period, and "Such advertisement shall be published in at least three successive issues of each such paper, commencing not less than 10 calendar days before the day specified in the advertisement for the reception of bids."

Amendment No. 4

In line 26 of the printed bill, strike out "for at least 10"; and in line 27 strike out "days.", and insert a period and "Such notice shall be published in at least three successive issues of each such paper, commencing not less than 10 calendar days before the day specified in the notice for the reception of bids."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 779—An act to amend Section 3081, and to repeal Sections 3083 and 3085, of the Harbors and Navigation Code, relating to certain tolls and charges.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 1 of the printed bill, strike out line 4, and insert "or thoroughfare, and any vessel which moors in any slip, dock, basin, channel, or canal within the jurisdiction of the board,".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 780—An act to add Section 3202 to the Harbors and Navigation Code, relating to injury to property under the jurisdiction and control of the State Board of Harbor Commissioners for San Francisco Harbor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 3 of the title of the printed bill, strike out "State Board of", and insert "Board of State".

Amendment No. 2

On page 1, line 7, of said bill, strike out "or tend".

Amendment No. 3

On page 1, line 9, of said bill, after "waters," insert "waterways,".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Chief Assistant Secretary Cleve V. Taylor at the Desk

THIRD READING OF SENATE BILLS

Senate Bill No. 132—An act to add Section 6359.5 to the Revenue and Taxation Code, relating to the sales and use taxes and exemptions therefrom, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, DeLap, Desmond, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Ward, and Weybret—27.

NOES—Senators Collier, Deuel, Dillinger, Mayo, Rich, Shelley, and Swing—7.

Bill ordered transmitted to the Assembly.

Senate Bill No. 906—An act to amend Section 368 of the Agricultural Code, relating to transportation license fee and penalty.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 62—An act to add Section 18679.5 to the Business and Professions Code, relating to the regulation of boxing and wrestling.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 72—An act to add Section 541.1 to the Probate Code and to amend Section 51 of the Bank Act, relating to the deposit of money or securities of decedents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—Senator Cunningham—1.

Motion to Amend Title

Senator Salsman moved the adoption of the following amendment:

Amendment No. 1

In line 3, of the title of the printed bill, as amended, after "of", insert "estates of".

Amendment read, and adopted.

Senate Bill No. 72 ordered reprinted, and transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 3.40 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Senate Bill No. 461—An act to amend Section 315 of the Code of Civil Procedure, relating to the time of commencing civil actions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 139—An act to amend an act entitled "An act relating to the rights, powers, and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and adopted and approved by the electors of the State of California, November 2, 1920, as amended, by amending Sections 7, 7.5, 8 and 9, relating to the escheat of property acquired in violation of the act, the duties of the Attorney General and of district attorneys and county counsels in enforcing the provisions of the act, the sale of real property acquired by the State under the act and the disposition of the proceeds thereof, and the burden of proof in certain instances; and declaring that this act shall take effect immediately.

Motion to Refer Bill to Inactive File

Senator Donnelly moved that Senate Bill No. 139 be placed on the inactive file.

Motion carried.

Senate Bill No. 237—An act to add Section 301 to the Military and Veterans Code, relating to the granting of honorable discharges and service medals to members of the military forces of the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse,

Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.
NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Senate Bill No. 407—An act to add Section 1225 to the Government Code, relating to and prohibiting conscientious objectors from holding public office.

Bill read third time.

Motion to Continue on File

Senator Fletcher moved that Senate Bill No. 407 be continued on file until an opinion from the Attorney General can be obtained, as to whether the bill is constitutional.

Motion to Lay on Table

Senator Mayo moved that the motion by Senator Fletcher to continue Senate Bill No. 407 on file, pending an opinion from the Attorney General, be laid on the table.

Motion carried.

Motion to Place on Inactive File

Senator Fletcher moved that Senate Bill No. 407 be placed on the inactive file until an opinion from the Legislative Counsel can be obtained as to whether it is constitutional.

Motion to Lay on Table

Senator Hatfield moved that the motion by Senator Fletcher to place Senate Bill No. 407 on the inactive file, pending an opinion from the Legislative Counsel, be laid on the table.

Motion carried.

PREVIOUS QUESTION

Senator Collier moved the previous question.

Motion carried.

The question being on the final passage of Senate Bill No. 407.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—Senators Carter, Crittenden, DeLap, Hatfield, and Shelley—5.

Bill ordered transmitted to the Assembly.

Senate Bill No. 198—An act to create a medical center under the judisdiction of the Department of Corrections, providing for its construction, management, operation and administration, specifying the types of persons who may be confined therein, providing for the transfer thereto and retransfer therefrom of persons under the custody of the Director of Corrections and of the Youth Authority, by amending Section 5003 of and adding Chapter 8 to Title 7 of Part 3 and repealing

Sections 2680-2683 of the Penal Code, relating to the establishment of a psychopathic hospital for prisoners.

Bill read third time.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

Amendment No. 1

In lines 8 and 9 of the title of the printed bill, strike out "Sections 2680-2683 of the Penal Code, relating to", and insert "Sections 2680, 2681 and 2682 of the Penal Code, relating to institutions under the jurisdiction of the Department of Corrections and providing for".

Amendment No. 2

On page 2, line 3, of said bill, strike out "Director", and insert "Department".

Amendment No. 3

On page 2, line 38, of said bill, strike out "2682, and 2683", and insert "and 2682".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 952

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 32

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 32—Relative to changing the method of selecting the Poet Laureate of California.

Referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 608
Assembly Bill No. 942
Assembly Bill No. 1034
Assembly Bill No. 1283
Assembly Bill No. 1285

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 608—An act to amend Sections 1101, 1101.1, 1102, 1103, 1103.1, 1104.1, 1105.3, 1106.2 and 1107 of, and to renumber Sections 1105.4, 1103.4, 1105.5, 1105.6, 1105.7, 1105.8 and 1105.9 of, to be

Sections 1103.2, 1103.5, 1105.4, 1105.5, 1105.6, 1105.7 and 1105.8 of, and to amend and renumber Sections 1102.2, 1102.1, 1103.2, and 1103.3 of, to be Sections 1102.1, 1102.2, 1103.3 and 1103.4 of, and to add Sections 1102.3, 1102.4, 1103.05 and 1108.1 to, and to repeal Section 1105.4 of, the Agricultural Code, relating to eggs.

Referred to Committee on Agriculture.

Assembly Bill No. 942—An act to amend Section 788 of the Probate Code, relating to the sale of real property in probate.

Referred to Committee on Judiciary.

Assembly Bill No. 1034—An act to amend Sections 1300.10, 1300.11, 1300.12, 1300.13, 1300.14, 1300.15, 1300.16, 1300.17, 1300.19 of the Agricultural Code, relating to the marketing of agricultural products, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Agriculture.

Assembly Bill No. 1283—An act to amend Section 1346 of the Fish and Game Code, relating to antelope.

Referred to Committee on Fish and Game.

Assembly Bill No. 1285—An act to amend Section 375 and 378 of the Fish and Game Code, relating to Federal acquisition of lands.

Referred to Committee on Fish and Game.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 397

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 397—An act to add Article 1 to, and an article heading for Article 2 of, Chapter 2 of Division 1 and to repeal Sections 629, 630, 631, 1156, 1157, and 1158 of the Fish and Game Code, relating to the regulation of the taking of fish and game.

Referred to Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES

Committee on Education

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 261
Senate Bill No. 486

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 92
Assembly Bill No. 428

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 1044
Assembly Bill No. 1488
Assembly Bill No. 1489
Assembly Bill No. 1491
Assembly Bill No. 1492

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 1031

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bill ordered re-referred to Committee on Finance.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 984

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 9.

DELAP, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 829

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 802

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 167

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 431

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 4.35 p.m., on motion of Senator Collier, the President declared the Senate adjourned until 10 a.m., Friday, March 30, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

THIRTY-SIXTH LEGISLATIVE DAY
EIGHTY-SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Friday, March 30, 1945

The Senate met at 10 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Jespersen, on motion of Senator Seawell, due to legislative business.

Senator Collier, on motion of Senator Seawell, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Fletcher and Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Adam Castillo, President, Mission Indian Federation, William Green Walker, Mrs. Mary Frost, Alice E. Ainsworth, Martha E. Le May, Manuel C. Cordova, Edward C. Steele, Clewe Rey, Steven Smith, Jr., Margaret Bovelot, William B. Steele, Alfred Elgin, Alex Bateman, Harman James, and Purl Willis, Counselor, Mission Indian Federation.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Mary Catherine Taylor of San Diego, granddaughter of Senator Fletcher.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Frank Potter and Mrs. Margaret Struhs of Hollywood, Mrs. Roberta Ericson of Contra Costa County, and Agnes Booe of Diablo.

On request of Senator Hulse, the privilege of the floor of the Senate for this day was unanimously extended to Donna Kay Thompson of Sacramento.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ralph Dow of San Jose.

RECESS

At 10.06 a.m., on motion of Senator Brown, the Senate recessed to hear the remarks of Mr. Jack Kenny of Shoshone, California.

REASSEMBLED

At 10.12 a.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Chief Assistant Secretary Cleve V. Taylor at the Desk

MOTION TO PRINT

Senator Hatfield moved that the following report of Postwar Employment Reserve Estimated Income and Allocation, be printed in the Journal.

Motion carried.

POSTWAR EMPLOYMENT RESERVE

Estimated Income		
20 per cent of retail sales tax to June 30, 1945		$55,020,000 00
10 per cent of bank and corporation franchise and income taxes to December 31, 1945		15,860,000 00
Added by Special Session of Legislature—June, 1944		75,000,000 00
Total Available		$145,880,000 00
Appropriated from reserve—		
Preparation of plans—		
Miscellaneous State Institutions	$3,250,000 00	
University of California	1,100,000 00	4,350,000 00
Balance		$141,530,000 00

Tentative Program to Provide State Agency Needs to 1950

Buildings—	*Suggested Programs as Proposed June, 1944*	*Suggested Program as Revised January, 1945*	*Total Needs Submitted by State Agencies*
Department of Institutions	$40,000,000 00	$40,000,000 00	$64,000,000 00
State colleges—Education	11,000,000 00	11,000,000 00	17,500,000 00
University of California	24,500,000 00	24,500,000 00	47,000,000 00
Department of Corrections	9,000,000 00*	17,000,000 00	23,000,000 00
California Youth Authority		4,300,000 00	6,000,000 00
Veterans' Home	1,600,000 00**	1,600,000 00	3,600,000 00***
State Agricultural Society	1,600,000 00	1,600,000 00	3,400,000 00
State Capitol and office buildings	9,000,000 00	10,000,000 00	12,000,000 00
Department of Natural Resources—Division of Forestry		2,500,000 00	12,000,000 00
Department of Agriculture		300,000 00	600,000 00
Department of Motor Vehicles		2,500,000 00‡	5,000,000 00
Miscellaneous Maintenance	4,000,000 00	3,000,000 00	5,000,000 00
Subtotal, buildings	$100,700,000 00	$118,300,000 00	$199,100,000 00
25 per cent of building costs necessary to meet anticipated new cost levels		30,000,000 00	50,000,000 00
Flood Control	25,000,000 00	25,000,000 00	43,000,000 00
Grand Totals	$125,700,000 00	$173,300,000 00	$292,100,000 00
Available in fund		141,530,000 00	
		$31,770,000 00	

* Combined Department of Corrections and Youth Authority—Estimate only, with no studied program due to changing conditions in administration of Department of Corrections.
** Allowed for 1,500 total capacity.
*** For capacity of 3,000.
‡ To be advanced as a loan and amortized by rental payments over period of years.

MOTION TO PRINT

Senator Hatfield moved that the following report of the California State Chamber of Commerce, tax department, relating to Proposed State Budget for Biennium 1945-1947 be printed in the Journal.

Motion carried.

PROPOSED STATE BUDGET FOR BIENNIUM 1945-1947—STATE OF CALIFORNIA

Compiled by California State Chamber of Commerce Tax Department—January 22, 1945

On January 22, 1945, Governor Earl Warren submitted to the California Legislature his recommended State Budget for the Biennium 1945-1947. Proposed expenditures amount to $683,710,643, of which $482,746,116 would be appropriated from the General Fund, $180,081,644 from various special funds and $20,882,883 would be provided out of postwar reserves previously established by the Legislature. General Fund revenues are estimated at $518,592,057, special fund revenues are estimated at

$191,123,808, while it is estimated that existing postwar reserves will be augmented out of earmarked revenues to the extent of $3,206,000 during the next biennium. Comparative Budget totals are shown below:

Comparative Budget Totals

General Fund	*Expenditures Biennium 1943-45*	*Proposed Budget Biennium 1945-47*
Support of State Government	$144,279,874 00	$142,466,261 00
Aid to local governments	298,976,353 00	340,279,855 00
Total General Fund	$443,256,227 00	$482,746,116 00
Special Funds—		
Support of State Government	$70,526,383 00	$103,475,583 00
Aid to local governments	70,012,715 00	76,606,061 00
Total to special funds	$140,539,098 00	$180,081,644 00
Postwar Reserves—		
Building construction	$3,551,678 00	$13,266,842 00
Debt service		7,616,041 00
Total postwar reserves	$3,551,678 00	$20,882,883 00
All State Funds—		
Support of State Government	$218,357,935 00	$266,824,727 00
Aid to local governments	368,989,068 00	416,885,916 00
Grand Totals	$587,347,003 00	$683,710,643 00

Summary of Proposed Expenditures

While the State Budget embodies a vast amount of detail covering proposed expenditures for the support of State Government and aid to local Governments, the principal objects of expenditure are set forth in the following tabulation. Of the total State Budget, $266,824,727, or 39 per cent, consists of support of State Government and $416,885,916, or 61 per cent, is made up of grants-in-aid to counties, cities and school districts. Constitutional fixed charges amount to $215,296,957, and statutory fixed charges or continuing appropriations amount to $270,498,633, leaving $197,918,053, or approximately 30 per cent, in controllable items subject to Legislative determination.

State Budget as Submitted to Legislature—Biennium 1945-1947

State Government—	*General Fund*	*Special Funds*	*Total Budget*
Departmental support	$128,261,347 00	$19,889,026 00	$148,150,373 00
Capital Outlays	3,802,498 00	17,042,537 00*	20,845,035 00
Debt service	8,152,416 00	7,616,041 00**	15,768,457 00
Highways and vehicles	--	79,810,862 00	79,810,862 00
Emergency fund	2,250,000 00	--	2,250,000 00
Total State Government	$142,466,261 00	$124,358,466 00	$266,824,727 00
Aid to Local Governments—			
Public schools	$213,458,711 00	$2,825,000 00	$216,283,711 00
Social welfare and health	119,675,144 00	--	119,675,144 00
Highways	--	46,179,967 00	46,179,967 00
Other subventions	7,146,000 00	27,601,094 00	34,747,094 00
Total aid to local governments	$340,279,855 00	$76,606,061 00	$416,885,916 00
Grand Total Budget	$482,746,116 00	$200,964,527 00	$683,710,643 00

* Includes $12,468,520 payable from Postwar Employment Reserve created out of General Fund revenues.
** Payable out of bond sinking fund created out of General Fund revenues.

Summary of Estimated Revenues

The Constitution requires the Governor to set forth in his proposed Budget an estimate of the yield of State revenues for the ensuing biennium. While existing law provides that the rates of the sales tax, use tax, franchise tax, corporation income tax and personal income tax shall be automatically restored to the levels existing prior to 1943, the Governor recommends that the rate reduction be retained for an additional two years. The following tabulation summarizes revenue estimates for the next biennium on the basis of existing tax rates:

Estimated State Revenues—Biennium 1945-1947

	General Fund	*Special Funds*	*Total Revenues*
Retail sales and use taxes	$237,000,000 00	----------	$237,000,000 00*
Bank and corporation franchise tax	93,700,000 00	$2,800,000 00**	96,500,000 00*
Personal income tax	62,000,000 00	----------	62,000,000 00*
Inheritance tax	20,000,000 00	----------	20,000,000 00
Gift tax	1,200,000 00	----------	1,200,000 00
Insurance gross premium tax	25,700,000 00	----------	25,700,000 00
Liquor tax	24,800,000 00	----------	24,800,000 00
Beverage tax	5,250,000 00	----------	5,250,000 00
Liquor licenses	6,375,000 00	6,375,000 00	12,750,000 00
Motor transportation tax	9,000,000 00	----------	9,000,000 00
Motor vehicle in lieu tax	11,413,228 00	21,586,772 00	33,000,000 00
Private car tax	900,000 00	----------	900,000 00
Motor vehicle fuel tax	----------	95,000,000 00	95,000,000 00
Use fuel tax	----------	3,680,000 00	3,680,000 00
Motor vehicle registration fees	----------	28,100,000 00	28,100,000 00
Horse racing tax	1,382,800 00	5,556,200 00	6,939,000 00
Sundry and miscellaneous sources	19,871,029 00	31,231,836 00	51,102,865 00
Grand Total Revenues	$518,592,057 00	$194,329,808 00	$712,921,865 00

* Estimated on assumption that 1943 Tax Reduction Program will be continued for an additional two years as recommended by Governor.
** Transferred to Postwar Employment reserve.

General Fund Surplus

Wartime conditions have caused state revenues to soar to unprecedented levels and to cause the accumulation of a large Treasury surplus. As of June 30, 1945, the General Fund surplus is estimated at $288,419,088, and on the basis of the Governor's recommended budget and estimated revenues, under existing tax rates, this figure is expected to rise to $306,588,146 by June 30, 1947. While $161,802,001 of this ending surplus has already been impounded by the Legislature for war and postwar purposes, the Governor recommends that an additional $119,651,490 of the excess cash in the Treasury be earmarked. Should this be done, the unrestricted balance at the end of the biennium would be $25,134,655. The beginning and ending surplus computations are shown in the following tabulations:

General Fund Surplus June 30, 1945—	
Postwar Building Reserve	$139,882,676 00
Bond Sinking Fund	14,596,208 00
War Catastrophe Fund	25,000,000 00
Unrestricted balance	108,940,204 00
Total	$288,419,088 00
General Fund Surplus June 30 1947—	
Postwar Building Reserve	$129,059,594 00
Bond Sinking Fund	7,742,407 00
War Catastrophe Fund	25,000,000 00
Unrestricted balance	144,786,145 00
Total	$306,588,146 00
Additional Earmarking Recommended by Governor—	
Postwar Building Reserve	$40,000,000 00
Unemployment Relief Reserve	50,000,000 00
Bond Redemption Reserve	11,651,490 00
Fire Insurance Reserve	3,000,000 00
Beach Acquisition Reserve	15,000,000 00
Total	$119,651,490 00
Unrestricted Surplus—June 30, 1947	$25,134,655 00

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 37

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

Above resolution ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 12
Senate Bill No. 43
Senate Bill No. 206
Senate Bill No. 310
Senate Bill No. 413
Senate Bill No. 463
Senate Bill No. 464
Senate Bill No. 648
Senate Bill No. 818
Senate Bill No. 902
Senate Bill No. 1257

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Labor

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Senate Bill No. 85

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 7; committee vote: Ayes 7.

SHELLEY, Chairman

Above reported bill ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Senate Bill No. 697

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 7; committee vote: Ayes 7.

SHELLEY, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Senate Bill No. 698

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 7.

SHELLEY, Chairman

Above reported bill ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 764
Senate Bill No. 798
Senate Bill No. 1259

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Concurrent Resolution No. 22

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Assembly Bill No. 1375

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; noes 1; absent 2.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Assembly Bill No. 1487

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 976
Senate Bill No. 358
Senate Bill No. 416
Senate Bill No. 614
Senate Bill No. 1013
Assembly Bill No. 10

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

RESOLUTIONS

The following resolution was offered:

By Committee on Rules:

Senate Resolution No. 81

Resolved, That the Controller be and he is hereby ordered and directed to draw his warrant from the Contingent Fund of the Senate in the sum of two thousand six hundred seventy-three and 21/100 dollars ($2,673.21) in favor of the Secretary of the Senate to pay the bills and for the purposes set forth below, and the Treasurer is directed to pay the same:

H. S. Crocker Co.	$ 130 11
State Department of Finance	917 06
Postage	1,594 00
W. P. Fuller Co.	1 64
Western Union	30 40
	$2,673 21

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Secretary J. A. Beek at the Desk

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:
By Senator Brown:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 30, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act making an appropriation for the contingent expenses of the Senate, without regard to fiscal years, including committee expenses, to take effect immediately.

Respectfully submitted.

SENATOR BROWN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 30, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—36.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced and read the first time:

Senate Bill No. 1264: By Senator Brown—An act making an appropriation for the contingent expenses of the Senate, without regard to fiscal years, including committee expenses, to take effect immediately.

Referred to Committee on Finance.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:
By Senator Dillinger:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 30, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act declaring the official designation of the lake commonly known as Lake Tahoe, also known as Lake Bigler, and repealing an act entitled, "An act to legalize the name of Lake Bigler," approved February 10, 1870.

Respectfully submitted.

SENATOR DILLINGER

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 30, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hulse, Judah, Keating,

Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—30.
NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1265: By Senator Dillinger—An act declaring the official designation of the lake commonly known as Lake Tahoe, also known as Lake Bigler, and repealing an act entitled, "An act to legalize the name of Lake Bigler," approved February 10, 1870.

Referred to Committee on Natural Resources.

CONSIDERATION OF DAILY FILE

CONSIDERATION OF MOTION TO RECONSIDER

Senate Bill No. 989—An act to add Section 7.6 to the Unemployment Insurance Act, relating to excluded employments under said act.

Postponement of Consideration

Senator Seawell moved that the consideration of Senator Jespersen's motion, to reconsider the vote whereby Senate Bill No. 989 was passed, be continued to the next legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—29.
NOES—None.

SECOND READING OF SENATE BILLS

Senate Bill No. 345—A bill to amend the Building and Loan Association Act by amending Section 2.04 thereof, relating to approval of articles of incorporation, Section 2.07 thereof, relating to branches, Section 3.02 thereof, relating to withdrawable shares, Section 3.03 thereof, relating to maturity of shares, Section 5.01 thereof, relating to investment certificates, Section 8.09 thereof, relating to regulation of interest and dividends and to notice of transfer or encumbrance, Section 8.10 thereof, relating to rate of return on shares and investment certificates, and Section 13.20 thereof added by an act approved May 28, 1943, by repealing Sections 5.03 and 8.09a and Section 13.20 added by an act approved May 16, 1933, and by adding to the Building and Loan Association Act a new section to be numbered Section 2.10, relating to defined net worth.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "bill", and insert "act".

Amendment No. 1.5

In the title of said bill, strike out lines 11 to 15, inclusive, and insert "approved May 28, 1943, and by repealing Section 8.09a and Section 13.20, as added by Chapter 431 of the Statutes of 1933."

Amendment No. 2

On page 4 of said bill, strike out lines 33 to 42, inclusive, and insert "unless the amount of its investment certificate reserve as defined in Section 5.03 of this act shall exceed the amount required by said Section 5.03 by the sum of twenty-five thousand dollars for each branch opened, maintained or conducted by it; and no association not issuing investment certificates shall open, maintain or conduct any such branch unless such association shall thereafter, while maintaining such branch or branches, at each apportionment of profits set aside to its loan reserve one per cent of its net profits since the last prior apportionment in addition to the amount required to be so set aside by Section 10.03 of this act, until said loan reserve shall exceed the maximum amount required by said Section 10.03 for such association by the amount".

Amendment No. 3

Strike out all of page 5, in the printed bill, and on page 6, strike out lines 1 to 3, inclusive.

Amendment No. 4

On page 6, line 4, of the printed bill, strike out "4", and insert "3".

Amendment No. 5

On page 6, line 38, of the printed bill, after the period, insert "Differences, if any, between the rates of return or the bases of participation for two or more of such classes of shares may be prescribed in the by-laws."

Amendment No. 6

On page 6, lines 47 and 48, of the printed bill, strike out "or, in the case of an association issuing both shares and stock, as the by-laws shall prescribe".

Amendment No. 7

On page 7, lines 25 and 26, of the printed bill, strike out "or, in the case of an association issuing both shares and stock, as the by-laws shall prescribe".

Amendment No. 8

On page 7, lines 40 and 41, of the printed bill, strike out "or, in the case of an association issuing both shares and stock, as the by-laws shall prescribe".

Amendment No. 9

On page 7, line 42, of the printed bill, strike out "5", and insert "4".

Amendment No. 10

On page 8, line 8, of the printed bill, strike out "6", and insert "5".

Amendment No. 11

On page 9, line 21, of the printed bill, strike out "at the rate specified therein".

Amendment No. 12

On page 10 of the printed bill, strike out line 24.

Amendment No. 13

On page 10, line 25, of the printed bill, following "Sec.", strike out "8", and insert "6".

Amendment No. 14

On page 13, line 5, of the printed bill, following "Sec.", strike out "9", and insert "7".

Amendment No. 15

On page 13, line 6, of the printed bill, following "Sec.", strike out "10", and insert "8".

Amendment No. 16

On page 14, line 1, of the printed bill, strike out "11", and insert "9".

Amendment No. 17

On page 14, line 4, of the printed bill, strike out "12", and insert "10".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 542—An act to amend Section 1192 of the Insurance Code, relating to excess funds investments of incorporated insurers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1 of the printed bill, strike out lines 7 and 8, and insert "(b) Equipment trust obligations or certificates, or other adequately secured instruments, evidencing an interest in or lien upon transportation equipment used or to be used by a common carrier or common carriers and a right".

Amendment No. 2

On page 1, line 11, of said bill, strike out "organized".

Amendment No. 3

On page 1 of said bill, strike out lines 12 to 14, and insert "specified in paragraph (a) or are unconditionally guaranteed or assumed by such a corporation as to principal and as to interest or dividends and as to the".

Amendment No. 4

On page 1, line 15, of said bill, strike out "for".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 344—A bill to amend the Building and Loan Association Act by amending Section 1.01 thereof, relating to definitions and Sections 6.01, 6.02, 6.03, 6.04, and 6.05 thereof, relating to withdrawals, and to repeal Sections 6.01a, 6.01b, and 6.06 thereof, relating to withdrawals, and to add a new section thereto to be numbered 6.10, relating to acquisition of certificates and shares.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 543—An act to amend Section 11526 of the Insurance Code, relating to voluntary mutualization of incorporated life and life and disability insurers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 528—An act to amend Sections 150 and 151 of, and to add Section 151.5 to, the Welfare and Institutions Code, relating to the designation of the Department of Institutions and the Director thereof as the Department of Mental Hygiene and the Director of Mental Hygiene.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 525—An act to repeal Chapter 8, Part 4, Division 6 of the Welfare and Institutions Code, comprising Sections 7350 to 7354, inclusive, and to add Section 7500.5 to said code, relating to the powers and duties of the State Department of Institutions and the Division of Extramural Care, and providing for community mental hygiene clinics to be maintained and established by the department.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Institutions:

Amendment No. 1

On page 1, line 22, of the printed bill, after the period, insert
"This section does not authorize any form of compulsory medical or physical examination, treatment, or control of any person."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 527—An act to amend and renumber the article heading of Article 1 of, and to add a new article, comprising Sections 3200 to 3202, inclusive, to Chapter 2 of Part 1 of Division 4 of, and to amend Section 154 of, the Welfare and Institutions Code, relating to State institutions for the blind, and transferring from the Department of Institutions to the Department of Education all powers, duties, jurisdiction, purposes, functions, funds, property, and records of the Department of Institutions in respect to the Industrial Home for the Adult Blind and the salesrooms and industrial workshops for the blind.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Institutions:

Amendment No. 1

In line 3 of the title of the printed bill, strike out "3202", and insert "3203".

Amendment No. 2

On page 1, line 5, of said bill, strike out "Industrial Home for the Adult Blind", and insert "Training Center for Adult Blind".

Amendment No. 3

On page 1, line 7, of said bill, strike out "3202", and insert "3203".

Amendment No. 4

On page 2 of said bill, after line 16, insert
3203. The institution heretofore known as the Industrial Home for the Adult Blind shall hereafter be known and designated as the Training Center for Adult Blind. Wherever, in this chapter or in any other provision of law heretofore or hereafter enacted, reference is made to the Industrial Home for the Adult Blind, it shall be construed to refer to and mean the Training Center for Adult Blind."

Amendment No. 5

In line 2 of the title of the printed bill, after "add", insert "Section 3261 and".

Amendment No. 6

On page 2 of said bill, after line 32, insert
SEC. 4. Section 3261 is hereby added to the Welfare and Institutions Code, to read as follows:
3261. Persons who are residents of the Industrial Home for the Adult Blind on the effective date of this section, and who are aged or enfeebled and can no longer work in some trade or trades in the Industrial Home for the Adult Blind, shall not be discharged from said home due to their aged or enfeebled condition and inability to work at a trade or trades in the home."

Amendment No. 7

In line 4 of the title of the printed bill, strike out "Section 154", and insert "Sections 154 and 3253".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 8

On page 2 of the printed bill, after line 32, insert

"SEC. 5. Section 3253 of the Welfare and Institutions Code is hereby amended to read as follows:

3253. The Department of Education may:

(a) Make rules for the government and direction of the home, and prescribe conditions for the admission of applicants thereto, and the admission pursuant to such conditions, having regard to an equitable representation from each county of the State.

(b) Designate the trades which shall be regularly taught in the institution.

(c) Purchase, from time to time, such materials as are suitable to the requirements of the manufacturing and other departments of the home, audit the bills therfor, and forward them to the State Controller.

(d) Fix the market price of all wares manufactured in the home, and of all wares manufactured elsewhere by nonresident beneficiaries, and provide for and regulate the sale of all such manufactured wares.

(e) Fix the compensation of common laborers and of all other employees in the home, whose wages are not established in this chapter.

(f) Grade and fix the price of skilled and unskilled labor and the amount of work required in the various departments to constitute a day's labor; it may permit the inmates to work at piecework.

(g) Authorize work to be let out to blind people, in such manner that blind people who require such work may receive it at their residences. The department shall pay liberal prices for such piecework, so that the compensation therefor may approximate the compensation of resident laborers. In no case, however, shall the department incur any indebtedness for labor contracts with the beneficiaries, resident or otherwise, when there is not sufficient money on hand to pay such indebtedness.

(h) Take, receive, manage, and invest all moneys or property bequeathed or donated to the home, in accordance with the wishes of the testator or donor; or if no conditions are attached to the bequests or donations, then the department may invest such moneys or proceeds of property for the best interests of the home. If any donation or bequest is trameled with any religious conditions of a sectarian character, or conditioned in any manner antagonistic to the provisions of this chapter, or in conflict with any necessary rule or regulation of the home, the department may refuse to accept such donation or bequest. Donations or bequests may be received by the State Treasurer, or by the department; but no donation or bequest accompanied by any condition shall be received until it has been ordered approved and received by the department, and notice thereof given to the State Controller. Any bequest or donation received or collected by the department shall be immediately paid over to the State Treasurer, and at the same time the department shall forward to the State Controller a verified statement thereof. All moneys received by the State Treasurer shall be placed to the credit of the "Fund of the Industrial Home of Adult Blind." The investment of funds by the department shall be made in the same manner as the approval of claims, and shall be subject likewise to the action of the State Board of Control.

(i) Appoint field officers or teachers to teach handicrafts to the adult blind of the State who are not inmates of the home and give them such other instruction as may ameliorate their condition. The department may prescribe the duties and fix the compensation of such field officers and teachers. [who shall be under the direction and supervision of the superintendent of the home.]

(j) Discharge from the home any inmate thereof, whenever in the discretion of the department such discharge is in furtherance of the primary object of the home, which is to give instruction in a trade or trades to the greatest possible number of the blind of the State to enable them to become self-supporting and to effect an equitable geographical distribution of the benefits of the home."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 815—An act to add Sections 7.1, 7.2, 37.1, 56.1 and 58.1, and to amend Sections 6, 6.5, 7, 11 and 57 of the Unemployment Insurance Act, relating to the coverage of seamen under this act.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

In line 1 of the title of the printed bill, after "56.1", insert ", 57.2".

Amendment No. 2

In line 2 of the title of the printed bill, after "6.5", strike out the comma, and insert "and".

Amendment No. 3

In line 2 of the title of the printed bill, strike out ", 11 and 57".

Amendment No. 4

On page 1 of the printed bill, strike out line 14, and insert "may be prescribed by authorized regulations."

Amendment No. 5

On page 2 of the printed bill, between lines 5 and 6, insert

"(n) "Appeals Board" means the California Unemployment Insurance Appeals Board established by this act.

(o) "Federal Unemployment Tax Act" means Subsection C of Chapter 9 of the Federal Internal Revenue Code, or the corresponding provisions of any other Federal act into which the provisions of said sections hereafter may be incorporated.

(p) "Authorized regulations" means regulations promulgated pursuant to the provisions of this act.

(q) "Benefit year," with respect to any individual, means the one year period beginning with the first day of the week with respect to which the individual first files a valid claim for benefits and thereafter the one year period beginning with the day on which such individual again files a valid claim after the termination of his last preceding benefit year. Any claim for benefits made in accordance with the provisions of this act and rules and regulations adopted thereunder shall be deemed a "valid claim" for purposes of this section if the individual is unemployed and has been paid wages in employment for employers necessary to qualify for benefits under Section 53 of this act.

(r) "Base period" means the first four out of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year."

Amendment No. 6

On page 2, line 6, of the printed bill, strike out "(n)", and insert "(s)".

Amendment No. 7

On page 2, line 13, of the printed bill, strike out "(o)", and insert "(t)".

Amendment No. 8

On page 3, line 5, of the printed bill, strike out "Notwithstanding any other provisions of this section," and insert

"The foregoing subsections (a), (b) and (c) shall not apply to services as an officer or member of a crew of an American vessel. The term".

Amendment No. 9

On page 3, lines 10, 11, and 12, of the printed bill, strike out "principal operating office from which the employment of officers and members of the crew of such vessel is", and insert "operating office from which the operations of such vessel are".

Amendment No. 10

On page 3, line 23, of the printed bill, before "and", insert "if such officer or crew member is employed on and in connection with such vessel when outside the United States".

Amendment No. 11

On page 4, lines 11 and 12, of the printed bill, strike out "a tax under Title IX of the Social Security Act", and insert "the Federal Unemployment Tax Act".

Amendment No. 12

On page 4, lines 23 and 24, of the printed bill, strike out "a tax under Title IX of the Social Security Act", and insert "the Federal Unemployment Tax Act".

Amendment No. 13

On page 4, line 25, of the printed bill, strike out "(l)", and insert "(m)".

Amendment No. 14

On page 4, lines 26 and 27, of the printed bill, strike out "Title 9 of the Social Security Act", and insert "the Federal Unemployment Tax Act".

Amendment No. 15

On page 6 of the printed bill, strike out lines 40 through 52, inclusive; on page 7, strike out lines 1 through 52, inclusive; and on page 8, strike out lines 1 and 2.

Amendment No. 16

On page 8, line 3, of the printed bill, strike out "8", and insert "7".

Amendment No. 17

On page 8 of the printed bill, strike out lines 16 through 52, and insert

"SEC. 8. Section 57.2 is hereby added to the act cited in the title hereof, to read as follows:

Sec. 57.2. An unemployed individual whose last employment has been under shipping articles shall be ineligible to receive benefits with respect to any of the first 14 days after he has first applied for benefits and registered for work, as required by Section 57 of this act, following such period of employment under shipping articles. Weeks of unemployment during such 14 days maye be counted for the purposes of satisfying the requirements of subsection (d) of Section 57."

Amendment No. 18

On page 9, line 1, of the printed bill, strike out "10", and insert "9".

Amendment No. 19

On page 6, line 32, of the printed bill, after "vessels", insert "to allocate coverage on the basis of the location of the operating office of the employer from which the operations of the vessel are ordinarily and regularly supervised, managed, directed and controlled, and so as".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

Senate Bill No. 1089—An act to amend Sections 67, 68, 69, and 72 of the Unemployment Insurance Act, relating to unemployment insurance and the procedure for benefit appeals thereunder.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 2, line 52, of the printed bill, strike out "The appeals board may on its own".

Amendment No. 2

On page 3 of said bill, strike out lines 1 to 13, inclusive, and insert

"The appeals board shall affirm, modify or reverse such decision of the local appeal tribunal on the basis of the evidence previously submitted in such case or may take additional evidence if it is deemed necessary.

The appeals board may remove to itself or transfer to another local appeal tribunal the proceedings on any claim pending before a local appeal tribunal, prior to decision by such local appeal tribunal; or, within 20 days after a decision is rendered by a local appeal tribunal, the appeals board may set aside said decision and remove the proceedings to itself.

The appeals board shall promptly notify the parties to any proceedings of its findings and decision."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

Senate Bill No. 90—An act to add Section 17.01 to the Welfare and Institutions Code, relating to determination of residence.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 157—An act to add Sections 2161.1 and 3043.5 to the Welfare and Institutions Code, relating to residence for purposes of eligibility to receive public assistance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1076—An act to amend Section 57.7 of the Unemployment Insurance Act, relating to unemployment insurance and the eligibility of persons who have served in the armed forces thereunder.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1086—An act to amend Section 56.6 of the Unemployment Insurance Act, relating to unemployment insurance and the provision for enforcement thereunder.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1088—An act to add Sections 85 and 86 to the Unemployment Insurance Act, relating to unemployment insurance and the administration thereunder.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1091—An act to amend Section 7 of the Unemployment Insurance Act, relating to unemployment insurance and the inclusion and exclusion of employment thereunder.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 89—An act to amend Section 104.5 of the Welfare and Institutions Code, relating to proceedings before the State Social Welfare Board, specifying the time within which appeal or application for hearing must be made, authorizing the board to hold rehearings, and providing for the conduct of such proceedings.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1 of the printed bill, after line 20, insert

"(d) This section shall not apply to proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 155—An act to amend Sections 101, 102, 103, 103.5, 103.6, 105, 107, 111, 130, 1551, 2141, 3076, 3077, 3078 and 3461 and to repeal Section 2142 of the Welfare and Institutions Code, and to add thereto a new section to be designated Section 105.5, relating to the Department of Social Welfare and the Social Welfare Board.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 3, line 37, of the printed bill, after "111.", insert "There shall be in the department, in addition to any other divisions established by law, a Division of Aid to the Needy Aged, a Division of Aid to the Blind, and a Division of Child Welfare."

Amendment No. 2

On page 3, line 45, of said bill, after "such", insert "other".

Amendment No. 3

On page 4 of said bill, between lines 42 and 43, insert "a division devoted to carrying out the provisions of this chapter. This division shall be headed by a chief, who is".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 486—An act to repeal Chapters 1, 2, 3, 4, 5, and 7 of Division 7 of the Education Code and to add Chapter 1 to Division 7 of said code, all relating to the authorization of persons to serve in the public schools.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 11, of the printed bill, strike out "educational positions in the respective districts" and insert "positions for which certification qualifications are established by this code".

Amendment No. 2

On page 1, line 19, of said bill, strike out "pursuant to law", and insert "by this chapter".

Amendment No. 3

On page 1 of said bill, beginning in line 24, strike out "authorizing the holder to engage in a specified school service, upon the basis of which he", and insert "upon which the holder".

Amendment No. 4

On page 1, line 26, of said bill, after "kind", insert "authorizing him to engage in the service specified in the credential".

Amendment No. 5

On page 2 of said bill, strike out lines 4 to 6, inclusive.

Amendment No. 6

On page 2, line 7, of said bill, strike out "12008", and insert "12007".

Amendment No. 7

On page 2, line 10, of said bill, strike out "12009", and insert "12008".

Amendment No. 8

On page 2, line 13, of said bill, strike out "12010", and insert "12009".

Amendment No. 9

On page 2, line 14, of said bill, strike out "a permit,".

Amendment No. 10

On page 2, line 18, of said bill, strike out "12011", and insert "12010".

Amendment No. 11

On page 2, line 19, of said bill, strike out the second comma and insert "and".

Amendment No. 12

On page 2 of said bill, beginning in line 19, strike out ", and permits".

Amendment No. 13

On page 2, line 27, of said bill, strike out "and permits".

Amendment No. 14

On page 2, line 29, of said bill, strike out "documents", and insert "credentials".

Amendment No. 15

On page 2, line 39, of said bill, strike out "permits,".

Amendment No. 16

On page 2, line 41, of said bill, after the first "the", insert "State".

Amendment No. 17

On page 2, line 42, of the said bill, strike out "documents", and insert "credentials and life diplomas".

Amendment No. 18

On page 2, of said bill, strike out lines 49 and 50.

Amendment No. 19

On page 3, of said bill, strike out lines 41 and 42.

Amendment No. 20

On page 4, line 32, of said bill, after "or", insert "disabling".

Amendment No. 21

On page 5, line 6, of said bill, strike out "State".

Amendment No. 22

On page 5, line 7, of said bill, strike out "of Education".

Amendment No. 23

On page 5, line 13, of said bill, after "purpose", insert a comma.

Amendment No. 24

On page 5, line 14 of said bill, after "board", insert a comma.

Amendment No. 25

On page 5, line 17, of said bill, after "including", insert "a".

Amendment No. 26

On page 5, line 19, of said bill, after "purpose", insert a comma.

Amendment No. 27

On page 5, line 20, of said bill, after "board", insert a comma.

Amendment No. 28

On page 6, line 13, of said bill, after the first "the", insert "State".; and after "Board" insert "of Education".

Amendment No. 29

On page 6, line 17, of said bill, strike out "the", and insert "a".

Amendment No. 30

On page 6, line 36, of said bill, after the comma, insert "except an emergency credential,".

Amendment No. 31

On page 7, line 21, of said bill, strike out "may", and insert "shall".

Amendment No. 32

On page 7, of said bill, beginning in line 26, strike out "in a legal regular credential issued to the candidate", and insert "by a valid credential, other than a credential issued on an emergency basis, held by the applicant".

Amendment No. 33

On page 7, of said bill, following line 28, insert

"12302. Each applicant for a life diploma must have held for at least one calendar year immediately preceding the issuance of a life diploma, a valid credential other than a credential issued on an emergency basis, of the same grade and type as the life diploma applied for."

Amendment No. 34

On page 7, line 29, of said bill, strike out "12302", and insert "12303".

Amendment No. 35

On page 7, line 32, of said bill, strike out "12303", and insert "12304".

Amendment No. 36

On page 7, line 42, of said bill, strike out "12304", and insert "12305".

Amendment No. 37

On page 8, line 10, of said bill, after the second comma, insert "and".

Amendment No. 38

On page 2, line 24, of said bill, strike out "may", and insert "shall".

Amendment No. 39

On page 7, line 50, of said bill, strike out "may", and insert "shall".

Amendment No. 40

On page 9, of said bill, between lines 5 and 6, insert
"12502. Any fee or excess amount of fee paid under this article may be refunded by the Director of Education when the applicant does not qualify for a credential or when such fee or excess is paid in error."

Amendment No. 41

On page 8, of said bill, strike out lines 50 to 52, both inclusive, and insert
"12500. The fee for each credential or life diploma or for the renewal of a credential shall be three dollars ($3)."

Amendments read and adopted.
Bill ordered printed and re-referred to Committee on Education.

Senate Bill No. 261—An act to add Chapter 10 to Division 4 of the Education Code; to add Chapters 4.5, 15.5 and 16.5 to Division 3 of said code; to amend Sections 7105, 7137, 7302, 8702, 9051, 9071 and 9191 of said code; to repeal Article 1 and 3 of Chapter 7 of Division 4 of said code and to repeal Sections 6758, 7103, 7136 and 10604 of said code, all relating to the Public School System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "4.5,".

Amendment No. 2

In line 3 of the title of said bill, strike out "8702,".

Amendment No. 3

In line 4 of the title of said bill, strike out "Article", and insert "Articles".

Amendment No. 4

In line 6 of the title of said bill, strike out "7103,".

Amendment No. 5

On page 1 of said bill, strike out line 4, and insert

"CHAPTER 10. CLASSES FOR ADULTS".

Amendment No. 6

On page 1, line 9, of said bill, strike out "and schools".

Amendment No. 7

On page 1, line 12, of said bill, strike out "and schools".

Amendment No. 8

On page 1, line 15, of said bill, strike out "and schools".

Amendment No. 9

On page 2, line 1, of said bill, strike out "and schools".

Amendment No. 10

On page 2, lines 2 and 3, of said bill, strike out "and schools".

Amendment No. 11

On page 2 of said bill, strike out lines 8 to 36, inclusive, and insert
"9706. Classes for adults may be maintained in connection with day or evening high schools or day or evening junior colleges."

Amendment No. 12

On page 2, line 37, of said bill, strike out "SEC. 3", and insert
"SEC. 2".

Amendment No. 13

On page 2 of said bill, strike out lines 40 and 41, and insert

"CHAPTER 15.5. LIMITATION ON APPORTIONMENT TO DISTRICTS FOR CLASSES FOR ADULTS".

Amendment No. 14

On page 2 of said bill, strike out lines 43 to 51, inclusive; and on page 3, strike out lines 1 to 10, inclusive, and insert

"7241. The amount apportioned to a school district for classes for adults during any school year shall not exceed 85 per cent".

Amendment No. 15

On page 3, line 12, of said bill, strike out "schools and".

Amendment No. 16

On page 3, line 16, of said bill, strike out "SEC. 4", and insert "SEC. 3".

Amendment No. 17

On page 3, line 23, of said bill, strike out "SEC. 5", and insert "SEC. 4".

Amendment No. 18

On page 3 of said bill, strike out lines 26 and 27, and insert

"CHAPTER 16.5. COMPUTATION OF AVERAGE DAILY ATTENDANCE IN CLASSES FOR ADULTS".

Amendment No. 19

On page 3, line 29, of said bill, strike out "adult classes and", and insert "classes for adults".

Amendment No. 20

On page 3, line 30, of said bill, strike out "schools".

Amendment No. 21

On page 3, line 32, of said bill, strike out "and schools".

Amendment No. 22

On page 3 of said bill, strike out lines 39 to 42, inclusive.

Amendment No. 23

On page 3, line 43, of said bill, strike out "SEC. 7", and insert "SEC. 5".

Amendment No. 24

On page 4, line 1, of said bill, strike out "SEC. 8", and insert "SEC. 6".

Amendment No. 25

On page 4, line 13, of said bill, strike out "SEC. 9", and insert "SEC. 7".

Amendment No. 26

On page 4, line 14, of said bill, strike out "and schools".

Amendment No. 27

On page 4, line 19, of said bill, strike out "SEC. 10", and insert "SEC. 8".

Amendment No. 28

On page 4, line 20, of said bill, strike out "is", and insert "are".

Amendment No. 29

On page 4, line 21, of said bill, strike out "SEC. 11. Sections 6758, 7103", and insert "SEC. 9. Sections 6758".

Amendment No. 30

On page 4, line 23, of said bill, strike out "SEC. 12", and insert "SEC. 10".

Amendment No. 31

On page 4, line 40, of said bill, strike out "SEC. 13", and insert "SEC. 11".

Amendment No. 32

On page 5 of said bill, after line 6, insert

"7137.1. He shall allow as a district administrative allocation fifty dollars ($50) for each of the first 40 units of average daily attendance during the preceding school year in approved classes for adults in each district maintaining such classes."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 92—An act to amend Sections 13401 and 13407 of the Education Code, relating to teachers' institutes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Sections 13401 and", and insert "Section".

Amendment No. 2

On page 1 of said bill, as amended, strike out lines 1 to 12, inclusive, and insert "SECTION 1. Section 13407 of the Education Code is amended to read:".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1044—An act to amend Section 12291 of the Education Code, relating to chiropody.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 984—An act to amend Section 16601 of the Business and Professions Code, relating to the sale of good will of a business.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 3, of the printed bill, after "business", insert ", or any shareholder of a corporation selling or otherwise disposing of all his shares in said corporation,".

Amendment No. 2

On page 1, line 4, of said bill, after "with", insert "the".

Amendment No. 3

On page 1, line 8, of said bill, strike out "For the"; and strike out all of lines 9 to 12, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 829—An act to amend Section 340 of the Code of Civil Procedure, relating to the time of commencing civil actions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, strike out lines 21 to 28, inclusive, and insert

"6. An action, whether based on contract or statute, to recover or compel payment of wages, salary or overtime compensation, or liquidated damages, interest, penalties or attorneys' fees or other sum, for failure to pay such wages, salary or overtime compensation.

SEC. 2. Nothing herein contained shall be construed as reviving any cause of action already barred by any statute of limitations.

SEC. 3. Nothing herein contained shall be construed as extending the time for commencement of any action upon any existing cause of action.

SEC. 4. Except as provided in Sections 2 and 3 of this act, the time for commencement of an action upon any existing cause of action covered by this act shall expire one (1) year from the effective date hereof.

SEC. 5. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby."

Amendment read and adopted, bill ordered printed, and re-referred to Committee on Judiciary.

Bill ordered printed.

Senate Bill No. 802—An act to add Section 66a to the Code of Civil Procedure, relating to the number of judges of the superior court in the County of San Diego, and providing for the appointment of two additional judges and for their compensation.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 167—An act to repeal certain acts, relating to chattel mortgage, mortgage and trust deed moratoria.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 431—An act to amend Section 2957 of the Civil Code, relating to chattel mortgages.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 39, of the printed bill, after "valid", insert ", except as between the parties and as against any person having actual notice thereof,".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 249—An act to amend Section 16424 of the Educational Code, relating to injuries to pupils.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1803—An act to amend Section 890 of the Military and Veterans Code, relating to veterans' dependents.

Bill read second time, and ordered to third reading.

Assembly Bill No. 205—An act to add Sections 1520.1 and 2163.4 to the Welfare and Institutions Code, relating to the definition of stock in water companies as real property for the purposes of public assistance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 428—An act to amend Section 7305 of the Education Code, relating to average daily attendance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after the comma, insert "and to add Section 7305.1 to said code".

Amendment No. 2

On page 1 of said bill, following line 22, insert

"SEC. 2. Section 7305.1 is added to said code to read:

"7305.1. The average daily attendance in regular day classes of any junior college district which during the school year 1941-1942 had an average daily attendance in regular day classes of 500 or less credited to it for apportionment purposes in each junior college maintained by the district shall, for the school year 1943-1944 and for each subsequent school year, be deemed to be, for all the purposes of this division, not less than 80 per cent of the actual average daily attendance in regular day classes of such district for the school year 1941-1942. For all other purposes the average daily attendance of the district shall be the actual average daily attendance of the district.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1488—An act to add Section 14143 to the Education Code, relating to the noncertificated employees of a unified school district conterminous with the boundaries of a city and county.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1489—An act to add Section 1307 to the Education Code, relating to a superintendent of schools of a unified school district which is coterminous with the boundaries of a city and county.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1491—An act to add Section 26 to the Education Code, relating to city superintendent of schools.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1942—An act to add Section 27 to the Education Code, relating to city school district.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 120—An act to amend Section 7015 of the Insurance Code, relating to county mutual fire insurers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 121—An act to amend Section 5056 of the Insurance Code, relating to county mutual insurers and the election and terms of directors thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Desmond, Deuel, Dilworth, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 122—An act to add Section 5081 to the Insurance Code, relating to county mutual fire insurers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 123—An act to amend Section 6047 of the Insurance Code, relating to county mutual fire insurers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 126—An act to amend Sections 8071 and 8072 of the Insurance Code, relating to the county mutual fire reinsurers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 127—An act to amend Sections 6014 and 6017 of the Insurance Code, relating to county mutual insurers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 179—An act to amend Sections 10137, 10162, 10200, 10208, 10213, 10258, 10285, 10320, 10328, 10333, 10386, 10420, 10427, 10432, 10460, 10461, 10525, 10580, 10588, and 10593 of, and to add Sections 10141, 10142, 10143, 10144, 10145, 10146, 10150.5, 10156.5, 10156.6, 10156.7, 10156.8, 10209.5, 10214.5, 10262, 10263, 10264, 10265, 10266, 10267, 10275.5, 10279.5, 10279.6, 10279.7, 10279.8, 10462 and 11011.6 to, and to repeal Section 10455 of, the Business and Professions Code, relating to fees and licensees of the State Division of Real Estate of the Department of Investments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 448—An act to amend Section 473a of the Political Code and Section 11041 of the Government Code, relating to attorneys for State departments.

Motion to Re-Refer Senate Bill No. 448

Senator Swing moved that Senate Bill No. 448 be re-referred to Committee on Governmental Efficiency.

Motion carried.

Senate Bill No. 140—An act to add Chapter 4, consisting of Section 10700, to Division 12 of the Elections Code, relating to elections of county and township officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 136—An act to amend Section 6902 of the Labor Code, relating to operation of personnel of railroads.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 900—An act to amend Section 75 of the Labor Code, relating to the Commission of Immigration and Housing.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—29.
NOES—Senator Shelley—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 295—An act to amend Section 203 of the Welfare and Institutions Code, relating to county hospitals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 20—An act to amend Section 737ww of the Political Code, relating to salaries of judges of the superior court in and for the County of Sonoma.

Motion to Refer Bill to Inactive File

Senator Slater moved that Senate Bill No. 20 be placed on the inactive file.

Motion carried.

Senate Bill No. 899—An act to add Section 1.5 and to amend the title and Section 1 of an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, relating to vacations and hours on duty of members of fire departments.

Bill read third time.

Motion to Amend

Senator Carter moved the adoption ot the following amendment:

Amendment No. 1

On page 2 of the printed bill, after line 4, insert

"SEC. 3. Section 1.5 is added to the act cited in the title hereof, to read:

SEC. 1.5. No member of any fire department shall be required to be on duty more than 72 hours on an average per week during any 12 week period except in the case of emergency, in which event the chief or other head of the department may assign all members of the department to continuous duty during the time of such emergency only."

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 206—An act to amend Sections 651.6 and 651.7 of, and to add Section 651.8 to, the Fish and Game Code, relating to salmon.

Bill read third time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 21, of the printed bill, after "River", insert "and its tributaries".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

RESOLUTIONS

The following resolution was offered:

By Senator Keating:

Senate Resolution No. 82
Relative to the passing of Charles J. Bauer

WHEREAS, The Members of the Senate have learned with regret of the passing of Charles J. Bauer of Marin County, past Sergeant-at-Arms of the American Legion, Department of California, and Manager of Prison Industries at San Quentin Penitentiary; and

WHEREAS, Death came suddenly and unexpectedly to Charlie Bauer, as he was affectionately known, in the prime of his life, on March 27, 1945, at Soda Springs, as a result of a heart attack; and

WHEREAS, He, as a veteran of the first World War who had served with distinction in the Ninety-first Division, had long been active in the work of the American Legion, being a Past Commander of the San Anselmo Post prior to his tenure in the year 1942-1943 in the office of Sergeant-at-Arms for the Department of California; and

WHEREAS, A member of the staff at San Quentin since 1932 and for the past seven years the manager of its prison industries, it is largely through his efforts that San Quentin has contributed so substantially to the war effort and become the leading prison of the Country in war production; and

WHEREAS, His many friends throughout the State join in mutual sorrow at his passing; now, therefore, be it

Resolved by the Senate of the State of California, That when the Senate adjourns this day, it shall do so in respect to the memory of Charles J. Bauer; and be it further

Resolved, That the Secretary of the Senate is directed to transmit to Mrs. Esther Bauer, the widow of Charles J. Bauer, and to his daughter, Lois Bauer, a suitably engrossed copy of this resolution in sincere expression of our tribute and sympathy.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 17: By Senators Dorsey, Breed, Powers, Weybret, Judah, Mixter, McBride, Quinn, Hatfield, Carter, Keating, Rich, Ward, DeLap, Deuel, Parkman, Kuchel, Seawell, and Shelley—Relative to the issuance of a United States postage stamp reproducing Joe Rosenthal's photograph of the raising of the United States Flag on Iwo Jima.

Request for Unanimous Consent

Senator Dorsey asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 17, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 17

Senate Joint Resolution No. 17—Relative to the issuance of a United States postage stamp reproducing Joe Rosenthal's photograph of the raising of the United States Flag on Iwo Jima.

Resolution read.

Previous Question

Senator Seawell moved the previous question.

Motion carried.

The question being on the adoption of Senate Joint Resolution No. 17.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1036

Senator Parkman moved that Senate Bill No. 1036 be withdrawn from Committee on Public Utilities, for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 1036

Senate Bill No. 1036—An act to amend Section 2¾ of the Public Utilities Act, relating to public utilities.

Motion to Amend

Senator Parkman moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 2¾", and insert "Sections 2¾ and 50¾".

Amendment No. 2

On page 1 of said bill, strike out lines 18 to 28, inclusive, and insert "court whatsoever shall not be a highway common carrier as herein defined in operating within lawfully established pickup and delivery limits of a common carrier in the performance for such carrier of transfer, pickup or delivery services provided for in the lawfully published tariffs of such carrier."

Amendment No. 3

On page 2, line 1, of said bill, before "The words", insert "(b)".

Amendment No. 4

On page 2 of said bill, after line 16, insert

"SEC. 2. Section 50¾ of the Public Utilities Act is amended to read:

Sec. 50¾. (a) No highway common carrier shall hereafter operate or cause to be operated any auto truck, or other self propelled vehicle not operated on rails, for the transportation of property as a common carrier for compensation on any public highway in this State except in accordance with the provisions of this act.

(b) The Railroad Commission of the State of California is hereby vested with power and authority to supervise and regulate every highway common carrier in this State; to fix the rates, fares, charges, classifications, rules and regulations of each such highway common carrier; to regulate the accounts, service and safety of operations of each such highway common carrier; to require the filing of annual and other reports and of other data by such highway common carriers; and to supervise and regulate highway common carriers in all other matters affecting the relationship between such carriers and the shipping public. The Railroad Commission shall have power and authority, by general order or otherwise, to prescribe rules and regulations applicable to any and all highway common carriers. The Railroad Commission, in the exercise of the jurisdiction conferred upon it by the Constitution of this State and by this act,

shall have power and authority to make orders and to prescribe rules and regulations affecting highway common carriers, notwithstanding the provisions of any ordinance or permit of any incorporated city or town, city and county, or county, and in case of conflict between any such order, rule or regulations and any such ordinance or permit, the order, rule or regulation of the Railroad Commission shall in each instance prevail.

(c) No highway common carrier shall hereafter begin to operate any auto truck, or other self-propelled vehicle, for the transportation of property for compensation on any public highway in this State without first having obtained from the Railroad Commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required of any highway common carrier as to the fixed termini between which or the route over which it was actually operating as a highway common carrier on July 26, 1917, and in good faith continuously thereafter, or for operations exclusively within the limits of an incorporated city, town or city and county, *or for the performance of pickup, delivery, or transfer services by such carrier within such carrier's lawfully published pickup and delivery zones.* Any right, privilege, franchise, or permit held, owned or obtained by any highway common carrier may be sold, assigned, leased, transferred or inherited as other property, only upon authorization of the Railroad Commission. The Railroad Commission shall have power, with or without hearing, to issue said certificate as prayed for, or to refuse to issue the same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judgment, the public convenience and necessity require. Without the express approval of the commission, no certificate of public convenience and necessity issued to one highway common carrier under the provisions of this section, or heretofore issued by the commission to one highway common carrier for the transportation of property by auto truck or self-propelled vehicle, nor any operative right of one highway common carrier founded upon operations actually conducted in good faith on July 26, 1917, shall be combined, united or consolidated with another such certificate or operative right issued to or possessed by another highway common carrier so as to permit through service between any point or points served, by one highway common carrier, on the one hand, and any point or points served, by another highway common carrier, on the other hand; nor, without the express approval of the commission, shall any through route or joint, through, combination, or proportional rate be established by one highway common carrier between any point or points which it serves, on the one hand, and any point or points served by another highway common carrier, on the other hand. Any one highway common carrier may establish through routes and joint rates, charges, and classifications between any and all points served by such highway common carrier under any and all certificates or operative rights issued to or possessed by such highway common carrier.

The Railroad Commission may at any time for a good cause suspend, and upon notice to the holder of an operating right acquired by virtue of operations conducted on July 26, 1917, as aforesaid, or to the grantee of any certificate, and opportunity to be heard, revoke, alter or amend any such operative right or certificate.

(d) When a complaint has been filed with the commission alleging that any vehicle is being operated without a certificate of public convenience and necessity as required by this act, or when the commission has reason to believe that this act is being violated, it shall be the duty of the commission to investigate such operations and the commission shall have power after a hearing to make its order requiring the owner or operator of such vehicle to cease and desist from any operation in violation of this act; and it shall be the duty of the commission to enforce compliance with such order under the powers vested in the commission by this act or by law."

Amendments read and adopted.

Bill ordered printed, re-referred to Committee on Public Utilities.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 30, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1003

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 30, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 375
Assembly Bill No. 979
Assembly Bill No. 1751

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 30, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 625

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 30, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 346
Senate Bill No. 348

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 30, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 347

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 7; noes 2; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 198

And reports the same correctly re-engrossed.

SEAWELL, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 30, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 842
Assembly Bill No. 371
Assembly Bill No. 372
Assembly Bill No. 373
Assembly Bill No. 374
Assembly Bill No. 906
Assembly Bill No. 907
Assembly Bill No. 924
Assembly Bill No. 976
Assembly Bill No. 981
Assembly Bill No. 1070
Assembly Bill No. 1288
Assembly Bill No. 1289
Assembly Bill No. 1396
Assembly Bill No. 1752
Assembly Bill No. 1762
Assembly Bill No. 1766
Assembly Bill No. 1986

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 30, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Constitutional Amendment No. 13

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported resolution ordered to third reading.

Committee on Elections

SENATE CHAMBER, SACRAMENTO, March 30, 1945

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Senate Bill No. 384

Senate Bill No. 980

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

BIGGAR, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 30, 1945

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 333

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

BIGGAR, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 11.55 a.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Monday, April 2, 1945, out of respect to the memory of the late Charles J. Bauer.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

THIRTY-SEVENTH LEGISLATIVE DAY
EIGHTY-FIFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Monday, April 2, 1945

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Powers, on motion of Senator Seawell, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ensign Rolland A Vandegrift, Naval Aviator.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Marilyn Miner of Turlock, Miss Merlyn Miner of Turlock, and Miss Rosemary Donnelly, daughter of Senator Donnelly.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. William Lohne, Supervisor of Yuba County, Marysville; and Mr. W. J. Sanford of Sacramento.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Mae E. Murphy of San Diego.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Lowell West, Sheriff of El Dorado County, Placerville.

On request of Senator Kuchel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. William Gallienne, Secretary, Huntington Beach Chamber of Commerce, and Associated Chamber of Commerce of Orange County; and Commander Willis Sargent, U.S.N.R., of Pasadena.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain Carl McConnel, U. S. Army, now of Sacramento, formerly of Yreka; and Captain B. H. Fairchild, U. S. Army, now of San Francisco, formerly of Yreka.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edmund G. (Pat) Brown, District Attorney of San Francisco.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Ben B. Jones of Los Angeles.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Augustus Dunaway of Oakland.

MOTION TO PRINT

Senator Dilworth moved that the following resolution, by the Veterans of Foreign Wars of the United States, be printed in the Journal:

Motion carried.

RESOLUTION

WHEREAS, More than 800,000 California citizens are away from their homes as members of the armed services of the United States; and

WHEREAS, These citizens are unable to participate in the discussions with reference to social changes now before the State Legislature of California; and

WHEREAS, Men and women who are now serving in the armed forces will have available to them the same hospital and medical care provided by the United States Government to the veterans of other wars; and

WHEREAS, The compulsory health legislation will force upon these veterans payroll deductions for services which are already supplied to them by the United States Government; therefore, be it

Resolved by the Rehabilitation Commission of the Veterans of Foreign Wars of the United States, Department of California, assembled at San Francisco on March 25, 1945, That the Legislature of the State of California be urged to postpone action on any compulsory health insurance problems now before them until those citizens now in the armed forces have returned to civilian life, in order that they may have a voice in the discussion of the proposed laws with regard to social changes and which so vitally effect their future; and be it further

Resolved, That should the Legislature of the State of California adopt such legislation that provision must be made therein excluding veterans of World War I and World War II from the compulsory features of such legislation, unless they as individuals apply for membership under such plan.

This is the Rehabilitation Committee of the Veterans of Foreign Wars of the United States.

WILLIAM E. BARDEN, Chairman and Director
GERTRUDE BROWN SMITH
EDWARD L. CONLEY
HARRY HIRSH
MAJOR E. B. NEWCOMB
DR. JOHN F. FAHEY
COL. R. C. MURPHY, U.S.A. (retired)
ALBERT G. DRIGGS
RAY LOBRE

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 34

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 34—Relative to the acquisition by the State of the Golden Gate Bridge.

Referred to Committee on Transportation.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 109
Assembly Bill No. 239
Assembly Bill No. 984
Assembly Bill No. 1221
Assembly Bill No. 1222
Assembly Bill No. 1223
Assembly Bill No. 1224

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 109—An act to authorize political subdivisions of the State, districts, and municipal corporations to purchase or acquire surplus property pursuant to the Surplus Property Act of 1944.

Referred to Committee on Local Government.

Assembly Bill No. 239—An act to amend Section 2808 of the Streets and Highways Code, relating to assessment proceedings for sanitary sewers which have been recommended by the health officer, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Local Government.

Assembly Bill No. 984—An act to add 459.4 to the Vehicle Code, relating to local regulation of traffic in subways, tubes, tunnels or upon bridges or viaducts.

Referred to Committee on Transportation.

Assembly Bill No. 1221—An act to amend Sections 13651 and 13652 and to repeal Section 13653 of the Education Code, relating to decrease in number of permanent employees, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 1222—An act to amend Section 13654 of the Education Code, relating to the rights of permanent certificated employees whose services have been terminated because of the effect of wars upon the attendance of pupils.

Referred to Committee on Education.

Assembly Bill No. 1223—An act to add Section 15655 to the Education Code, relating to the rights of permanent certificated employees of school districts whose services have been terminated because of the effect of wars upon the attendance of pupils or continuance of particular services.

Referred to Committee on Education.

Assembly Bill No. 1224—An act to add Sections 13004.1 and 13004.2 to the Education Code, relating to order of employment of certificated employees, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 31, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 525
Senate Joint Resolution No. 17

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 29, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 158
Senate Bill No. 313
Senate Bill No. 362
Senate Bill No. 402
Senate Bill No. 405
Senate Bill No. 465
Senate Bill No. 618
Senate Bill No. 816
Senate Bill No. 817
Senate Bill No. 819
Senate Bill No. 1193
Senate Bill No. 1195
Senate Bill No. 1260

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 30, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 952—An act to add Section 1142.5 to the Probate Code, relating to the duties of a public administrator, declaring the urgency thereof, to take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the thirtieth day of March, 1945, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 30, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 90
Senate Bill No. 157
Senate Bill No. 167
Senate Bill No. 344
Senate Bill No. 528
Senate Bill No. 543
Senate Bill No. 703
Senate Bill No. 802
Senate Bill No. 1044
Senate Bill No. 1076
Senate Bill No. 1086
Senate Bill No. 1088
Senate Bill No. 1091
Senate Constitutional Amendment No. 13

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 30, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 92

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 2, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 89
Senate Bill No. 155
Senate Bill No. 431
Senate Bill No. 527
Senate Bill No. 542
Senate Bill No. 984
Senate Bill No. 345

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 30, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 444

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, April 2, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 1006

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended and re-refer to the Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

MOTION TO APPROVE JOURNALS

Senator Seawell moved that the Senate Journals of Monday, March 26, 1945; Tuesday, March 27, 1945; Wednesday, March 28, 1945; Thursday, March 29, 1945; Friday, March 30, 1945; be approved as corrected by the Journal Clerk and Minute Clerk.

Motion carried.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 697—An act to add Section 5711 to the Labor Code, relating to proof of pneumonoconiosis.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Labor:

Amendment No. 1

On page 1, line 9, of the printed bill, strike out the period, and insert ", and the recovery of compensation shall be apportioned among such employments in proportion to the periods of exposure therein".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

Senate Bill No. 698—An act to add a new section to the Labor Code, to be numbered 5315.1, relating to the Industrial Accident Commission.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "issue", and insert "file".

Amendment No. 2

On page 1, line 5, of said bill, after "awards", insert ", except orders granting or denying petitions for rehearing and decisions or awards after rehearing.".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 764—An act to amend Sections 16 and 43 of the County Employees' Retirement Act of 1937, relating to employees of special districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 798—An act to amend Section 737g of the Political Code, relating to the salaries of judges of the Superior Court in and for the County of Contra Costa.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1259—An act to amend Section 14237 of the Health and Safety Code, relating to fire protection districts in unincorporated areas.

Bill read second time, ordered engrossed, and to third reading.

Senate Concurrent Resolution No. 22—Relative to the duty of the United States Government to pay any and all costs of the counties or State of California in relation to indigent Japanese returned from the relocation centers.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1 of the printed measure, strike out lines 15 to 28, inclusive; and on page 2, strike out lines 1 to 4, inclusive, and insert

"WHEREAS, A recent War Relocation Authority survey reveals that 55 per cent of the present Japanese adult population to be returned to California from the relocation centers are indigents and many thousands of them are likely to become public charges upon their return to California; and

WHEREAS, Many thousands of the dependents of Japanese evacuees are also indigents by reason of the indigency of their parents, and their return to California will place a heavy financial burden on the counties to which they return; and

WHEREAS, Neither the State of California nor the counties of California are responsible for the eviction of said Japanese nationals or their return to this State, but said eviction and return have been and are the full responsibility of the United States Government authorities,

Therefore, the Senate of California, the Assembly concurring, believing it to be the duty of the United States Government to pay any and all costs of the relocation of returning evacuated Japanese to the State of California, now urge that suitable legislation and necessary appropriation be made by Congress to cover the expense of the relocation, readjustment, and rehabilitation of said Japanese evacuees so that the counties of California will be relieved of the cost of maintaining Japanese indigents; and be it further".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

Senate Bill No. 976—An act to amend Section 737rr of the Political Code, relating to the salaries of judges of the Superior Court in the County of Santa Cruz.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 5, of the printed bill, before dollars, insert "nine thousand", and following the dollar sign in parenthesis, insert "9,000.00".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 358—An act to amend Section 737jj of the Political Code, relating to salaries of superior court judges of San Bernardino County.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out all of line 5, and insert "nine thousand dollars ($9,000)."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 416—An act to amend Sections 737r, 737y and 737ff of the Political Code, relating to judges salaries.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, lines 4 and 5, of the printed bill, strike out "_____ dollars ($_____)" and insert "six thousand three hundred dollars ($6,300)".

Amendment No. 2

On page 1, lines 9 and 10, of said bill, strike out "_____ dollars ($_____)" and insert "six thousand five hundred dollars ($6,500)".

Amendment No. 3

On page 1, line 14, of said bill, before "dollars" insert "seven thousand".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 614—An act to amend Section 4272 of the Political Code, relating to compensation for public services in counties of the forty-third class.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 11, of the printed bill, strike out "two hundred dollars ($200) per month each", and insert "one hundred fifty dollars ($150) per month each and mileage at the rate of twenty cents ($0.20) per mile for each mile actually traveled in the

discharge of his duties either as road-commissioner or supervisor, not exceeding in the aggregate six hundred dollars ($600) per annum."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1013—An act to amend Section 4276 of the Political Code, relating to compensation for public services in counties of the forty-seventh class.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "two thousand four hundred dollars ($2,400)", and insert "three thousand dollars ($3,000)".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 333—An act to amend Sections 9164, 9200, 9204, 9205, 9206 and 9221 of, and to add Sections 9202, 9207, 9208, 9209, 9210, 9212, 9213, 9214, 9215 and 9217 to the Public Resources Code and to repeal Section 10058 of the Elections Code, relating to the General District Elections held in soil conservation districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "9205,".

Amendment No. 2

On page 2 of said bill, strike out lines 2 and 3, and insert "lished by the board of supervisors for county elections."

Amendment No. 3

On page 2 of said bill, strike out lines 4 to 12, inclusive.

Amendment No. 4

On page 2, line 13, of said bill, strike out "5", and insert "4".

Amendment No. 5

On page 2, line 24, of said bill, strike out "6", and insert "5".

Amendment No. 6

On page 2, line 47, of said bill, strike out "7", and insert "6".

Amendment No. 7

On page 3, line 6, of said bill, strike out "8", and insert "7".

Amendment No. 8

On page 3, line 12, of said bill, strike out "9", and insert "8".

Amendment No. 9

On page 3, line 18, of said bill, strike out "10", and insert "9".

Amendment No. 10

On page 3, line 24, of said bill, strike out "11", and insert "10".

Amendment No. 11

On page 3, line 31, of said bill, strike out "12", and insert "11".

Amendment No. 12

On page 3, line 35, of said bill, strike out "13", and insert "12".

Amendment No. 13

On page 3, line 41, of said bill, strike out "14", and insert "13".

Amendment No. 14

On page 4, line 1, of said bill, strike out "15", and insert "14".

Amendment No. 15

On page 4, line 4, of said bill, strike out "16", and insert "15".

Amendment No. 16

On page 4, line 9, of said bill, strike out "17", and insert "16".

Amendments read and adopted.

Motion to Reconsider

Senator Salsman moved to reconsider the vote whereby the amendments to Senate Bill No. 333 was adopted.

Consideration of Motion to Reconsider

Pursuant to his motion previously made, Senator Salsman moved that the Senate, at this time, reconsider the vote whereby the amendments to Senate Bill No. 333 was adopted.

Motion carried.

Amendments withdrawn upon request of Senator Salsman.

Senate Bill No. 333 ordered engrossed, and to third reading.

Senate Bill No. 384—An act to amend the heading of Article 11, Chapter 1, Division 5, and Sections 2451, 2453, 2454, 2831, 2832, 2842, and 2843 of, to add a new article heading immediately preceding Section 2455 to, and to repeal Sections 2450, 2452, 2840 and 2841 of, the Elections Code, relating to County Central Committees.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 980—An act to amend Section 373 of the Elections Code, relating to elections.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 842—An act to amend Section 363 of the Political Code, relating to the Director of Public Works.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1003—An act to add Article 13, consisting of Sections 550 to 557, to Chapter 3 of Title 1 of Part 3 of the Political Code, relating to the distribution of State documents to libraries.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 3 of the title of the printed bill, strike out "documents", and insert "publications".

Amendment No. 2

On page 1, line 4, of the printed bill, strike out "Documents", and insert "Publications".

Amendment No. 3

On page 1, lines 14 and 15, of the printed bill, strike out "or the department concerned shall print two hundred fifty (250)", and insert "shall print one hundred seventy-five (175)".

Amendment No. 4

On page 1, line 18, of the printed bill, strike out the period, and insert a comma and "except that of legislative bills, Journals, and Histories, only fifty (50) copies shall be printed for such deposit and distribution, and of publications not printed by the State Printer, the department, commission or other agency concerned shall print fifty (50) copies for such distribution.".

Amendment No. 5

On page 1, line 20, of the printed bill, strike out "may be", and insert "is".

Amendment No. 6

On page 1, line 22, of the printed bill, strike out "press release,".

Amendment No. 7

On page 1, line 27, of the printed bill, after "however," insert "and intra-office or inter-office publications,".

Amendment No. 8

On page 2, line 2, of the printed bill, strike out "50"; and strike out all of lines 3, 4, and 5, and in line 6 strike out "California at", and insert "of each publication other than the legislative bills, Journals and Histories, fifty (50) copies to The State Library at Sacramento and twenty five (25) copies each to the University of California libraries at Berkeley—and"

Amendment No. 9

On page 2, line 10, of the printed bill, after "room", insert a comma and "including the legislative bills, Journals and Histories,".

Amendment No. 10

On page 2, line 11, of the printed bill, after "distributed", insert "as soon as practicable".

Amendment No. 11

On page 2, line 15, of the printed bill, after the period, insert

"Publications not printed by the State Printer shall be distributed by the issuing department, commission or other agency as soon as practicable after printing, first to all "Complete depositories", and second to "Selective depositories", designated by the Department of Finance."

Amendment No. 12

On page 2, line 20, of the printed bill, after "service", insert "without charge".

Amendment No. 13

On page 2, line 37, of the printed bill, strike out "and", and insert a comma and "commissions and other".

Amendment No. 14

On page 2, line 39, of the printed bill, after the period insert

"The lists may be compiled by, or with the cooperation of, the State Library.".

Amendment No. 15

On page 2 of the printed, after line 39, insert

"SEC. 2. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of _____, or as much thereof as may be necessary, to be expended by the Department of Finance for the purposes set forth in Sections 550 to 557 of the Political Code.".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 625 An act creating the "Local Postwar Construction Fund," providing that the sum of one hundred million dollars ($100,000,000) be set aside and deposited to the credit of said fund from unappropriated moneys in the State treasury; providing for the apportionment of said funds to the cities, counties and cities and counties for expenditure by such local agencies, when appropriated, for the construction of public works and facilities in which the State has an interest; and defining the powers and duties of State officers in connection therewith.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 14 of the title of the printed bill, as amended, after the semicolon, insert "providing for the investment of said fund;".

Amendment No. 2

On page 3, line 43, of said bill, strike out "cities, counties, cities and counties", and insert "cities, counties, and cities and counties."

Amendment No. 3

On page 3, of said bill, strike out lines 48 and 49, and insert
"The city allocation shall be apportioned to the cities and cities and counties in the proportion that the total population of each".

Amendment No. 4

On page 4 of said bill, strike out lines 4 to 7, and insert "highways, as hereinafter in this act provided, and one-half of said county allocation shall be apportioned in such manner that each county shall receive, including the amount allocated for road and highway purposes as provided in Section 7 hereof, a minimum amount of fifty thousand dollars and the balance thereof shall be apportioned to the counties and cities and counties in the proportion that the total population of each county or city and county bears to the total population".

Amendment No. 5

On page 4, line 22, of said bill, strike out "roads and highways", and insert "road and highway".

Amendment No. 6

On page 4, line 25, of said bill, strike out the "in", after "mileage," and insert "of".

Amendment No. 7

On page 4, lines 26 and 27, of said bill, strike out "each road", and insert "such roads".

Amendment No. 8

On page 4, line 28, of said bill, after "population", insert "(population in an unincorporated territory)".

Amendment No. 9

On page 4, lines 35 and 36, of said bill, strike out "Section 2", and insert "this section".

Amendment No. 10

On page 5, line 11, of said bill, strike out "roads and highways", and insert "road and highway.".

Amendment No. 11

On page 5, line 14, of said bill, strike out "roads and highways", and insert "road or highway."

Amendment No. 12

On page 5, line 19, of said bill, after "no", insert "such".

Amendment No. 13

On page 5, line 22, of said bill, strike out "rural", and insert "local".

Amendment No. 14

On page 5 of said bill, strike out lines 24 and 25, and insert "Fund for road and highway purposes shall be expended for maintenance or any other purpose than above provided."

Amendment No. 15

On page 7, line 41, of said bill, strike out "be", and insert "by".

Amendment No. 16

On page 8, line 43, of said bill, strike out "the Reconstruction and Reemployment Commission,".

Amendment No. 17

On page 9, line 1, of said bill, after "Section", insert "6".

Amendment No. 18

On page 9, line 9, of said bill, strike out "under", and insert "specified in".

Amendment No. 19

On page 9, line 29, of said bill, strike out "Works certifies", and insert "Health has certified".

Amendment No. 20

On page 10, line 1, of said bill, strike out "20", and insert "21".

Amendment No. 21

On page 10, line 5, of said bill, strike out "one", and insert "three".

Amendment No. 22

On page 10, line 6, of said bill, strike out "year", and insert "years".

Amendment No. 23

On page 10, line 12, of said bill, strike out "21", and insert "22".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 347—An act to establish California academies for children who require special care and supervision, to provide for the government and administration thereof, and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 4 of the printed bill, strike out all of lines 6, 7, 8 and 9; and in line 10, strike out "provided in Section 23.", and insert

"SEC. 22. Only a child coming within the provisions of Section 23 of this act may be admitted to such a school. Such admission shall be upon application by his parent as guardian, or other guardian, appointed as provided in said Section 23, hereof, to the superintendent of the school nearest and most accessible to the county of the child's residence."

Amendment No. 2

On page 4, line 11, of the printed bill, strike out "additional students", and insert "such child".

Amendment No. 3

On page 4, line 16, of the printed bill, strike out "the report of any investigation which he may have and"; and in line 17, strike out "such report", and insert "such reports and other information as such probation officer may have and such reports and information".

Amendment No. 4

On page 4, line 20, of the printed bill, after "ceedings", insert ", and as to persons who are wards of the juvenile court the court may set aside the order declaring such person a ward of the juvenile court,".

Amendment No. 5

On page 5 of the printed bill, at end of line 27, insert

"When the parent legally responsible for the support of the child fails to pay, or does not pay, the full amount of the charge, or the sum to which said charge has been reduced by the board if any reduction has been made, the juvenile court of the county of residence of said child at time of his admission to the school may, upon the application of the superintendent of the school, examine the parent or parents and determine the amount of such charge which such parent or parents may reasonably be required to pay and make an order directing such parent or parents to make such payment so ordered, is due and has not been made, execution in favor of the board may issue for such payment upon the order and at the discretion of the court".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1375—An act to amend Sections 9, 44, 45, 48, and 55 of the Vehicle Parking District Act of 1943, relating to leasing or acquiring property for parking places, the administration of park-

ing places, and the levying of taxes and assessments, and declaring the urgency of this act to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1487—An act to amend the title of and to add Section 7 to an act entitled "An act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water-mains, and other conduits therein, also to construct and maintain sewers, water-mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes," extending the act to sanitary and sanitation districts and relating to the construction and ownership of sewage treatment and disposal works for the use of two or more municipal corporations, sanitary or sanitation districts; the making of contracts for such construction, ownership or use and the issuance of bonds by municipal corporations, sanitary and sanitation districts to pay the cost of construction or for any property or rights acquired under such contracts; and declaring the urgency of this act to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 8 of the title of the printed bill, as amended, after "poses", insert ", approved March 22, 1909".

Amendment No. 2

On page 1, line 10, of said bill, strike out "their joint benefit and at their joint expense", and insert "the use of two or more municipal corporations, sanitary or sanitation districts, as joint owners or otherwise,".

Amendment No. 3

On page 2, line 8, of said bill, after "or", insert "corporations,".

Amendment No. 4

On page 2, line 9, of said bill, after "district", insert "or districts".

Amendment No. 5

On page 2, line 12, of said bill, strike out ", sanitary or sanitation district", and insert "or corporations, sanitary or sanitation district or districts".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Assembly Bill No. 10—An act to add Section 8.3 to and to amend Section 4 of the Planning Act, relating to names of streets.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1 of the printed bill, strike out lines 10 to 12, inclusive, and insert "by posting notice in".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 371—An act and Section 18972 of the Government Code to amend Section 222 of the State Civil Service Act, relating to veterans' preference.

Bill read second time, and ordered to third reading.

Assembly Bill No. 372—An act and Section 18542 of the Government Code to add Section 25 to the State Civil Service Act, relating to a definition of words and phrases as used in said act.

Bill read second time, and ordered to third reading.

Assembly Bill No. 373—An act and Section 18970 of the Government Code to amend Section 225 of the State Civil Service Act, relating to veterans' preference.

Bill read second time, and ordered to third reading.

Assembly Bill No. 374—An act to amend Section 172 of the State Civil Service Act, and to add Section 19536.5 to the Government Code, relating to layoffs.

Bill read second time, and ordered to third reading.

Assembly Bill No. 906—An act to amend Section 151 of the State Civil Service Act, and Section 18100 of the Government Code, relating to the granting and computation of sick leave.

Bill read second time, and ordered to third reading.

Assembly Bill No. 907—An act to amend Section 150 of the State Civil Service Act, and Section 18050 of the Government Code, relating to the granting and computation of vacation time.

Bill read second time, and ordered to third reading.

Assembly Bill No. 924—An act to add Section 41.3 to, and to amend Section 153 of, the State Civil Service Act, relating to State civil service.

Bill read second time.

Motion to Amend

Senator DeLap moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, after "Service Act," insert "and to add Section 18681 to, and to amend Section 19502 of, the Government Code,".

Amendment No. 2

On page 1 of said bill, after line 28, insert

"SEC. 3. Section 18681 is added to the Government Code to read:

18681. Whenever any matter is pending before the Personnel Board involving a dispute between one or more employees and an appointing power and the parties to such dispute agree upon a settlement or adjustment thereof, the terms of such settlement or adjustment may be submitted to the board, and if approved by the board, the disposition of the matter in accordance with the terms of such adjustment or settlement shall become final and binding upon the parties.

SEC. 4. Section 19502 of the Government Code is amended to read:

19502. Resignations from the State civil service are subject to board rules. A resignation, *except as provided in this section*, does not jeopardize any rights and privileges of the employee except those pertaining to the position from which he resigns. *A written resignation may expressly waive all or any rights or privileges provided for by this act, including but not limited to, accumulated vacation, and in such event the records of the board shall be made to conform therewith. No resignation shall be set aside on the ground that it was given or obtained pursuant to or by reason of mistake, fraud, duress, undue influence or that for any other reason it was not the free, voluntary and binding act of the person resigning, unless a petition to set it aside is filed with the board within 30 days after the last date upon which services to the State are*

rendered or the date the resignation is tendered to the appointing power, whichever is later.

SEC. 5. Sections 3 and 4 of this act become operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Sections 41.3 and 153 of the State Civil Service Act, added and amended, respectively, by this act, are hereby repealed."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 976—An act and Section 18975 of the Government Code to amend Section 223 of the State Civil Service Act, relating to veterans' credit for journeyman experience gained while in military service.

Bill read second time, and ordered to third reading.

Assembly Bill No. 981—An act and Section 18804 of the Government Code to amend Section 64 of the State Civil Service Act, relating to status and salary of persons whose positions have been reclassified or reallocated.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1070—An act to amend and renumber Section 152.6 as added by Chapter 736 of the Statutes of 1943, of the State Civil Service Act, and to amend Section 19200 of the Government Code, relating to the termination of duration appointments.

Bill read second time.

Motion to Amend

Senator DeLap moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 17, of the printed bill, strike out "152.7", and insert "152.65".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1288—An act to amend Section 86.1 of the State Civil Service Act, and Sections 18932 and 19700 of the Government Code, relating to minimum or maximum age limit for civil service examination.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1289—An act and Section 19536 of the Government Code to amend Section 172 of the State Civil Service Act, relating to replacement by demotion.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1396—An act and Section 19398 to the Government Code to add Section 152.7 to the State Civil Service Act, relating to employees returning from military service.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1752—An act to amend Section 96.7 of the State Civil Service Act, and Section 19394 of the Government Code, relating to employment lists.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1762—An act to add Section 152.8 to the State Civil Service Act, and Section 19398 to the Government Code, relating to promotional examinations for persons in military service.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1766—An act and Section 19573.5 to the Government Code to add Section 202.2 to the State Civil Service Act, relating to citizenship.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1986—An act to amend Section 152.5 of the State Civil Service Act, and to amend Section 19390 of, to repeal Section 19391 of, and to add a new Section 19391 to, the Government Code, relating to the reinstatement of employees returning from military leave.

Bill read second time, and ordered to third reading.

Assembly Bill No. 375—An act to amend Sections 78a and 78b of the State Employees' Retirement Act and Section 21000 and 21001 of the Government Code, relating to the State Employees' Retirement System, and extending the period during which persons who have attained the age of compulsory retirement may be retained in State service or reinstated in State service from retirement, upon conditions specified therein.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 18, of the printed bill, after "78", insert

"Any member retained in State service pursuant to the provisions of this section shall be retired for service upon application by the member or the head of the office or department in which such member is employed."

Amendment No. 2

On page 2, line 19, of the printed bill, after "retired", insert

"Any member employed in State service pursuant to the provisions of this section shall be retired for service upon application by the member or the head of the office or department in which such member is employed."

Amendment No. 3

On page 2, line 33, of the printed bill, after "forthwith", insert

"Any member retained in State service pursuant to the provisions of this section shall be retired for service upon application by the member or the head of the office or department in which such member is employed."

Amendment No. 4

On page 3, line 2, of the printed bill, after "retired", insert

"Any member employed in State service pursuant to the provisions of this section shall be retired for service upon application by the member or the head of the office or department in which such member is employed."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 979—An act and Section 18976 of the Government Code to amend Section 224 of the State Civil Service Act, relating to the filing of requests for veterans' preference in civil service examinations.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 7, of the printed bill, after "filed", insert "with said Veterans' Welfare Board".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1751—An act to amend Section 22 of the State Civil Service Act and Section 18540 of the Government Code, relating to veterans.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 8, of the printed bill, as amended, strike out "entered", and insert "served in".

Amendment read and adopted.

Bill ordered printed, and to third reading.

CONSIDERATION OF MOTION TO RECONSIDER

Senate Bill No. 989—An act to add Section 7.6 to the Unemployment Insurance Act, relating to excluded employments under said act.

Motion to Reconsider Waived

Senator Jespersen waived his motion to reconsider the vote whereby Senate Bill No. 989 was passed.

Senate Bill No. 989 ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS

Senate Bill No. 547—An act amending Sections 3017, 3018, 3019, 3020, 3021, 3022 and 3024 of the Civil Code, relating to the giving of notice of assignment of accounts receivable.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Seawell, Shelley, Slater, Sutton, and Tenney—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1195—An act to amend Section 5154 of the Public Resources Code, relating to use of parks and fair grounds for and expenditures for and revenues from fairs and expositions.

Bill read third time.

Motion to Amend

Senator Slater moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 4, of the printed bill, as amended, strike out "work", and insert "park".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 696—An act to amend Section 3065 of the Civil Code, providing for liens on logs, lumber and other timber products by persons who by their own labor, or by using their livestock, machinery or appliances, or both, assist in felling, preparing, or transporting logs or in manufacturing lumber or other timber products from such logs, providing for means by which the owner of such logs and products manufactured therefrom may protect himself by a contractor's bond against any liens in excess of the contract price agreed upon between the said owner and any contractor and making such liens prior to all other liens, claims or encumbrances, except the landowner's claim for a reasonable stumpage in cases where the landowner himself is not the direct employer or contractor, as the case may be.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Quinn, Rich, Seawell, Slater, Sutton, and Weybret—29.

NOES—Senator Shelley—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 434—An act to amend the County Employees Retirement Act of 1937, relating to County Employees' Retirement Systems.

Motion to Amend

Senator Mixter moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend", and insert "add Sections 16.5, 17.1, and 40.5 to".

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert

SECTION 1. Section 16.5 is hereby added to the act cited in the title hereof,".

Amendment No. 3

On page 1, line 2, of said bill, strike out "amended".

Amendment No. 4

On page 1 of said bill, strike out lines 3 to 5, inclusive.

Amendment No. 5

On page 1, line 6, of said bill, strike out "and", and insert

Sec. 16.5. "District" also includes".

Amendment No. 6

On page 1 of said bill, strike out line 9, and insert

SEC. 2. Section 17.1 is added to said act, to read:

Sec. 17.1. "Employee" also includes any officer or other person employed by a district defined in Section 16.5 and whose compensation is paid from the funds of the district.

SEC. 3. Section 40.5 is added to said act, to read:"

Amendment No. 7

On page 1, line 10, of said bill, strike out "Sec. 40a." and insert "Sec. 40.5."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 703—An act to amend Sections 4234, 4238, 4242, 4244, 4248, 4249, 4250, 4251, 4252, 4253, 4255, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4265, 4267, 4268, 4269, 4273, 4275, 4278, 4279, 4280, 4281, 4282, 4283, 4284, 4285 and 4286 of the Political Code, relating to compensation for public service in counties.

Motion to Amend

Senator Cunningham moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 9, of the bill, as amended, strike out "five thousand dollars ($5,000)", and insert "six thousand dollars ($6,000)".

Amendment No. 2

On page 1, line 11, of said bill, strike out "six thousand dollars ($6,000)", and insert "eight thousand dollars ($8,000)".

Amendment No. 3

On page 13, line 36, of said bill strike out "from his home to and from county seat"; and strike out lines 37 to 42, inclusive, and insert "for the distance usually traveled in going from his home to the county seat and returning.

4. Grand jurors and trial jurors in the superior court shall receive for each day's attendance the sum of five dollars ($5) and for each mile actually and necessarily traveled from their residence to the county seat, in going only, the sum of twenty cents ($0.20) per mile. In justices' courts the jurors sworn to try the case shall receive for one day's attendance, per day, the sum of two dollars ($2) and such jurors shall receive for each mile actually and necessarily traveled from their residence, the sum of fifteen cents ($0.15) per mile. The per diem and mileage in the justices' courts shall be allowed only to the jurors sworn to try the case."

Amendment No. 4

On page 23 of said bill strike out lines 46 to 52, inclusive, and insert

"1. The Recorder and Auditor, two thousand five hundred twenty dollars ($2,520) per annum and in addition thereto two hundred dollars ($200) annually for preparing the county budget when prepared by him."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 688—An act to amend Sections 820 and 987 of the Military and Veterans Code, relating to the rate of interest on veteran farm and home loans, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher,

Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 340—An act to amend Sections 25 and 33 of the Civil Code, relating to minors.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Biggar, Brown, Carter, Gordon, Jespersen, McBride, and Salsman—7.
NOES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Judah, Kuchel, Mayo, Mixter, Parkman, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—27.

Senate Bill No. 198—An act to create a medical center under the jurisdiction of the Department of Corrections, providing for its construction, management, operation and administration, specifying the types of persons who may be confined therein, providing for the transfer thereto and retransfer therefrom of persons under the custody of the Director of Corrections and of the Youth Authority, by amending Section 5003 of and adding Chapter 8 to Title 7 of Part 3 and repealing Sections 2680, 2681 and 2682 of the Penal Code, relating to institutions under the jurisdiction of the Department of Corrections and providing for the establishment of a psychopathic hospital for prisoners.

Bill read third time.

Previous Question

Senator DeLap moved the previous question.

Motion carried.

The question being on the final passage of Senate Bill No. 198.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.
NOES—Senator Desmond—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 752—An act authorizing municipalities to purchase Federal surplus property and providing for the suspension of certain laws in connection therewith, declaring the urgency thereof and providing this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE, SACRAMENTO 14, April 2, 1945

To the Senate of the State of California

I have the honor to inform you that I have made the following appointments, and respectfully request your confirmation thereof and consent thereto:

EUGENE L. WEBER, resident of Napa, prominent Mortician in Napa, formerly Coroner and Public Administrator of Napa County—as member of the Board of Trustees, Napa State Hospital, vice George Provine, term expired, for the term ending four years from date of appointment.

MRS. ELIZABETH KING ROBINSON, resident of Napa, attorney at law, member of the board of Goodman Library at Napa—as member of the Board of Trustees of the Napa State Hospital, vice Dr. Harry V. Baker, term expired, for the term ending four years from date of appointment.

WASHINGTON MANNERING, resident of Napa, raised and educated in Napa, and now the head of the Garment Workers Union, as well as vice president of the Central Labor Council as member of the Board of Trustees, Napa State Hospital, vice Samuel J. Grossman, term expired, for the term ending four years from date of appointment.

DR. DWIGHT H. MURRAY, resident of Napa, prominent physician in Napa, very active in the California Medical Association as well as the National Association—as member of the Board of Trustees, Napa State Hospital, vice Harry P. Soloman, term expired, for the term ending four years from date of appointment.

EDWIN R. HENNESSEY, resident of Napa, member of the board at the present time, vice president and manager of the Napa Branch of the Bank of America—as member of the Board of Trustees, Napa State Hospital, vice self, term expired, for the term ending four years from date of appointment.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

STATE OF CALIFORNIA
GOVERNOR'S OFFICE, SACRAMENTO, April 2, 1945

To the Senate of the State of California

I have the honor to inform you that I have made the following appointment, and respectfully request your confirmation thereof and consent thereto:

ERVIS W. LESTER, of 1440 Eaton Terrace, Los Angeles, 42, California—as member of the Adult Authority, vice F. Lovell Bixby, resigned, as a sociologist in training and experience, for the term ending March 15, 1949.

I submit herewith a biographical sketch of Mr. Lester, showing his education and experience as a school teacher; as a supervisor of delinquent boys; as a police officer, as Director of the Juvenile Division, as deputy chief of police and director of the technical services bureau of the Los Angeles police department; as an executive of coordinating councils and the Council of Social Agencies; as a student and instructor of sociological problems at colleges and universities.

Respectfully,

EARL WARREN, Governor

Information Concerning Ervis W. Lester, 1440 Eaton Terrace, Los Angeles 42, California

American, Caucasian, age 43, height 6 feet, 190 pounds.
Married. Wife, Beatrice E. Lester, nee Cobble.
Two sons: Robert W., Ensign, U.S.N.R.
Charles P., Disabled World War Two Veteran, Student University Southern California.

History: Born November 12, 1901, Stamford, Texas.

Parents, B. W. and Edna; both living; present address, Rush Springs, Oklahoma.

Boyhood spent on farm.

Rush Springs, Oklahoma, High School. Graduated with highest grade honors.

Attended University of Oklahoma, 1921-22. Completed pre-legal training course with "B" average. Subjects included public speaking, psychology and sociology.

Taught rural graded school at Ninekah, Oklahoma.

Moved to Los Angeles, 1923. Worked as supervisor of boys' department, Juvenile Hall for one year.

Appointed to Los Angeles police department April 1, 1925. Assigned to juvenile division same year. Placed in charge of the missing persons detail, January, 1928. Assigned as supervisor of boys' case work, August, 1928.

Appointed detective lieutenant January, 1931.

Took four-year continuation course 1930-1934 in police science including penology, abnormal psychology and sociology, as well as English and public speaking.

In 1930 assisted in reorganization and expansion of the juvenile division of the Los Angeles police department. Developed special in-service training course for juvenile officers. Helped organize Juvenile Research Council in 1929-1930, which was the forerunner of the Executive Board of Los Angeles County Coordinating Councils. As president of the Research Council in 1932-1933 engineered the consolidation of these two agencies.

Worked with numerous committees integrating social reforms through Coordinating Councils and Council of Social Agencies. Worked out complete integration of police program in the field of juvenile delinquency control with other social forces of the community.

Engaged in public education as speaker and lecturer before civic groups and classes in sociology at City College, U.C.L.A. and U.S.C. Topics of discussion included police administration, delinquency control and community coordination.

1936, again reorganized the juvenile division of the Los Angeles police department. Directed recruitment, training and assignments as well as administrative policy. The personnel of this division had increased from 25 members in 1925 to 130 in 1936.

Completed a number of courses in the School of Public Administration of U.S.C. in police science, delinquency control, criminology, public administration and criminal law; while continuing active participation in work of the Council of Social Agencies and Coordinating Councils.

Member of program committee of the Annual Institutes of Government at U.S.C., also participant as speaker and student.

Appointed superintendent of training, Los Angeles police department, November, 1939. Completed courses of instruction under the State Department of Education in principles of conference leading and principles of teaching. Organized and administered in-service training program for police department including the following schools: The school of command for captains and officers of higher ranks of the police department; sergeants and lieutenants in-service; training course; patrolmen's in-service training program; special school for all ranks in traffic control. Educational program proved highly efficient and set a new standard in police in-service training.

In May, 1940, appointed captain of police, and assigned as night chief of the department.

Taught in peace officers technical institutes at both U.C.L.A. and Berkeley, Summers of 1940 and 1941.

Appointed inspector of police October 1, 1940, and assigned to bureau of functional operations. Reorganized Los Angeles City Jail. Increased the efficiency of that institution and at the same time reduced the staff by 17 per cent. Assisted in the reorganization of the record bureau and the development of a Manual of Reports, containing 239 pages, which is accepted as one of the outstanding works of its kind in the Country. Developed special rating forms for inspectional services of the department, providing a record of desirable information in every phase of service rendered by an inspector of police.

September 1, 1941, assigned as director of juvenile division of the Los Angeles police department. Developed a Manual of Juvenile Procedure which has become the handbook of the police department in matters of juvenile control. This manual is widely used by police administrators throughout America.

February, 1942, appointed deputy chief of police and assigned as director of technical services bureau, which includes the following functional divisions: personnel, training, supplies and equipment, communications, property, records and identification and city jail. This includes the direction and supervision of a personnel of 645, and the preparation and administration of a seven million dollar budget.

Acted as chief of police during all absences of Chief Horrall during the past year.

Meanwhile engaged in the following extra-police activities:

Member, Governmental Associates Group, composed of administrative heads of departments of the city, county and State Government and professors of government and economics of local universities.
REFERENCE: Dr. John M. Pfiffner, Professor of Public Administration, U.S.C.
Member, executive board and scout commissioner, Los Angeles Metropolitan Council of Boy Scouts of America.
REFERENCE: Floyd F. Forker, President of Council, Pacific Mutual Life Insurance Association.
Member, executive board, Los Angeles County Coordinating Councils.
REFERENCE: Dr. Robert A. McKibben, Chairman of Board, Director All Nations Foundation.
Member, International Association of Chiefs of Police.
REFERENCE: D. Colburn Draper, President, Toronto, Ontario.
Member, California Peace Officers' Association.
REFERENCE: Chief Charles Dullea, President, San Francisco.
Member, Town Hall.
REFERENCE: Wm. B. Miller, Secretary, Biltmore Hotel.
Member, State Committee on Youth in Wartime, and chairman of its Subcommittee on Law Enforcement.
REFERENCE: Dr. Robert A. McKibben, Chairman.
Member, Southern California Academy of Criminology.
REFERENCE: Judge John G. Clark, President.
Member, Welfare Advisory Committee, Volunteers of America.
REFERENCE: Mrs. Curtis Albro, Chairman.
Member, Highland Park Christian Church.
REFERENCE: Rev. Alden Lee Hill, Pastor.
Member, board of directors, The Council for the Promotion of Boys' Welfare, Los Angeles.
REFERENCE: Joseph Scott, General Chairman.
Member, Delinquency Control Institute Committee, U.S.C.
REFERENCE: Dean Emery Olson, U.S.C.
Member, Research Committee on Delinquency Control, U.S.C.
REFERENCE: Dr. John M. Pfiffner, U.S.C.
Member, advisory committee on police training, Los Angeles City College.
REFERENCE: Dr. R. C. Ingalls, President, L.A.C.C.
Instructor, Police Academy. Subject: "Minority Groups and Police."
REFERENCE: C. B. Horrall, Chief of Police, L.A.P.D.
Instructor, Peace Officers' Technical Institute at Los Angeles and Berkeley, 1940 and 1941.
REFERENCE: Lt. Commander Geo. Brereton, U.S.N.R.
Co-Author, "Peace Officers' Manual on Juvenile Control", published 1944, California Department of Justice.
REFERENCE: Hon. Robt. W. Kenny, Attorney General.
Chairman, L. A. Delinquency Workshop Committee at U.S.C. (in cooperation with California Youth Authority.)
REFERENCE: Mr. Heman Stark, California Youth Authority.
Consultant, Workshops in Intercultural Education.
REFERENCE: Dr. Stewart B. Cole, Director, L. A. Chamber of Commerce Bldg.

Message read, and referred to Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 173—An act to amend Section 20332 of the Health and Safety Code, relating to revenues and expenditures of police protection districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 174—An act to amend Section 14075 of, and to add Section 14114 to, the Health and Safety Code, relating to fire protection districts in unincorporated areas.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 953—An act to amend Section 1144 of the Probate Code, relating to administration by the public administrator of estates of a value not exceeding two hundred dollars ($200).

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Senate Bill No. 955—An act to add Section 1844a to the Code of Civil Procedure, relating to proof of gifts in view of death.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Keating, Kuchel, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—29.

NOES—Senators Carter, Desmond, and Salsman—3.

Bill ordered transmitted to the Assembly.

Senate Bill No. 818—An act to add Section 8723 to the Water Code, relating to approval by the Reclamation Board of plans of reclamation and other works along or near the Sacramento and San Joaquin Rivers, pertaining to refusal of approval of such plans.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1257—An act to create a flood control district to be called San Diego County Flood Control District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and

reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

Bill read third time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 6, of the printed bill, after "county", insert "except such islands of said county as lie in the Pacific Ocean".

Amendment No. 2

On page 1 of said bill, strike out lines 9 to 13, inclusive, and insert

"SEC. 3. The board of supervisors of the district created by this act, by resolutions thereof adopted from time to time, may establish zones within said district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones."

Amendment No. 3

On page 2 of said bill, strike out lines 14 to 18, inclusive, and insert "to protect from such flood or storm waters the public highways, life and property in the district, and the watercourses and watersheds in the district and the watercourses and watersheds of streams flowing into the district, and to increase, and prevent the waste or diminution of the water supply in the district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use within the district."

Amendment No. 4

On page 2 of said bill, strike out lines 27 to 39, inclusive, and insert

"4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildigs, rights of way, easements, and privileges, and to construct, maintain, alter, and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act."

Amendment No. 5

On page 2, line 40, of said bill, strike out "6", and insert "5".

Amendment No. 6

On page 2, line 41, of said bill, after "benefit", insert "of the district or".

Amendment No. 7

On page 2, line 44, of said bill, strike out "in", and insert "into".

Amendment No. 8

On page 3, line 16, of said bill, after "in", insert "or flowing into".

Amendment No. 9

On page 3 of said bill, strike out lines 19 to 21, inclusive, and insert "lands or water rights which do not affect the interests of the district."

Amendment No. 10

On page 3, line 22, of said bill, strike out "7", and insert "6".

Amendment No. 11

On page 3, line 31, of said bill, after "watercourses", insert "and watersheds".

Amendment No. 12

On page 3, line 33, of said bill, strike out "8", and insert "7".

Amendment No. 13

On page 3, line 45, of said bill, strike out "9", and insert "8".

Amendment No. 14

On page 4 of said bill, strike out lines 5 and 6, and insert "least private injury. The district, or its agents in".

Amendment No. 15

On page 4, line 12, of said bill, strike out "10", and insert "9".

Amendment No. 16

On page 4 of said bill, strike out lines 23 to 25, inclusive, and insert "and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper".

Amendment No. 17

On page 5, line 9, of said bill, strike out "11", and insert "10".

Amendment No. 18

On page 5, line 11, of said bill, strike out "12", and insert "11".

Amendment No. 19

On page 5, line 15, of said bill, strike out "13", and insert "12".

Amendment No. 20

On page 7 of said bill, strike out lines 7 to 9, inclusive, and insert "waters, and to protect the public highways, life and property within the district, and the watercourses and watersheds in the district and the watercourses and watersheds of streams flowing into the district, from damage relating to such waters; and to obtain such other".

Amendment No. 21

On page 7 of said bill, strike out lines 14 to 18, inclusive, and insert

"1. A general description of the work proposed to be done, together with general plans, profiles, cross-sections, and general specifications relating thereto, on each project or work of improvement."

Amendment No. 22

On page 7, line 19, of said bill, strike out "3", and insert "2".

Amendment No. 23

On page 7 of said bill, strike out lines 22 and 23, and insert

"3. A map or maps which shall show the location and zones, as may be required, of each of said projects or improve-".

Amendment No. 24

On page 7, line 28, of said bill, strike out "5", and insert "4".

Amendment No. 25

On page 8, line 37, of said bill, strike out "resided", and insert "residing".

Amendment No. 25.5

On page 9, lines 4 and 5, of said bill, strike out "or to be derived by the specific properties".

Amendment No. 26

On page 9, line 12, of said bill, strike out "8", and insert "7".

Amendment No. 27

On page 9, line 14, of said bill, strike out "8", and insert "7".

Amendment No. 28

On page 9, line 16, of said bill, strike out "joint", and insert "participating".

Amendment No. 29

On page 10, line 16, of said bill, strike out "special", and insert "bond".

Amendment No. 30

On page 10 of said bill, strike out lines 18 and 19, and insert "zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount".

Amendment No. 31

On page 10, line 37, of said bill, after "establish", insert "bond".

Amendment No. 31.5

On page 10, line 40, of said bill, strike out "election precincts", and insert "elections".

Amendment No. 32

On page 10, line 41, of said bill, after "general", insert "election".

Amendment No. 33

On page 10, line 43, of said bill, after "such", insert "bond election".

Amendment No. 34

On page 11, line 10, of said bill, strike out "affected".

Amendment No. 34.2

On page 11, line 40, of said bill, strike out "San Diego County", and insert "district".

Amendment No. 34.4

On page 11, line 43, of said bill, strike out "auditor of San Diego County", and insert "said auditor".

Amendment No. 34.6

On page 12, line 46, of said bill, strike out "upon said bonds for that year,".

Amendment No. 34.8

On page 12, line 47, of said bill, strike out "thereof as is", and insert "of said bonds as is due or".

Amendment No. 35

On page 14 of said bill, strike out lines 19 and 20 and insert

"Sec. 21. The bonds of the district issued for any zone or zones thereof pursuant to this act, shall be legal invest-".

Amendment No. 36

On page 14 of said bill, strike out lines 41 to 52, inclusive; and on page 15, strike out line 1 and insert "irrigation district within the meaning of Section 1¾ of Article XIII and Section 13 of Article XI of the Constitution of this State.

SEC. 23. All contracts for any improvement or unit of work when the cost thereof according to the estimate of the engineer, will exceed five thousand dollars ($5,000), shall be let to the lowest responsible bidder or bidders therefor in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in said district inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file".

Amendment No. 37

On page 15, line 11, of said bill, strike out "and", and insert "or".

Amendment No. 38

On page 16, line 24, after "29.", insert "(a)".

Amendment No. 38.5

On page 16, line 48, of said bill, strike out "seven", and insert "six".

Amendment No. 39

On page 16, after line 51, of said bill, insert

"(b) In the event the district and any common carrier railroad or other public utility fail to agree as to character or location of new improvements or works sought to be performed by the district, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Railroad Commission of the State; and jurisdiction of such controversies is hereby vested in said Railroad Commission.

(c) Proceedings under this section relating to the jurisdiction of said Railroad Commission may be instituted, maintained and determined in the mode prescribed in paragraphs 1, 2, 3, 4, 5, 6, and 7 of subsection (c) of Section 43 of the Public Utilities Act as amended by Chapter 855 of the Statutes of 1933."

Amendment No. 40

On page 17 of said bill, strike out lines 2 to 4, inclusive, and insert "contract, tort, or the taking or damaging of property without compensation must be made in writing and filed with the board within".

Amendment No. 41

On page 17, line 14, of said bill, after "property", insert ", except shares of stock in mutual water companies or corporations, as provided in Section 31d of Article IV of the Constitution,".

Amendment No. 42

On page 17, line 36, of said bill, after "county.", insert

"The State of California shall be a defendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions."

Amendment No. 43

On page 17, line 38, of said bill, after "proceeding," insert "the State,".

Amendment No. 44

On page 17 of said bill, strike out lines 43 and 44 and insert "the district attorney before being filed in such proceeding."

Amendment No. 45

On page 17 of said bill, strike out lines 49 and 50; and on page 18 of said bill, strike out lines 1 to 3, inclusive.

Amendment No. 46

On page 18, line 4, of said bill, before "Employees", insert "SEC. 33."

Amendment No. 47

On page 18 of said bill, strike out lines 13 to 16, inclusive, and insert

"SEC. 35. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 527—An act to amend and renumber the article heading of Article 1 of, and to add Sections 3261 and a new article, comprising Sections 3200 to 3203, inclusive, to, Chapter 2 of Part 1 of Division 4 of, and to amend Sections 154 and 3253 of, the Welfare and Institutions Code, relating to State institutions for the blind, and transferring from the Department of Institutions to the Department of Education all powers, duties, jurisdiction, purposes, functions, funds, property, and records of the Department of Institutions in respect to the Industrial Home for the Adult Blind and the salesrooms and industrial workshops for the blind.

Bill read third time.

Motion to Amend

Senator Breed moved the adoption of the following amendment:

Amendment No. 1

On page 4, line 2, of the printed bill, as amended, after "teachers", and before the period, insert ", who shall be under the direction and supervision of the superintendent of the home".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1803—An act to amend Section 890 of the Military and Veterans Code, relating to veterans' dependents.

Bill read third time.

Motion to Amend

Senator Dilworth moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 890", and insert "Sections 890 and 891".

Amendment No. 2

On page 1, after line 12, of said bill, insert

"SEC. 2. Section 891 of said code is amended to read:

891. A dependent *child* of a veteran applying for aid under the provisions of this article shall be over 16 and not more than 21 years of age and shall have lived in this State for five years immediately preceding the date upon which the application is filed. *A dependent widow of a veteran applying for aid under the provisions of this article shall have lived in this State for at least five years immediately preceding the date upon which the application is filed and any educational assistance received by such widow under this article shall be limited to not more than four years.*"

Amendments read and adopted.

Bill ordered printed, and to third reading.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Biggar moved that Senate Bill No. 560 be taken from the inactive file for the purpose of amendment, and be placed on second reading file.

Motion carried.

Consideration of Senate Bill No. 560

Senate Bill No. 560—An act to add Article 6, comprising Sections 4421 to 4435, inclusive, to Chapter 2 of Division 4 of the Public Resources Code, relating to the acquisition, their management as State forests and administration, protection and reforestation of forest lands, the management for demonstration purposes and sale of forest products therefrom.

Bill read third time.

Motion to Amend

Senator Biggar moved the adoption of the following amendments:

Amendment No. 1

On page 3 of the printed bill as amended, between lines 4 and 5, insert "The Committee shall not approve the acquisition of any lands under this act unless it receives a resolution recommending such action adopted by the board of supervisors of the county in which such lands are situated."

Amendment No. 2

On page 4 of said bill, strike out lines 13 to 16, inclusive, and insert "may be expended by it for any proper State purpose not prohibited by the State Constitution."

Amendments read and adopted.

Bill ordered printed, and placed on second reading file.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator DeLap moved that Senate Bill No. 116 be taken from the inactive file and placed on the second reading file.

Motion carried.

RESOLUTIONS

The following resolution was offered:

By Senator Hatfield:

Senate Resolution No. 83

Relating to commendation of Marine Staff Sergeant Joe E. Vargas, of Stevinson, Merced County, California

WHEREAS, Marine Sergeant Joe E. Vargas, of Stevinson, Merced County, California, returned to the United States after serving overseas for twenty-seven months with the Second Marine Division; and

WHEREAS, Sergeant Vargas, after having been awarded the Presidential Citation for his participation in the action at Tarawa, was recently awarded the Silver Star Medal for conspicuous gallantry and intrepidity in action against the enemy while serving with a Marine infantry battalion on Saipan, Marianas Islands, on July 3, 1944, in the course of which he brought the assault engineers up to a cave under heavy enemy fire and moved in flamethrowers to lead the attack, unhesitatingly moved forward of the front lines to rescue a wounded flamethrower, and successfully carried him to the rear for first aid, then returned to the cave, and by means of demolitions and grenades, disposed of that cave and two others, and is credited, together with his crew, with dispatching more than 250 enemy Japanese in that single engagement; and

WHEREAS, The action of Sergeant Vargas has been recognized by Lieutenant-General H. M. Smith of the U. S. Marine Corps as "daring and valiant conduct in keeping with the highest traditions of the United States Naval Service"; and it is fitting that recognition of the courage and character of Sergeant Vargas, and expression of gratitude and pride should be made by the people of his own State of California; now, therefore, be it

Resolved by the Senate of the State of California, That we do hereby express to Marine Sergeant Joe E. Vargas, and to his parents, Mr. and Mrs. Manuel Vargas, of Stevinson, Merced County, California, our congratulations on his heroic conduct, our pride in him, our joy at his safe return to California, and our heartfelt wishes that the future will bring him the continued honor, prosperity, and happiness that he so richly deserves; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably engrossed copies of this resolution to Marine Sergeant Joe E. Vargas, and to his fortunate parents, Mr. and Mrs. Manuel Vargas.

Resolution read, and on motion of Senator Hatfield, adopted.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 38: By Senator Hatfield—Relative to adjournment in respect to the memory of Esther B. Phillips.

Request for Unanimous Consent

Senator Hatfield asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 38, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 38

Senate Concurrent Resolution No. 38—Relative to adjournment in respect to the memory of Esther B. Phillips.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 37	Assembly Bill No. 607
Assembly Bill No. 38	Assembly Bill No. 1030
Assembly Bill No. 39	Assembly Bill No. 1132
Assembly Bill No. 42	Assembly Bill No. 1392
Assembly Bill No. 91	Assembly Bill No. 1519
Assembly Bill No. 120	Assembly Bill No. 1685
Assembly Bill No. 215	Assembly Bill No. 1686
Assembly Bill No. 290	Assembly Bill No. 1687
Assembly Bill No. 306	Assembly Bill No. 2076
Assembly Bill No. 486	Assembly Bill No. 2139

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 37—An act authorizing suits against the State of California to quiet title to certain lands sold by the State as swamp and overflowed lands, and to natural accretions thereto.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 38—An act to validate the formation, organization and existence of recreation districts and the boundaries, governing boards, acts, proceedings and bonds of such districts.

Referred to Committee on Judiciary.

Assembly Bill No. 39—An act to amend Section 4251 of the Political Code, relating to compensation for public services in counties of the twenty-second class.

Referred to Committee on Local Government.

Assembly Bill No. 42—An act to amend Section 4249 of the Political Code, relating to compensation for public services in counties of the twentieth class.

Referred to Committee on Local Government.

Assembly Bill No. 91—An act to amend Sections 5 and 7 of the Housing Authorities Law, relating to the appointment, qualifications and tenure, and removal of commissioners.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 120—An act to amend Section 2 of an act entitled "An act providing for the creation of revolving funds in the counties and townships of the State," approved May 9, 1923, relating to the bond to be furnished as surety for such revolving fund.

Referred to Committee on Local Government.

Assembly Bill No. 215—An act to amend Section 2d of the California Water District Act, providing for the term of office of the board of directors.

Referred to Committee on Water Resources.

Assembly Bill No. 290—An act to amend Section 4247 of the Political Code, relating to compensation for public service in counties of the eighteenth class.

Referred to Committee on Local Government.

Assembly Bill No. 306—An act to amend Sections 10051 and 10053 of the Education Code, relating to instruction in the schools in American history, Constitution, institutions, and ideals.

Referred to Committee on Education.

Assembly Bill No. 486—An act to amend Sections 103 and 103½ of the Code of Civil Procedure, relating to justices' courts in townships and cities.

Referred to Committee on Local Government.

Assembly Bill No. 607—An act relating to the construction, installation, equipping, stocking and operation of vending stands in public buildings of the State counties, cities and counties, and cities, and providing for their operation by licensed blind persons.

Referred to Committee on Local Government.

Assembly Bill No. 1030—An act to add Section 352a to the Political Code, relating to necessary expenses incurred by municipal and county officers and employees in connection with special training schools.

Referred to Committee on Local Government.

Assembly Bill No. 1132—An act to amend Section 20800 of, the Business and Professions Code, relating to petroleum.

Referred to Committee on Business and Professions.

Assembly Bill No. 1392—An act to add Chapter 8.5 to Division 2 of the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 1519—An act to add Sections 3209.3 and 3209.5 to, the Labor Code, relating to workmen's compensation and insurance.

Referred to Committee on Labor.

Assembly Bill No. 1685—An act to amend Section 3152 of the Business and Professions Code, relating to the practice of optometry.

Referred to Committee on Business and Professions.

Assembly Bill No. 1686—An act to amend Sections 3010 and 3013 of the Business and Professions Code, relating to the practice of optometry.

Referred to Committee on Business and Professions.

Assembly Bill No. 1687—An act to amend Section 3052 of the Business and Professions Code, relating to licenses for the practice of optometry, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Business and Professions.

Assembly Bill No. 2076—An act to amend Sections 3023, 3047, 3048, 3049 and 3051 of the Business and Professions Code, relating to optometry.

Referred to Committee on Business and Professions.

Assembly Bill No. 2139—An act to add Section 5016 to the Public Resources Code, relating to the exchange by the State Park Commission of lands patented to the State by the Federal Government for privately owned lands situated within the boundaries of the Anza Desert State Park Project.

Referred to Committee on Natural Resources.

REPORTS OF STANDING COMMITTEES

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 2, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 115

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; noes 1.

DELAP, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 2, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 384	Senate Bill No. 842
Senate Bill No. 764	Senate Bill No. 980
Senate Bill No. 798	Senate Bill No. 1259

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 2, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 37—Approving certain amendments to the charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at a special election held therein on the twentieth day of March, 1945;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the second day of April, 1945, at 3 p.m.

SEAWELL, Chairman

ADJOURNMENT

At 4.50 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m. Tuesday, April 3, 1945 out of respect to the memory of the late Esther B. Phillips.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

THIRTY-EIGHTH LEGISLATIVE DAY
EIGHTY-SIXTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Tuesday, April 3, 1945

The Senate met at 2 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Powers, on motion of Senator Seawell, account of legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. F. G. Cary, brother-in-law of Senator Biggar, and Leonard F. Craig, Shipfitter 2/c, Chicago, Illinois, B. R. Rohrbaugh, Fireman 1/c, Norety, Ohio, and Walter A. Tiburski, Motor Machinist's Mate 2/c, Cleveland, Ohio.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Margaret Ferguson and Miss Irene Snow.

On request of Senator Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Ralph Brown, Colusa County.

On request of Senators Breed and Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Beth Hooper, Mr. Ed Hooper, Dr. Ruth Gaylord, Mrs. Emily Hurtler, and Mr. Charles McAllister, all of Oakland.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. B. C. Clark of Sutter Creek, Vice Chairman, State Democratic Central Committee for the Second Congressional District, and Mrs. Minnie Lou Eakin of Albany.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. James Markey of Santa Monica and Mrs. Fred Jacobs of Uplands.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Douglas Edmunds, wife of Justice Edmunds of the California Supreme Court.

MOTION TO PRINT

Senator Dorsey moved that the following Senate Joint Resolution of the United States Senate be printed in the Journal.

Motion carried.

79TH CONGRESS, 1ST SESSION
S. J. RES. 48

IN THE SENATE OF THE UNITED STATES
MARCH 13 (legislative day, MARCH 12), 1945
MR. MCCARRAN introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

Joint Resolution

To quiet the titles of the respective States and others to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States of America hereby releases, remises, and quitclaims all right, title, interest, claim, or demand of the United States of America in and to all lands beneath tidewaters and all lands beneath navigable waters within the boundaries of each of the respective States, unto each of such States and unto the respective grantees or successors, in interest thereof, and unto the respective present owners of such lands of which title has been confirmed by official action of the United States of America; excepting therefrom such lands beneath tidewaters and such lands beneath navigable waters as have been acquired by the United States of America from any State, its grantees or successors in interest, by cession, grant, quitclaim, or condemnation, or from any other owner or owners thereof by conveyance or by condemnation; retaining, however, to the United States of America its powers of regulation and control for the purposes of commerce, navigation, and the National defense.

As used in this joint resolution the phrase "land beneath tidewater" shall include all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and oceanward from the coast line a distance of three geographical miles and to the boundary line of each respective State where in any case such boundary line extends oceanward beyond three geographical miles; the phrase "lands beneath navigable waters" shall include all other lands covered by waters which are navigable under the laws of the United States.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 23	Assembly Bill No. 1220
Assembly Bill No. 251	Assembly Bill No. 1575
Assembly Bill No. 383	Assembly Bill No. 1848

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 23—An act to amend Sections 2011 and 2181 of, and to repeal Section 2224 of the Welfare and Institutions Code, to amend Section 270c of the Penal Code, and to amend Section 206 of the Civil Code, relating to aged aid and the liability of responsible relatives of aged persons receiving or eligible to receive such aid to contribute to their support.

Referred to Committee on Social Welfare.

Assembly Bill No. 251—An act adding Sections 4.6, 4.7, 8.7, 8.8, 8.9, 12.2, 12.3, 12.4, 17 and 18 to, and amending Sections 4, 4.5, 11, 11.5, 12, and 14 of, an act entitled, "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, as amended, relating to county peace officers' retirement systems.

Referred to Committee on Local Government.

Assembly Bill No. 383—An act to amend Section $13\frac{3}{4}$ of the Los Angeles County Flood Control Act, relating to storm drain improvements and drainage systems.

Referred to Committee on Local Government.

Assembly Bill No. 1220—An act to add Section 13502 to the Education Code, relating to the rights of permanent certificated employees of school districts after resignation, defining their rights, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 1575—An act to add Article 9 to Chapter 1 of Division 5 of the Education Code, relating to instruction by correspondence in public schools.

Referred to Committee on Education.

Assembly Bill No. 1848—An act to amend Section 970 of the Streets and Highways Code, relating to the naming of county highways.

Referred to Committee on Local Government.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 40

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DUSCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 40—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the municipal special election held therein on the thirteenth day of March, 1945.

Request for Unanimous Consent

Senator Fletcher asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 40, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 40

Assembly Concurrent Resolution No. 40—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the municipal special election held therein on the thirteenth day of March, 1945.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.
NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 827

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 56	Assembly Bill No. 100
Assembly Bill No. 80	Assembly Bill No. 165
Assembly Bill No. 96	Assembly Bill No. 356

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 168
Assembly Bill No. 1878

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 10; absent 2.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 678

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 422

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, April 2, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 941
Senate Bill No. 555
Senate Bill No. 944

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to Committee on Finance.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 2, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 1173

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 2, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 1201

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 2, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 109

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bill ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 108
Assembly Bill No. 386
Assembly Bill No. 753
Assembly Bill No. 978
Assembly Bill No. 1796
Assembly Bill No. 1847

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 448
Assembly Bill No. 1798

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 601

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered re-referred to Committee on Finance.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 248

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

COLLIER, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 2, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 333

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 358
Senate Bill No. 416
Senate Bill No. 614
Senate Bill No. 698
Senate Bill No. 976
Senate Bill No. 1013
Senate Concurrent Resolution No. 22
Senate Concurrent Resolution No. 38

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 434	Senate Bill No. 1195
Senate Bill No. 527	Senate Bill No. 560

And reports the same correctly re-engrossed.

SEAWELL, Chairman

MOTION TO PRINT

Senator Crittenden moved that the following house resolution of the House of Representatives of the United States, be printed in the Journal:

Motion carried.

79TH CONGRESS, 1ST SESSION

H. J. RES. 139

IN THE HOUSE OF REPRESENTATIVES
MARCH 23, 1945

MR. JOHNSON of California introduced the following joint resolution; which was referred to the Committee on Irrigation and Reclamation

Joint Resolution

Providing a means whereby the State of California may undertake the operation and maintenance of the irrigation and hydroelectric-power features of the Central Valley project, upon agreeing to recompense the Federal Government therefor in the manner provided in the reclamation laws of the United States.

Whereas the construction, operation, and maintenance of the Central Valley project of California was authorized by statutes of the State of California, to be effected by the State and its agencies; and

Whereas the construction of said project has likewise been authorized by Congress, and the project is now under construction by the Federal Government, pursuant to such authorization and appropriations made pursuant thereto; and

Whereas the project is wholly instrastate, being in that part of California which is drained by the Sacramento and San Joaquin Rivers and their tributaries; and

Whereas the project includes various dams, canals, and other features, extending over a distance of several hundred miles; and

Whereas, under both the State and Federal statutes, the project is a multiple-purpose project, and is actually being constructed for the improvement of navigation, flood control, salinity control, irrigation and reclamation, hydroelectric power development, recreation, and the preservation and propagation of wildlife; and

Whereas the recovery of the reimbursable portions of the Federal investments in the project will be facilitated by utilization of the powers and authority conferred upon the State government by its laws, in the operation and maintenance of said portions of the project; and

Whereas, under the Federal statutes applicable to this project, the reimbursable investments are those relating to irrigation and power development: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby created a commission to be known as the "Central Valley Commission," which shall consist of five members appointed by the President, one of whom shall be an officer of the Corps of Engineers of the Army, on the active or retired list; one of whom shall be the Commissioner of the Bureau of Reclamation, and three of whom (including the Chairman) shall not be otherwise employed by the United States. The three members, not employees of the United States, shall be appointed by and with the advice and consent of the Senate. The President shall designate as chairman one of the members who is not otherwise employed by the United States. Each member of the Commission who is not an officer or employee of another agency of the Government shall receive as compensation for services on the Commission a per diem of $50 for each day on which he performs such services.

(b) The Commission shall have power to employ and fix the compensation of such officers and employees as it deems necessary to enable it to perform its duties under this joint resolution.

SEC. 2. (a) It shall be the duty of the Commission—

(1) as soon as practicable after the enactment of this joint resolution, to determine what portion of the cost of the Central Valley project borne by the United States up to and including June 30, 1945, is reasonably allocable to irrigation and to the development of hydroelectric power, and what portion of such cost is reasonably allocable to each of the other purposes of such project; and

(2) thereafter, with respect to each fiscal year, to make a similar determination with respect to the amounts expended by the United States for such project during such fiscal year.

In any case in which it is impracticable to make an allocation by reason of the fact that works having multiple purposes have not been sufficiently completed to enable a proper allocation to be made, the determination of the Commission with respect to such works shall be postponed until such works are sufficiently completed to enable a proper allocation to be made. The Commission shall from time to time certify its determinations to the Secretary of the Interior and to the Governor of the State of California.

The Commission may make allowance for increased costs due to wartime construction. In the allocation of costs as to either the irrigation or hydroelectric features, the Commission may deduct from such allocation such amount as it deems due to increased wartime construction costs, if any.

(b) At any time within three years after the date when this joint resolution becomes effective, the State of California may elect to reimburse the United States for the amounts expended (including amounts hereafter expended) by the United States on the Central Valley project (which, for the purposes of this joint resolution, shall be limited to works in the area drained by the Sacramento and San Joaquin Rivers and their tributaries) and which are determined by the Commission to be reasonably allocable to irrigation and the development of hydroelectric power, and to operate and maintain, under its own laws, those features of such project for which the State elects to make reimbursement.

SEC. 3. When the State elects to make such reimbursement, the Secretary of the Interior shall enter into a contract with the State providing—

(a) that the State obligates itself to reimburse the United States for the amount expended (including amounts hereafter expended) by the United States on the Central Valley project which are determined by the Commission to be reasonably allocable to irrigation and the development of hydroelectric power, such reimbursement to be made in the manner provided in the reclamation laws for the repayment of construction costs, allocable respectively to irrigation and power;

(b) for the transfer by the United States to the State of the care, maintenance, and operation, under the State laws of those features of the project with respect to which reimbursement is to be made;

(c) that the title to works constructed by the United States shall remain in the United States, but the State will be obligated, at its own expense, to operate the features of the project with respect to which reimbursement is to be made and to maintain them in good condition;

(d) that the United States will be obligated, at its own expense, to operate and maintain the other features of the project; and

(e) that the State will comply with such regulations as may be prescribed, by the appropriate agency or department of the United States as may be responsible for the Federal features of the project, for the safety and protection of the project.

SEC. 4. Nothing in this joint resolution shall affect or interfere with the laws of the State of California relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this joint resolution shall proceed in conformity with such laws.

COMMUNICATIONS

The following communication was received, and, on motion of Senator Carter, ordered printed in the Journal:

March 20, 1945

Honorable Earl Warren, Governor of the State of California
State Capitol, Sacramento, California

DEAR GOVERNOR WARREN: We in the rural counties of California are sorely grieved with the editorial policy of certain metropolitan newspapers of this State and with the public comments of many California leaders when they attribute to all of the California counties a desire to "dip into the pork barrel of public funds" as the sole motif for the seeking of funds for construction of county roads. The conditions obtaining in the rural counties of California are such that their plight should be more generally known and from this knowing, perhaps, remedial legislation or some fair plan may evolve to the end that rural California may find an equal place with metropolitan California in postwar development. The underlying principle present, now perhaps barely discernible, but yet firmly planted and ever growing evolves about the integrity of local government and its continued existence in the days to come. If it is agreed that the county form of government is obsolete and should be replaced by centralized direction and that the continued concentration of tax benefits in populous areas is right and proper, then the conclusions reached in this letter are wrong. Should, however, thinking people agree that personal liberty and political integrity is dependent to a great

degree upon economic security then some intelligent attention by the leaders in our State must be given to the problem herein presented.

I believe the rural areas of California within the boundaries of which are stored the natural resources which will tend to make California great in the years to come, should be given a greater consideration that the present opinion which appear to regard such rural areas as storehouses for the future and not as present, alive and striving communities. The Federal Government has recognized the potential value of the rural areas and has effectively acquired ownership of the natural resources to such a degree that at this date 44 per cent of the entire State of California is federally owned. The Sovereign State of California, acquiescing in this Federal ownership and control, by its failure to act to change the condition, thus tacitly approves of this loss of tax base to the counties. The State thus has an obligation to these counties to make State tax funds available.

A State is a community of common interests. Geography should not be the important factor in determining where benefits in a State shall be bestowed. Looking to our vast highway system and our system of county roads, and to the places, where, and the manner in which, and in the amounts funds are expended on State Highways and Public Roads we find a formula for the distribution of tax moneys for road purposes which defeats the opportunity for rural counties to ever acquire the roads which are needed to bring both population and business. Development of a county does not bring roads—roads bring development. But we can not have roads without moneys being expended to construct them. There are insufficient real property tax funds available to counties to pay for the needed county road systems. Hence any development must be paid for out of State-wide tax funds. No plan yet evolved allows the rural counties sufficient funds for needed road development and this being the case it would appear that the time is ripe for an intelligent, unselfish, consideration of the facts to determine if the people of California are going to aid in the matter of county development. The writer has lived in Trinity county for 12 years and the county roads are as they were 12 years ago. The Trinity National Forest advises that there are presently available for cutting 13 billion feet of merchantable timber, much of which is overripe and requires immediate cutting. Yet the lumber industries refuse to establish mills in Trinity County because of the county's inaccessibility due not only to lack of county roads but to the failure of the State of California to construct the main highway designated as U.S. 299 which connects the county seat of Trinity County with Redding and Eureka. The same story obtains when considering the great mineral resources of this county because of the lack of mine-to-market roads. This is illustrative of the condition in many rural counties.

What then is the future for counties such as Trinity? If the State of California is a community of common interests is it improper to ask that the rural counties of California be allowed to join such community? Freedom of both the individual and of the political subdivision involves the economics of action, and in the struggle for Democracy, economic security is a political condition of freedom which the rural counties do not have today. The freedom of the individual is synonymous with the freedom of the political subdivision. The county can be destroyed just as surely by failure to properly legislate as by positive destructive legislation. If it be true that the rural counties should exist, we then deplore a short-sighted State policy which retards advancement by preventing rural growth; by preventing the marketing of the natural resources of rural California; by keeping such resources inaccessible. Rural California can and should grow with metropolitan California if our lawmakers will take cognizance of the proper legislation for an ever expanding economy which embraces all of California and not metropolitan California.

In many California counties the traveling public, by reason of the present condition of county roads, is sometimes eight and ten hours distant from its own county seat and yet unthinking people without attempting to ascertain the true facts accuse the rural counties of attempting to "dip into the public pork barrel." The rural counties are only attempting to exist to protect and nurture if you will one of the last remaining vestiges of the democratic process; namely, the county form of government.

I would like to know that you have read this letter personally and I would appreciate your sincere comments on its contents. If my viewpoint is correct I would like to know that this progressive State Government will take an additional step to make the State of California a true community of common interests. As counsel for the newly formed Northern California Supervisors Association, a group of counties truly representative of rural California I ask the assistance of your high office.

Sincerely,

EDWIN J. REGAN

MOTION TO PRINT

Senator Jespersen moved that the following editorial by C. R. C. Jarratt, from the California Grange News of March 20th, be printed in the Journal:

Motion carried.

By Their Works Ye Shall Know Them

If we were commissioned to choose an inscription to be carved on the lintel of the Bureau of Reclamation building, our choice would be Matthew: Chapter 7, Verse 20.

The Bureau of Reclamation is one governmental agency that throughout its many years of public service has maintained a record of loyal and untainted stewardship and faithful adherence to the principles on which it was established.

The bureau's value to the soil and citizenry of our land cannot be measured in terms of materiality, for any material appraisal of its unselfish work that has resulted in the establishment of happy family-sized farms throughout our valleys, is inadequate to tell the epic story of the bureau's struggle to make fruitful the desert and to restore to the people the power and irrigation rights which rightfully are theirs.

Like all epic fights where the people's rights are in jeopardy, it has created its enemies among the selfish interests and on occasion has been "damned with faint support" from some of its friends.

One of the bureau's most valued possessions is its 40 years of experience. In its fight to hold the line in the Central Valley Project, California agriculture has a vital stake in the bureau's backlog of performance in the field of reclamation.

Any attempt to interfere or take over its work would be a costly move for California in general and the California farmer in particular.

A switch from Federal to State administration would saddle the farmer with additional operating costs that would be staggering. For one thing, water costs would be doubled. The interest charges would run to $3 per acre per year.

The construction costs under Federal Government amortized over a period of 40 to 50 years would run to a pretty penny.

The multiple purpose program of CVP under the bureau whereby each unit of the consuming public pays its just share and the Federal Government assumes such costs as navigation, flood control, fish and wild life, Salinity repulsion, etc., would be in danger of being thrown out of gear, with the possibility of the agriculturists holding a very expensive bag.

But leaving aside all thoughts of cost increases and expensive amortization pyramids which would result if a switch from Bureau of Reclamation to State control was made, the fact remains that the Central Valley Project would suffer most from the loss of that invaluable 40 years of the bureau's experience and performance.

Those 40 years of Bureau of Reclamation service contain more than just so many man-hours of labor at so much per . . . those years of labor are richly permeated with a fervor born of an ideal and a vision centered around the philosophy that these United States can only be happy when its rural landscape is plentifully dotted with prosperous family sized farms.

Here is one occasion when we can fervently say, "Let very well enough alone."

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 478

Senator Judah moved that Senate Bill No. 478 be withdrawn from Committee on Public Health and Safety for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 478

Senate Bill No. 478—An act to renumber and amend Section 10202 and to add Section 10553 to the Health and Safety Code, relating to certified copies of birth and death certificates.

Bill read second time.

Motion to Amend

Senator Judah moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "10202", insert ", to amend Sections 10026, 10029, 10030, 10031, 10251, 10276, and 10579,".

Amendment No. 2

In line 2 of the title of said bill, after "10553 to", insert ", and to repeal Sections 10025, 10027, and 10028 of,".

Amendment No. 3

In line 3 of the title of said bill, after "certificates", insert "and the administration of the law relating to vital statistics".

Amendment No. 4

On page 1, line 20, of said bill, after "identification", strike out the comma.

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 5

On page 1 of said bill, after line 23, insert

"SEC. 3. Section 10026 of said code is amended to read:

10026. [The department shall appoint a] *The Director of Public Health shall be the* State Registrar of Vital Statistics, [who shall be the head of and shall have general supervision and control over the Bureau of Vital Statistics] *and he may appoint such assistants and deputies as are required.*

SEC. 4. Section 10029 of said code is amended to read:

10029. [He] *The State Department* shall prepare and distribute all forms and blanks for use in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of this division.

SEC. 5. Section 10030 of said code is amended to read:

10030. [He] *The State Department* shall prepare and issue such detailed instructions as may be required to procure the uniform observance of this division and the maintenance of a perfect system of registration; and no forms or blanks other than those *so* prepared [by him] shall be used.

SEC. 6. Section 10031 of said code is amended to read:

10031. [He] *The State Department* shall carefully examine the certificates received from the local registrars, and if they are incomplete or unsatisfactory [he] shall require such further information as may be necessary to make the record complete and satisfactory.

SEC. 7. Section 10251 of said code is amended to read:

10251. The certificate shall be filed with the original record of birth, which shall remain as a part of the records of the [Bureau of Vital Statistics] *State Department*.

SEC. 8. Section 10276 of said code is amended to read:

10276. The affidavit shall be filed with the original record of birth which shall remain as a part of the records of the [Bureau of Vital Statistics] *State Department*.

SEC. 9. Section 10579 of said code is amended to read:

10579. If the correction is first made in the [Bureau of Vital Statistics] *State Department*, the State Registrar shall transmit a certified copy of the certificate to the local registrar.

SEC. 10. Sections 10025, 10027, and 10028 of said code are hereby repealed."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 160

Senator Jespersen moved that Senate Bill No. 160 be withdrawn from Committee on Public Health and Safety for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 160

Senate Bill No. 160—An act relating to the regulation of the practice of naturopathy.

Bill read second time.

Motion to Amend

Senator Jespersen moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 4, insert before "herbs", "nonpoisonous, nonnarcotic".

Amendment No. 2

On page 8, line 1, after the word "the", insert "board of examiners under this act shall have determined to their satisfaction that the applicant is competent and qualified to practice naturopathy as defined in this act and the".

Amendment No. 3

On page 11, line 14, after the letters N. D. insert "Said license shall not authorize the use of the X-Ray for treatment purposes.".

Amendment No. 4

On page 15 after line 9, insert
"This act shall not be construed to regulate, prohibit, or apply to any kind of treatment by prayer, or to any person or persons administering the same, nor to interfere in any way with the practice of religion."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolutions were offered:

Senate Joint Resolution No. 18: By Senator Jespersen—Relative to the construction of an electric transmission line from Shasta Power Plant to San Francisco Bay.

Referred to Committee on Water Resources.

Senate Concurrent Resolution No. 39: By Senators Weybret and Tenney—Relative to designating the year 1948 officially as Gold Discovery Year, and the year 1949 as Gold Rush Year.

Request for Unanimous Consent

Senator Weybret asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 39, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 39

Senate Concurrent Resolution No. 39—Relative to designating the year 1948 officially as Gold Discovery Year, and the year 1949 as Gold Rush Year.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 1006—An act to add Section 572.5 to the Military and Veterans Code, relating to clothing and equipage allowances for officers and warrant officers of the California State Guard.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

In line 3 of the title of the printed bill, strike out the period and insert "and making an appropriation therefor."

Amendment No. 2

On page 1, line 11, of said bill, after "year.", insert "To qualify for the allowance provided for herein officers or warrant officers on inactive duty must maintain an attendance record in excess of 75% of the scheduled drills of their units during the period involved.

SEC. 2. Out of any money in the State treasury not otherwise appropriated there is hereby appropriated to the Adjutant General, the sum of seventy-five thousand dollars ($75,000), or so much thereof as may be necessary for the purpose of carrying out the provisions of this act. The moneys appropriated by this act may be expended without regard to fiscal year, provided however that no officer or warrant officer shall be entitled to receive any allowance for any period extending beyond two years after this section becomes operative."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Finance.

Senate Bill No. 115—An act to amend Section 6062 of the Business and Professions Code, relating to attorneys.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 2 of the printed bill, between lines 2 and 3, insert "or on active sea duty as an officer or member of the crew on or in connection with vessels documented under the laws of the United States, or vessels owned by, chartered to, or operated by or for the account or use of, the War Shipping Administrator,".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 560—An act to add Article 6, comprising Sections 4421 to 4435, inclusive, to Chapter 2 of Division 4 of the Public Resources Code, relating to the acquisition, their management as State forests and administration, protection and reforestation of forest lands, the management for demonstration purposes and sale of forest products therefrom.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 116—An act to add Section 6049.1 to the Business and Professions Code, relating to attorneys.

Bill read second time, ordered engrossed, and to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 660—An act to forbid the acquisition by the United States of America or any of its agencies of any lands or real property in the State of California except for forts, magazines, arsenals, dockyards and other needful buildings, without the consent of the legislative body of the county or political subdivision in which such land or real property is situated.

Motion to Refer Bill to Inactive File

Senator Mayo moved that Senate Bill No. 660 be placed on the inactive file.

Motion carried.

Senate Bill No. 899—An act to add Section 1.5 and to amend the title and Section 1 of an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, relating to vacations and hours on duty of members of fire departments.

Bill read third time.

Motion to Suspend Senate Rule

Senator Carter moved, that Senate Rule No. 38 be suspended temporarily, for the purpose of amending Senate Bill No. 899.

Motion carried.

Motion to Amend

Senator Carter moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "to add Section 1.5 and".

Amendment No. 2

On page 2 of said bill, strike out lines 5 to 12, inclusive.

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 434—An act to add Sections 16.5, 17.1, and 40.5 to the County Employees Retirement Act of 1937, relating to County Employees' Retirement Systems.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 39—An act to add Sections 4041.7, and 4408.5 to the Political Code, relating to the planning and development of facilities for transportation by water.

Motion to Refer Bill to Inactive File

Senator Desmond moved that Senate Bill No. 39 be placed on the inactive file.

Motion carried.

Senate Bill No. 463—An act to amend Section 20083 of and to add to Article 5 of Chapter 1 of Division 10 of the Water Code new Sections 20084, 20085, 20086 and 20087, relating to supervision of districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 464—An act to add new Sections 20051, 20052 and 20053 to Article 3 of Chapter 1 of Division 10 of the Water Code, relating to revocation of bond approval.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 465—An act to add a new Section 20033 to Article 2 of Chapter 1 of Division 10 of the Water Code, relating to revocation of orders and reports.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 413—An act to amend Sections 427, 428, and 990 of the Fish and Game Code, relating to hunting and fishing, and the issuance of licenses therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—Senator Carter—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 206—An act to amend Sections 651.6 and 651.7 of, and to add Section 651.8 to, the Fish and Game Code, relating to salmon.

Bill read third time.

Previous Question

Senator Keating moved the previous question.

Motion carried.

The question being on the final passage of Senate Bill No. 206.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Sutton, Tenney, Ward, and Weybret—29.

NOES—Senators Dillinger, and Slater—2.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 402—An act to add Sections 796.3, 796.4, 796.5, 796.8 and 796.9 to the Agricultural Code, relating to citrus fruits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 405—An act to amend Sections 911.23, 912, 914, 915, 915.5, 917, 919 of, and to add Section 915.1 to, the Agricultural Code, relating to seeds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1195—An act to amend Section 5154 of the Public Resources Code, relating to use of parks and fair grounds for and expenditures for and revenues from fairs and expositions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1193—An act to add Article 3, comprising Section 96, to Chapter 3, Division 1, of the Agricultural Code, relating to county fairs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—31.

NOES—None.

Motion to Amend

Senator Slater moved the adoption of the following amendment:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "fairs", and insert "fairgrounds, fairground facilities, and parks".

Amendment read, and adopted.

Bill ordered reprinted and transmitted to the Assembly.

Senate Bill No. 12—An act to add Section 6365 to Part 1 of Division 2 of the Revenue and Taxation Code, relating to exemption from taxation under the Sales and Use Tax Law.

Motion to Refer Bill to Inactive File

Senator Gordon moved that Senate Bill No. 12 be placed on the inactive file.

Motion carried.

Senate Bill No. 313—An act to add Section 705.5 to the Vehicle Code, relating to transportation of saw logs.

Bill read third time.

Motion to Amend

Senator Quinn moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill as amended, after "logs", insert ", declaring the urgency of this act, to take effect immediately".

Amendment No. 2

On page 1, line 8, of said bill, strike out the period following "weight"; and strike out "Such log may be", and insert ", if such log is".

Amendment No. 3

On page 1, line 9, of said bill, following "semitrailer", strike out the comma and insert a period.

Amendment No. 4

On page 1, line 10, of said bill, strike out "and when", and insert "When".

Amendment No. 5

On page 1 after line 27, of said bill, insert

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and therefore shall take effect immediately. The following is a statement of the facts constituting such necessity:

The present limitations on the weights carried on vehicles using the highways prohibits the hauling of certain large logs and consequently prevents the United States from obtaining the lumber from such logs for use for war purposes and also

restricts the supply of lumber available for essential civilian uses. The need for a greater supply of lumber is urgent and in order that it may be provided it is necessary that this act take immediate effect."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 43—An act to amend Section 511.4 of, and to add Section 511.6 to the Vehicle Code, relating to regulation of the speed of vehicles.

Bill read third time.

Previous Question

Senator Gordon moved the previous question.

Motion carried.

The question being on the final passage of Senate Bill No. 43.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, McBride, McCormack, Mixter, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—29.

NOES—Senators Kuchel, Mayo, Parkman, and Tenney—4.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1260—An act granting certain lands, tidelands and submerged lands of the State of California to the City of San Diego upon certain trusts and conditions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 902—An act to amend Section 8.8 of the California Toll Bridge Authority Act, relating to the use of toll bridges or other toll highway crossings on a credit basis.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 345—A act to amend the Building and Loan Association Act by amending Section 2.04 thereof, relating to approval of articles of incorporation, Section 2.07 thereof, relating to branches, Section 3.02 thereof, relating to withdrawable shares, Section 3.03 thereof, relating to maturity of shares, Section 5.01 thereof, relating to investment certificates, Section 8.09 thereof, relating to regulation of interest and dividends and to notice of transfer or encumbrance, Section 8.10 thereof, relating to rate of return on shares and investment certificates,

and Section 13.20 thereof added by an act approved May 28, 1943, and by repealing Section 8.09a and Section 13.20, as added by Chapter 431 of the Statutes of 1933.

Bill read third time.

Motion to Amend

Senator McBride moved the adoption of the following amendment:

Amendment No. 1

On page 7, line 41, of the printed bill, as amended, after "installment", insert "investment".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 542—An act to amend Section 1192 of the Insurance Code, relating to excess funds investments of incorporated insurers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Senate Bill No. 344—A bill to amend the Building and Loan Association Act by amending Section 1.01 thereof, relating to definitions and Sections 6.01, 6.02, 6.03, 6.04, and 6.05 thereof, relating to withdrawals, and to repeal Sections 6.01a, 6.01b, and 6.06 thereof, relating to withdrawals, and to add a new section thereto to be numbered 6.10, relating to acquisition of certificates and shares.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 233—An act to amend Section 10505 of the Business and Professions Code, relating to persons exempt from the provisions regulating mineral, oil and gas brokers and salesmen.

Bill read third time.

Motion to Amend

Senator Seawell moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 16, of the printed bill, as amended, after "oil", insert "or gas".

Amendment No. 2

On page 1, line 17, of said bill, after "oil", insert "or gas".

Amendments read and adopted.

Bill ordered printed, and to third reading.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Weybret:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 1343 of the Fish and Game Code, relating to seals and sea-lions.

Respectfully submitted,

SENATOR FRED WEYBRET

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 3, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Fish and Game.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1266: By Senator Weybret—An act to amend Section 1343 of the Fish and Game Code, relating to seals and sealions.

Referred to Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 889

Assembly Bill No. 1801

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 1241

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 111
Senate Bill No. 118
Senate Bill No. 189
Senate Bill No. 408
Senate Bill No. 501
Assembly Bill No. 632
Assembly Bill No. 888

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bills ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 287

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 2, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 703

And reports the same correctly re-engrossed.

SEAWELL, Chairman

ADJOURNMENT

At 4.24 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Wednesday, April 4, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

THIRTY-NINTH LEGISLATIVE DAY
EIGHTY-SEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Wednesday, April 4, 1945

The Senate met at 2 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Powers, on motion of Senator Seawell, account of illness.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Kuchel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Garrett Sargent and Mr. Charles Goble, of Los Angeles.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Helen Stewart of San Bernardino, former California Senate Journal Clerk.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. G. Thomsen, Chairman, State Legislative Committee of California League of Women Voters; Mrs. Max Stern of California League of Women Voters of Sacramento; Mrs. H. P. Brown and Mrs. George Wickes of Placerville.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Severus L. Miru, Miss Elsa Widenmann, and Mrs. H. Randall Madeley.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following members of the San Mateo County Council of Republican Women: Mrs. Randolph Madison of Hillsborough, Mrs. V. S. Marshall of San Mateo, Mrs. David H. Saegar, Mrs. William J. Hayes, and Mrs. Jean Wallace of Burlingame, Mrs. Nellie Hunter of Lomita Park, Mrs. A. S. Kalenborn of San Carlos, Mrs. A. A. Alexander and Mrs. R. Banning of Belmont, Mrs. Mona Christenson, Mrs. G. Simpkins, and Miss Helen Van Winkle of Redwood City.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Goldie Brewer, Mrs. Wendell Robie, Mrs. Edna Hollenbeck and Mrs. Eleanor Stanley, all of Auburn.

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Lyle DeWitt, Mrs. Clifton Slonaker, and Mrs. Harry Kessler, all of Palo Alto, and Mrs. A. S. Kalenborn of San Carlos.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Margaret Girdner, Supervisor of Libraries and Texts, San Francisco Public Schools.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. F. Stabel and Miss L. C. Schmeiser.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Mabel Glenn, State Home Economics Chairman, California State Grange; Mrs. Hilda Atkins of Millville, State Lecturer, California State Grange; and Mrs. Cordie Hannah of San Jose, State Superintendent of Juvenile Granges.

On request of Lieutenant Governor Frederick F. Houser and Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following members of the Northern Division of California Republican Womens Council: Mrs. W. F. Kuch, Mrs. Beryl Tullock, Mrs. Cora Damerell, Mrs. Edith M. Meyers, Mrs. Grace M. Arnold, Mrs. Agnes D. Longley, Mrs. Helen Matlock, Mrs. Frank McBride, Emma A. VonHatten, Mrs. Chas. R. Gilmore, Mrs. Howard Joseph, Mrs. Mildred C. Coburn, Mrs. Edyth Harris, Mrs. Rose E. Davis, Mrs. Howard E. Deems, Mrs. Buryon E. Baker, Mrs. Wilson W. Kling, Mrs. Anna B. Sopwith, Mrs. E. H. Hubbard, Mrs. A. H. Hubbard, Mrs. D. H. Osborn, Mrs. Pearl Ault, Mrs. Bernice Newlove, Mrs. T. C. Welsh, Mrs. I. J. Strommes, Mrs. Earl E. Motter, Lena C. Le Masters, Evelyn A. Fenton, Mrs. George C. Bassett, Mrs. J. W. Terrell, Mrs. Nellie S. Morris, Mrs. N. C. Gregory, Mrs. Marion Mansfield, Mrs. Cyril Rock, Miss Geraldine Hadsell, Mrs. A. H. Robertson, Mrs. John Lowney, Mrs. C. V. Schneider, Mrs. V. L. Hatfield, Mrs. Katherine E. Fait, Miss Rose Sheehan, Mrs. T. J. Clark, Mrs. Maude Spear King, Mrs. Josephine Haug, Mrs. Walter R. Brayere, Lena A. Greer, Mrs. Creed Boucher, Mrs. E. M. Wilder, Mrs. Lucy A. Richard, and Mrs. Edith M. Meyers,

all of Sacramento; Bessie W. Griswold and Mrs. I. J. Blake, Jr., of North Sacramento; Mrs. Forrest A. Hills, Mrs. D. Gerald Bing, Mrs. Anne Kennedy, Mrs. E. L. Dryden, and Eleanor V. Daives; Mrs. Ben Huntington, Mrs. C. E. Boydston, Mrs. Jennie Risley Davison, Mrs. F. H. Lambert, Catherine Ritchie, Blanche File, Mrs. F. W. Canning, Mrs. J. H. Osmer, Mrs. C. W. Deacon, Mrs. K. S. Colbie, Edna M. Foster, Mrs. Vera Griffin, Mrs. Elizabeth O. Chase, Mrs. K. C. Mohrhardt, Mrs. C. Biscomb, Mrs. B. S. Applegate, Mrs. R. P. Wisecarver, Mrs. H. M. Michel, Mrs. A. H. Westerberg, Mrs. J. H. Donald, Jr., Mrs. E. P. James, Miss Ardis Myhrs, and Mrs. Dorothy Pillsbury Stetson, all of Berkeley; Mrs. Tracy I. Stour, Mrs. Arthur F. Weaver, Mrs. E. L. Jack, Mrs. Fred M. Michael, Mrs. Ruth Grieve, Mrs. Marsaille C. Morris, Miss Violet Konitzer, Miss Maybelle Hewitt, Miss Deborah Knott, Mrs. E. F. Stabel, Grace V. Jackson, Mrs. F. W. Schnitter, Miss May Campbell, Mrs. G. C. Hanna, and Mrs. W. W. Robbins, all of Davis; Mrs. E. C. Wyckoff of Santa Rosa, Mrs. Florence B. Petty of San Diego, Mrs. A. T. Alexander and Mrs. R. Manning of Belmont, Mrs. Nellie R. Hunter of Lomita Park, Mrs. Helen Clarke Cranston of Carmel, Elsa Widemann, Mrs. H. Randall, and Mrs. Severus L. Mini of Vallejo; Mrs. U. S. Marshall and Mrs. Randolph Madison of San Mateo, Mrs. Elmer H. Whittake of Santa Barbara, Mrs. Dorothy Arnold of Los Angeles, Mrs. Miito R. Blodgett of Calistoga, Mrs. S. H. Gnaga of Richmond, Edna May Teron of Oakland, Cotopaxa Simpkin and Mrs. Lyle De Witt of Palo Alto, Mrs. Lilly C. Trowbridge of Pacific Grove, Mrs. W. P. Stoll of El Cerrito, Mrs. A. S. Kalenborn of San Carlos, Mrs. Walyer Lensi, Mrs. Thomas Larke, Jr., Miss Joyce Bode, Mrs. William H. Bode, Mrs. Floyd W. Elliott, Miss Mary Dixon Norris, Mrs. C. C. Baker, Mrs. Paul Alexander, and Mrs. Neva Bethel, all of San Francisco; Mrs. D. H. Saeger, Mrs. Jean M. Wallace, and Mrs. Wm. Hayes, all of Burlingame; Mrs. Douglas L. Edmonds of Sausalito, Mrs. Jeannette E. Gastavson of Chicago, Ill.; Mrs. Ethel S. Wickes and Mrs. Homer P. Brown of Placerville; Mrs. Edna R. Hollenbeck, Mrs. Eleanor E. Stanley, Mrs. Wendell Robie, and Mrs. Goldie Brerew, all of Auburn.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 38
Senate Joint Resolution No. 17

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 78
Assembly Bill No. 114
Assembly Bill No. 116
Assembly Bill No. 183
Assembly Bill No. 194
Assembly Bill No. 402
Assembly Bill No. 601
Assembly Bill No. 980
Assembly Bill No. 1141
Assembly Bill No. 1343

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 78—An act to amend Sections 152.5 and 152.6 of the State Civil Service Act and Sections 19390 and 19397 of the Government Code, relating to rights of civil service employees.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 114—An act to amend Section 5800 of the Labor Code of the State of California, relating to workmen's compensation.

Referred to Committee on Labor.

Assembly Bill No. 116—An act to amend Section 5405 of the Labor Code of the State of California, relating to workmen's compensation.

Referred to Committee on Labor.

Assembly Bill No. 183—An act to amend Section 3401.5 of the Welfare and Institutions Code, relating to aid to the blind.

Referred to Committee on Social Welfare.

Assembly Bill No. 194—An act to amend Section 3002 of the Welfare and Institutions Code, relating to aid to the needy blind.

Referred to Committee on Social Welfare.

Assembly Bill No. 402—An act to amend Section 4903 of the Labor Code, relating to liens for burial expense.

Referred to Committee on Labor.

Assembly Bill No. 601—An act to repeal Chapter 2 of Division 2, comprising Sections 1400 to 1411, inclusive, of the Health and Safety Code, and to add a new Chapter 2, comprising Sections 1400 to 1418, inclusive, to Division 2 of said code, relating to public and private hospitals, as therein defined, and providing for the licensing, inspection, regulation, and supervision of such hospitals by the State Department of Public Health.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 980—An act to amend Section 172 of the State Civil Service Act and Section 19533 of the Government Code, relating to demotions.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1141—An act to add Section 47a to the State Employees' Retirement Act and Section 20894.5 to the Government Code, relating to credits for persons in the military service.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1343—An act to repeal Section 4555 of the Labor Code and to add Sections 4555 and 4556, relating to attorneys' fees in workmen's compensation cases.

Referred to Committee on Labor.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1257
Senate Bill No. 345

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 4, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 313
Senate Bill No. 899

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 625

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 4, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 115
Senate Concurrent Resolution No. 39

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 112
Assembly Bill No. 775

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 257

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bill ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 23

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; noes 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 751

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 238
Senate Bill No. 925
Senate Bill No. 78

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills, ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 381
Assembly Bill No. 502

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills, ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 301

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 617
Senate Bill No. 835

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills, ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 154
Senate Bill No. 844
Senate Bill No. 901
Senate Bill No. 1012

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Joint Resolution No. 14

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 592

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 4; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 297
Senate Bill No. 401
Senate Bill No. 591
Senate Bill No. 843

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 4, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 1264

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 4, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 332

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bill ordered to second reading

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 4, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 108

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, April 3, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:
Assembly Bill No. 1708

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported bill ordered to second reading.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, April 2, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:
Senate Bill No. 981

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; noes 3; absent 1.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 2, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:
Senate Bill No. 1261
Senate Bill No. 1258
Senate Bill No. 466

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Mayo moved that Senate Bill No. 660 be taken from the inactive file and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Dilworth moved that Senate Bill No. 391 be taken from the inactive file and placed on the second reading file.

Motion carried.

RESOLUTIONS

The following resolutions were offered:

By Senator Seawell:

Senate Resolution No. 84

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law with the compensation set opposite their names, payable weekly seven days per week beginning April 2, 1945, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the respective amounts, and the Treasurer is hereby directed to pay the same.

	Per day
Jack Quinn, Page	$3 00
James Edwards, Sergeant-at-Arms	8 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

By Senator Seawell:

Senate Resolution No. 85

Resolved, That the following named person be stricken from the list of Senate Attaches, and that his name be stricken from the pay roll of the Senate, to take effect on completition of work April 3, 1945.

	Per day
Leal Norton, Page	$3 00

Resolution read and, on motion of Senator Seawell, adopted.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 40: By Senator McBride—Relative to the creation of a Joint Committee on Insurance Regulation.

Referred to Committee on Rules.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 827—An act to provide for the receiving as evidence in any court, office or other place in this State, official findings, records, reports or certified copies thereof, of death, presumed as missing or other status, issued by the Secretaries of War and Navy and other Federal officers and employees, declaring the urgency thereof and that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 168—An act to amend Sections 1730 and 1771 of Title XI of Part III of the Code of Civil Procedure, relating to conciliation proceedings.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 422—An act to add Sections 1426.1 and 1426.2 to the Penal Code, relating to proceedings on misdemeanor complaints.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 1426.1 and 1426.2", and insert "Section 1426.1".

Amendment No. 2

On page 1, line 4, of the printed bill, strike out "who desires it".

Amendment No. 3

On page 1 of the printed bill, strike out lines 5 to 10, inclusive.

Amendments read and adopted.
Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 941—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land in Orange County as part of the State Park System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

Amendment No. 1

On page 1 of the printed bill, strike out lines 1 and 2 and insert "SECTION 1. There is hereby appropriated to the Division of Beaches".

Amendment No. 2

On page 1 of the printed bill, strike out lines 4 and 5 and insert "Beach Fund the sum of three hundred and ninety-nine thousand five hundred dollars ($399,500) or so much thereof as may be necessary to be".

Amendment No. 3

On page 1 of the printed bill, strike out line 11, and insert "and such acreage on the inland side of said beach frontage as may be deemed necessary or desirable, or so much of said frontage and acreage as can be purchased at a reasonable price, to".

Amendment No. 4

On page 1, line 19, of the printed bill, strike out the period, and insert a semicolon, and add the following: "this appropriation shall be expended in the acquisition of aforesaid property and shall not be matched by like amounts, or any amounts, in money, property or lands received from private or any other sources."

Amendment No. 5

On page 1 of said bill, following Section 1, insert

"SECTION 2. The State of California received from the state-owned tideland oil pool at Huntington Beach, the sum of $1,320,038.17 in 1943, the sum of $2,991,820.58 in 1944, and it is estimated that in 1945 the sum will exceed $3,000,000. Neither the City of Huntington Beach nor the County of Orange received any income from the State through tideland drilling operations into this pool. However, in other areas of this State, the State by legislative action has relinquished its rights to other tideland pools and, in those cases, the municipalities contiguous thereto have reaped the entire benefit therefrom, and the State has received nothing. Well over two-thirds of the money in the State Beach Fund have come from the tidelands at Huntington Beach. As a result of intensive oil drilling in this area, an extensive area of the beach frontage within the City of Huntington Beach has been disfigured and has lost all value as beach playground. The Legislature believes that equity and simple justice demand that a small portion of the millions of dollars obtained from the State tideland oil pool at Huntington Beach and the County of Orange be used in the acquisition of the aforesaid described property, which is eminently suited to beach playground use, and which would prove to be of great recreational value to all the citizens in the southern counties of the State. By reason thereof, the Legislature hereby expressly declares that this appropriation constitutes a valid exception to any policy requiring the matching of State funds by other sources in acquiring park properties. Thus, the equities of the situation will be met, and a beautiful State beach park will be created for the enjoyment of citizens of California."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 555—An act to provide for the transfer from the State Lands Commission to the Division of Forestry of the Latour Forest and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

Amendment No. 1

On page 1, line 11, of the printed bill, after "of", insert "one hundred thousand".

Amendment No. 2

On page 1, line 11, following the dollar sign "$", insert "100,000".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 944—An act to provide for the acquisition of Montgomery Woods in Mendocino County as part of the State Park System, and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

Amendment No. 1

On page 1, line 11, of the printed bill, following "of", insert "thirty-two thousand five hundred".

Amendment No. 2

On page 1, in line 11, of the printed bill, following the dollar sign insert "32,500".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 1173—An act relating to taxes paid upon mines and mining claims by co-owners and providing remedies for nonpayment of taxes by co-owners.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1201—An act to amend Sections 6890, 6891, 6894, and 6895 of the Public Resources Code, relating to the granting of prospecting permits and leases for the extraction and removal of minerals other than oil and gas from lands belonging to the State of California.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "to", insert "add Section 6307 to and".

Amendment No. 2

In line 2 of the title of said bill, after "relating to", strike out "the"; and strike out lines 3, 4 and 5 and insert "applications for erection of structures on tidelands or submerged lands or for depositing or removal of material therefrom."

Amendment No. 3

On page 1, line 1, of said bill, before "6890", insert "6307 is added to the Public Resources Code to read:

6307. All applications made to the commission for erection of any permanent structure on tidelands or submerged lands or for depositing or removal therefrom of any material under Sections 6303 or 6321 or other Section hereof shall be submitted by the commission to the Director of Natural Resources, who shall cause the Beach Erosion Control Engineer of the Division of Beaches and Parks to make an examination and report thereon as to the probable effect on the beaches and cliffs in the vicinity. Should it be found that the action proposed in any application would unreasonably interfere with the maintenance or use thereof for recreational purposes or protection of shore properties, such application shall not be granted unless modified in a manner which may avoid such interference.

SEC. 2. Section".

Amendment No. 4

On page 1, line 8, of said bill, strike out "2.", and insert "3."

Amendment No. 5

On page 2, line 11, of said bill, strike out "3.", and insert "4."

Amendment No. 6

On page 2, line 23, of said bill, strike out "4.", and insert "5."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 109—An act to amend Section 4010 of the Natural Resources Code, relating to forest fire protection.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 1

On page 1, line 15, of the printed bill, strike out "organized volunteer fire departments", and insert "any regularly organized fire department".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

Senate Bill No. 448—An act to amend Section 473a of the Political Code and Section 11041 of the Government Code, relating to attorneys for State departments.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 9, of the printed bill as amended, after "Finance", insert "Division of State Lands, State Board of Equalization,".

Amendment No. 2

On page 2, line 30, of said bill, after "Finance", insert "State Lands Commission, State Board of Equalization,".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 248—An act to amend Sections 10615 and 10617 of the Health and Safety Code, relating to registration of previously unregistered births.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1241—An act to add Sections 682 to 694, inclusive, to Article 2 of Chapter 3 of Division 1 of the Streets and Highways Code, relating to franchise on State highways.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1 in line 1 of the title of the printed bill, strike out "694", and insert "695".

Amendment No. 2

On page 1, line 4, of said bill after the comma, following "in", insert "along, across, under, through,".

Amendment No. 3

On page 1, line 9, of said bill, strike out "this article", and insert "Sections 682 to 695 inclusive".

Amendment No. 4

On page 1, line 14, of said bill, strike out "Section 100.3" and insert "this code".

Amendment No. 5

On page 2 of said bill strike out lines 42 to 45, inclusive, and insert

"690. The department shall have the power to prescribe the location, within the limits of the State highway, of any physical property to be constructed or installed in, under, over or upon such State highway pursuant to any such franchise. Before constructing or installing any such physical property in any State highway, the holder of the franchise shall apply to the department, or its authorized agent, for a permit, and the department shall issue a permit, in which it may impose reasonable conditions as to location, method and manner of construction. All such".

Amendment No. 6

On page 3, line 2, of said bill, strike out the word "necessary".

Amendment No. 7

On page 3, line 19, of said bill, strike out ", except for the"; and strike out line 20; and in line 21 strike out "road tracks and operating street or other railroads thereon" and strike out all of lines 23 to 30, inclusive.

Amendment No. 8

On page 3 of said bill, following line 30, insert

"SEC. 14. Section 695 is added to said article of said code, to read:

695. Failure of the department to act upon any application for approval under Sections 683 or 684 within 90 days after the filing of such application with the department shall be deemed to constitute approval thereof. The time herein prescribed may be extended with the consent of the grantor city."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 111—An act to amend Section 1621 of the Streets and Highways Code and Section 8356 of the Revenue and Taxation Code, relating to allocations to counties of moneys for highway purposes.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 118—An act to amend Section 5 of an act entitled "An act relating to the determination of the wartime population of cities or cities and counties for purposes of allocation of moneys from the State Highway Fund and from the Motor Vehicle License Fee Fund for expenditures therein, and declaring the urgency thereof," approved May 18, 1943, relating to the time said act remains in effect, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 189—An act to add Section 372.3 to the Vehicle Code, relating to exemptions from fees.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 408—An act to add Section 1½ to an act entitled "An act to regulate the construction, operation and maintenance of toll bridges and toll roads situated wholly or in part within the State of California; vesting the exclusive jurisdiction over said toll bridges and toll roads in the Department of Public Works of the State of California; authorizing and empowering said department to grant upon

certain terms, limitations, conditions and restrictions and under such supervision as in its judgment may be necessary, franchises, privileges or licenses for the construction or operation of toll bridges and toll roads and for the taking and keeping of tolls thereon, and to fix, determine, modify or change the rate of tolls to be taken thereon; to terminate the right of boards of supervisors to grant franchises, privileges or licenses for the construction, operation and the taking and keeping of tolls on toll bridges and toll roads; also providing that the State may purchase or retake any such toll bridges or toll roads constructed hereunder and repealing all other acts and parts of acts in conflict therewith," approved June 10, 1929, as amended, relating to franchises, licenses and privileges for toll bridges, toll roads and toll ferries and making administration of said act a charge against the State Highway Fund.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 501—An act to amend Section 374.5 of the Vehicle Code, relating to license plates for exempt vehicles.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 56—An act to amend Section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property.

Bill read second time, and ordered to third reading.

Assembly Bill No. 96—An act to add Section 84.5 to Article 1 of Chapter 5 of Title 1 of Part 1 of the Code of Civil Procedure, relating to procedure in justices' courts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 100—An act to amend Section 1143 of the Penal Code, relating to justices' courts of Class A.

Bill read second time, and ordered to third reading.

Assembly Bill No. 165—An act to amend Section 808 of the Penal Code, relating to magistrates.

Bill read second time, and ordered to third reading.

Assembly Bill No. 356—An act to add Title 10a to Part 4 of Division 3 of the Civil Code, relating to unincorporated nonprofit associations and the members thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 80—An act to amend Section 1183.5 of the Civil Code, relating to the proof or acknowledgment of instruments.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1878—An act authorizing a suit or suits against the State of California to quiet title against it to certain real property in the County of Sacramento, State of California.

Bill read second time, and ordered to third reading.

Assembly Bill No. 678—An act to amend Section 411 of the Code of Civil Procedure, relating to service of summons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 108—An act to add Section 66c to the Code of Civil Procedure, and to repeal an act entitled "An act to provide one additional judge of the superior court of the County of Contra Costa," approved June 4, 1913, relating to the number of superior court judges and providing for the appointment of an additional superior court judge in and for the County of Contra Costa.

Bill read second time, and ordered to third reading.

Assembly Bill No. 386—An act to add Section 155.1 to the State Civil Service Act, and Section 19398 of the Government Code, relating to the computation of time during which a veteran may apply for reinstatement to State service after resignation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 753—An act to amend Section 692 of the Political Code and Section 11005 of the Government Code, relating to the approval of gifts of real property by the Director of Finance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 978—An act and Section 18973 of the Government Code to amend Section 221 of the State Civil Service Act, relating to veterans' preference.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1796—An act to abolish the San Diego Harbor Improvement Fund in the State treasury.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1847—An act to add Section 363i to the Political Code and Section 14037 to the Government Code, relating to the refund of moneys received or collected by the Department of Public Works.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1798—An act to amend Section 149 of the State Civil Service Act and to add Section 19393.5 to the Government Code, relating to leaves of absence.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 14, of the printed bill as amended, strike out "War Manpower Commission or its", and insert "State Manpower Director or his".

Amendment No. 2

On page 2, line 3, of the printed bill as amended, strike out "War Manpower Commission", and insert "State Manpower Director".

Amendment No. 3

On page 2, line 14, of the printed bill as amended, strike out "War Manpower Commission" and insert "State Manpower Director".

Amendments read and adopted.
Bill ordered printed, and to third reading.

Assembly Bill No. 889—An act to add a new section to the Streets and Highways Code, to be numbered 100.6, relating to powers of the Department of Public Works with respect to agreements with adjoining States.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 5, of the printed bill, as amended, after "the", and before "reconstruction", insert "construction".

Amendment No. 2

On page 1, line 8, of said bill, strike out "when"; and strike out line 9; and in line 10 strike out "States".

Amendment No. 3

On page 1, lines 11 and 12, of said bill, strike out "equipment for the clearance and removal of snow from".

Amendments read and adopted.
Bill ordered printed, and to third reading.

Assembly Bill No. 1801—An act to add Section 822.5 to the Streets and Highways Code, relating to Federal aid highway work.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 9, of the printed bill, after "acquire", insert "for the county or city as the case may be,".

Amendment read and adopted.
Bill ordered printed, and to third reading.

Assembly Bill No. 632 An act to amend Section 136.5 of the Streets and Highways Code, relating to rental of tools or equipment for State highway work.

Bill read second time, and ordered to third reading.

Assembly Bill No. 888 An act to amend Section 186.5 of the Streets and Highways Code, to extend the effective date thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 287 An act to add Section 761.5 to the Probate Code, relating to sale of estate property.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, strike out lines 9 and 10 and insert "commission shall be fixed by the court at such amount as the court, in its discretion, finds will be a reasonable compensation for the services of the agent to the estate."

Amendment read and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 899—An act to amend the title and Section 1 of an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, relating to vacations and hours on duty of members of fire departments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Collier, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 703—An act to amend Sections 4234, 4238, 4242, 4244, 4248, 4249, 4250, 4251, 4252, 4253, 4255, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4265, 4267, 4268, 4269, 4273, 4275, 4278, 4279, 4280, 4281, 4282, 4283, 4284, 4285 and 4286 of the Political Code, relating to compensation for public service in counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1257—An act to create a flood control district to be called San Diego County Flood Control District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of

said district and for the acquisition and construction of property and works to carry out the purposes of the district.

Bill read third time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

On page 10, of the printed bill, as amended, between lines 37 and 38, insert "The aggregate taxes and assessments levied under this act for any one fiscal year shall not exceed twenty (20) cents on each one hundred dollars ($100) of the assessed valuation of the taxable property in said zones, exclusive of any tax or assessment levied to meet the bonded indebtedness of said zones and the interest thereon."

Amendment No. 2

On page 11, line 26, of said bill, strike out "one-fortieth (1/40)", and insert "one-twentieth (1/20)".

Amendment No. 3

On page 12, line 50, of said bill, after "value," insert "to the highest bidder;".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 816—An act to add Section 8772 to the Water Code, relating to assessments of the Sacramento and San Joaquin Drainage District now outstanding on lands in public ownership.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelby, Slater, Sutton, Swing, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 817—An act to amend Section 8710 of the Water Code, relating to approval by the Reclamation Board of plans of reclamation and other works along or near the Sacramento and San Joaquin Rivers, pertaining to definition thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

RECESS

At 2.45 p.m., on motion of Senator Crittenden, the Senate recessed to allow the President of the Senate to present Congressman Leroy Johnson to the Senate, and hear his remarks.

REASSEMBLED

At 2.56 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the Desk

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 819—An act to add Sections 8773 and 8774 to the Water Code, relating to Assessments Numbered 7 and 8 of the Sacramento and San Joaquin Drainage District.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 648—An act to amend Section 656.5 of the Fish and Game Code, relating to salmon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 362—An act to amend Sections 1272, 1273, and 1274 of the Fish and Game Code, relating to deer.

Motion to Refer Bill to Inactive File

Senator Seawell moved that Senate Bill No. 362 be placed on the inactive file.

Motion carried.

Senate Bill No. 618—An act to add Section 87.5 to the Agricultural Code, relating to the construction of buildings as war memorials jointly by District Agricultural Associations and counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 313—An act to add Section 705.5 to the Vehicle Code, relating to transportation of saw logs, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.
NOES—None.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 310—An act declaring portions of the land conveyed to the City of San Diego by an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the City of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and excluding such portions from use for navigation, commerce and fisheries, and authorizing the use of said portions of said lands by the State of California for the erection thereon of a State building.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Quinn, Salsman, Seawell, Shelley, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 345—An act to amend the Building and Loan Association Act by amending Section 2.04 thereof, relating to approval of articles of incorporation, Section 2.07 thereof, relating to branches, Section 3.02 thereof, relating to withdrawable shares, Section 3.03 thereof, relating to maturity of shares, Section 5.01 thereof, relating to investment certificates, Section 8.09 thereof, relating to regulation of interest and dividends and to notice of transfer or encumbrance, Section 8.10 thereof, relating to rate of return on shares and investment certificates, and Section 13.20 thereof added by an act approved May 28, 1943, and by repealing Section 8.09a and Section 13.20, as added by Chapter 431 of the Statutes of 1933.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Parkman, Rich, Salsman, Seawell, Shelley, Sutton, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 543—An act to amend Section 11526 of the Insurance Code, relating to voluntary mutualization of incorporated life and life and disability insurers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 528—An act to amend Sections 150 and 151 of, and to add Section 151.5 to, the Welfare and Institutions Code, relating to the designation of the Department of Institutions and the Director thereof as the Department of Mental Hygiene and the Director of Mental Hygiene.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 527—An act to amend and renumber the article heading of Article 1 of, and to add Sections 3261 and a new article, comprising Sections 3200 to 3203, inclusive, to, Chapter 2 of Part 1 of Division 4 of, and to amend Sections 154 and 3253 of, the Welfare and Institutions Code, relating to State institutions for the blind, and transferring from the Department of Institutions to the Department of Education all powers, duties, jurisdiction, purposes, functions, funds, property, and records of the Department of Institutions in respect to the Industrial Home for the Adult Blind and the salesrooms and industrial workshops for the blind.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward and Weybret—31.
NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 90—An act to add Section 17.01 to the Welfare and Institutions Code, relating to determination of residence.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 157—An act to add Sections 2161.1 and 3043.5 to the Welfare and Institutions Code, relating to residence for purposes of eligibility to receive public assistance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1076—An act to amend Section 57.7 of the Unemployment Insurance Act, relating to unemployment insurance and the eligibility of persons who have served in the armed forces thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1086—An act to amend Section 56.6 of the Unemployment Insurance Act, relating to unemployment insurance and the provision for enforcement thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1088—An act to add Sections 85 and 86 to the Unemployment Insurance Act, relating to unemployment insurance and the administration thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 4.04 p.m., Hon. Jerrold L. Seawell, president pro tempore of the Senate, presiding.

Senate Bill No. 89—An act to amend Section 104.5 of the Welfare and Institutions Code, relating to proceedings before the State Social Welfare Board, specifying the time within which appeal or application

for hearing must be made, authorizing the board to hold rehearings, and providing for the conduct of such proceedings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senator Tenney Presiding

At 4.07 p.m., Senator Jack B. Tenney of the Thirty-eighth District, presiding.

Senate Bill No. 92—An act to amend Section 13407 of the Education Code, relating to teachers' institutes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—31.
NOES—Senators Dilworth, and Tenney—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1044—An act to amend Section 12291 of the Education Code, relating to chiropody.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Senate Bill No. 984—An act to amend Section 16601 of the Business and Professions Code, relating to the sale of good will of a business.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Ward, and Weybret—26.
NOES—Senators Biggar, Carter, Collier, Seawell, and Tenney—5.

Bill ordered transmitted to the Assembly.

Senate Bill No. 802—An act to add Section 66a to the Code of Civil Procedure, relating to the number of judges of the superior court in the County of San Diego, and providing for the appointment of two additional judges and for their compensation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—32.
NOES—None.

Motion to Amend Title

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

In line 4 of the title of the printed bill strike out "two", and insert "one".

Amendment No. 2

In line 4 of the title of said bill strike out "judges", and insert "judge".

Amendment No. 3

In line 4 of the title of said bill strike out "their", and insert "his".

Amendments read, and adopted.

Bill ordered reprinted and transmitted to Assembly.

Senate Bill No. 431—An act to amend Section 2957 of the Civil Code, relating to chattel mortgages.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 333—An act to amend Sections 9164, 9200, 9204, 9205, 9206 and 9221 of, and to add Sections 9202, 9207, 9208, 9209, 9210, 9212, 9213, 9214, 9215 and 9217 to the Public Resources Code and to repeal Section 10058 of the Elections Code, relating to the General District held in soil conservation districts.

Bill read third time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "9205,".

Amendment No. 2

On page 2 of said bill, strike out lines 2 and 3, and insert "board of supervisors for county elections."

Amendment No. 3

On page 2 of said bill, strike out lines 4 to 12, inclusive.

Amendment No. 4

On page 2, line 13, of said bill, strike out "5", and insert "4".

Amendment No. 5

On page 2, line 24, of said bill, strike out "6", and insert "5".

Amendment No. 6

On page 2, line 47, of said bill, strike out "7", and insert "6".

Amendment No. 7

On page 3, line 5, of said bill, strike out "8", and insert "7".

Amendment No. 8

On page 3, line 11, of said bill, strike out "9", and insert "8".

Amendment No. 9

On page 3, line 17, of said bill, strike out "10", and insert "9".

Amendment No. 10

On page 3, line 23, of said bill, strike out "11", and insert "10".

Amendment No. 11

On page 3, line 30, of said bill, strike out "12", and insert "11".

Amendment No. 12

On page 3, line 34, of said bill, strike out "13", and insert "12".

Amendment No. 13

On page 3, line 40, of said bill, strike out "14", and insert "13".

Amendment No. 14

On page 3, line 44, of said bill, strike out "15", and insert "14".

Amendment No. 15

On page 4, line 1, of said bill, strike out "16", and insert "15".

Amendment No. 16

On page 4, line 6, of said bill, strike out "17", and insert "16".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 625—An act creating the "Local Postwar Construction Fund," providing that the sum of one hundred million dollars ($100,000,000) be set aside and deposited to the credit of said fund from unappropriated moneys in the State treasury; providing for the apportionment of said funds to the cities, counties and cities and counties for expenditure by such local agencies, when appropriated, for the construction of public works and facilities in which the State has an interest; and defining the powers and duties of State officers in connection therewith.

Bill read third time.

Motion to Amend

Senator Carter moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 42, of the printed bill, as amended, after "buildings," insert "roads,".

Amendment No. 2

On page 3, line 2, of said bill, strike out "expenses", and insert "work".

Amendment No. 3

On page 3, line 7, of said bill, after "000,000)", insert "out of unappropriated moneys in the State Treasury".

Amendment No. 4

On page 3, lines 9 and 10, of said bill, strike out "out of unappropriated moneys in the State Treasury".

Amendment No. 5

On page 3, line 15, of said bill, strike out "55", and insert "50".

Amendment No. 6

On page 3, line 17, of said bill, strike out "45", and insert "50".

Amendment No. 7

On page 3, lines 41 and 42, of said bill, strike out "all the counties and cities and counties in this", and insert "the".

Amendment No. 8

On page 3, line 46, of said bill, strike out ", except as to roads and highways,".

Amendment No. 9

On page 3, line 47, of said bill, strike out "section", and insert "act".

Amendment No. 10

On page 3, line 52, of said bill, strike out "amount", and insert "amounts".

Amendment No. 11

On page 4 of said bill, strike out lines 1 and 2, and insert "under this act for the purposes for which allocated."

Amendment No. 12

On page 4, line 7, of said bill, after "State", insert ", determined as hereinafter provided".

Amendment No. 13

On page 4, line 9, of said bill, after "State", insert ", determined as hereinafter provided".

Amendment No. 14

On page 4, line 12, of said bill, after "determined", insert ", except as hereinafter provided,".

Amendment No. 15

On page 4, line 14, of said bill, after "determined", insert ", as hereinafter provided,".

Amendment No. 16

On page 4, line 18, of said bill, after "any", insert "city and".

Amendment No. 17

On page 4, line 22, of said bill, strike out "are rural, the proportion", and insert "is rural,".

Amendment No. 18

On page 4, lines 25 and 26, of said bill, strike out "county actually having no rural mileage or population", and insert "such city and county".

Amendment No. 19

On page 4, line 27, of said bill, after "such", insert "city and".

Amendment No. 20

On page 4, line 34, of said bill, strike out "said county having no rural county mileage", and insert "such city and county".

Amendment No. 21

On page 4, lines 38 and 39, of said bill, strike out "before making the allocation provided in this section", and insert "for the purpose of computing the allocations to counties and cities and counties".

Amendment No. 22

On page 4, line 43, of said bill, after "any", insert "city and".

Amendment No. 23

On page 4, line 45, of said bill, strike out "Con-"; and strike out lines 46 to 49, inclusive, and insert "Director of Finance."

Amendment No. 24

On page 4, line 50, of said bill, strike out "received by each county", and insert "allocated".

Amendment No. 25

On page 4 strike out line 52 of said bill; and on page 5 strike out line 1, and insert "road and highway purposes shall be used exclu-".

Amendment No. 26

On page 5, line 2, of said bill, after "sively for", insert "reimbursing counties and cities and counties for the State's share of the cost of".

Amendment No. 27

On page 5, line 3, of said bill, after "county", insert "roads and".

Amendment No. 28

On page 5, line 4, of said bill, strike out "except in the case of any", and insert "or in the case of any city and".

Amendment No. 29

On page 5, line 5, of said bill, strike out "in which case it shall be expended for".

Amendment No. 30

On page 5, line 28, of said bill, strike out "and the department".

Amendment No. 31

On page 5, line 29, of said bill, strike out "on any", and insert ", or any portion thereof, on any road or highway".

Amendment No. 32

On page 5, line 30, of said bill, strike out "party", and insert "the department or any city in such county".

Amendment No. 33

On page 5, line 34, of said bill, after "with", insert "the department,".

Amendment No. 34

On page 5, line 37, of said bill, strike out "corporate limits", and insert "boundaries".

Amendment No. 35

On page 5, line 40, of said bill, after "employment" insert ", including employment".

Amendment No. 36

On page 5 strike out lines 42 to 44, inclusive, of said bill, and insert

"(h) The foregoing provisions are intended by the Legislature to provide for allocations to a city and county on the same basis as to all cities; to provide, as to funds allocated to counties other than for exclusively road and highway purposes, for allocations to a city and county on the same basis as to all counties; and as to funds allocated to counties for exclusively road and highway purposes, to provide for allocations to a city and county on the basis of the assumed rural population and road mileage provided for in this section."

Amendment No. 37

On page 6, line 3, of said bill, after "information", insert "as".

Amendment No. 38

On page 6 between lines 8 and 9, of said bill, insert

"SEC. 10. A local agency may from time to time apply to the board for an allotment from any allocation made to such local agency, pursuant to an appropriation from said fund, of the State's share of the cost of constructing any specific project for which it desires aid. The application shall be accompanied by a certified copy of a resolution or ordinance showing what provision the local agency has made or will make for paying its share of the cost of construction of such project, together with such other information as may be required by the board."

Amendment No. 39

On page 6, line 10, of said bill, strike out "the board shall approve", and insert "immediately upon enactment of any appropriation from said fund, regardless of the effective date of such appropriation, the board shall consider".

Amendment No. 40

On page 6, line 29, of said bill, strike out "safety and of any county", and insert "sanitation and of any county road or".

Amendment No. 41

On page 6 between lines 30 and 31, of said bill, insert:

"The board shall not authorize the construction of any specific project other than the construction of sewage facilities to be paid for in part from said Local Postwar Construction Fund from the city allocation thereof provided for in this act unless the board shall find and determine that:

(a) The Director of Public Health has certified that the sewage facilities of such city are adequate to the extent that they do not create a public health problem; or

(b) The city has taken reasonable and adequate steps to insure the construction of sewage facilities adequate to comply with the requirements of the Director of Public Health with respect thereto; or

(c) The city does not have the financial ability to meet the matching requirements of any act or acts of appropriation adopted by the Legislature from said fund."

Amendment No. 42

On page 6, line 38, of said bill, after "county", insert "roads and".

Amendment No. 43

On page 6, line 40, of said bill, after "county", insert "roads and".

Amendment No. 44

On page 6, line 46, of said bill, after "except as to county", insert "road or".

Amendment No. 45

On page 6, line 48, of said bill, strike out "safety", and insert "sanitation".

Amendment No. 46

On page 6, line 49, of said bill, strike out "in such manner that", and insert "with the end in view that, so far as reasonably possible,".

Amendment No. 47

On page 7 of said bill, strike out lines 1 to 13, inclusive, and insert
"SEC. 11. The board shall approve any application which is in proper form and as to which all information required by the board is furnished unless the specific project would not comply with the provisions of this act. The action of the board shall be evidenced by resolution, copies of which shall be furnished to and filed with the local agency, the State Controller and the Director of Finance."

Amendment No. 48

On page 7, line 14, of said bill, strike out "SEC. 11.", and insert "SEC. 12."

Amendment No. 49

On page 7, line 17, of said bill, strike out "for how much", and insert "the time, manner, and amount of progress payments".

Amendment No. 50

On page 7, line 19, of said bill, after "act," insert "which".

Amendment No. 51

On page 7, line 23, of said bill, after "agency.", insert "The board by rule shall provide for advancements of the State's share of the cost of completing any specific project after it is 75 per cent complete and the local agency has expended its total share of such cost."

Amendment No. 52

On page 7 of said bill, strike out lines 24 to 29, inclusive, and insert
"SEC. 13. The Board of Control shall by rule prescribe".

Amendment No. 53

On page 7, line 40, of said bill, strike out "SEC. 13.", and insert "SEC. 14."

Amendment No. 54

On page 7 of said bill, strike out lines 42 to 49, inclusive.

Amendment No. 55

On page 9 of said bill, strike out lines 1 to 25, inclusive.

Amendment No. 56

On page 9, line 26, of said bill, strike out "SEC. 21.", and insert "SEC. 20."

Amendment No. 57

On page 9, line 37, of said bill, strike out "SEC. 22.", and insert "SEC. 21."

Amendment No. 58

On page 9 after line 40, of said bill, insert
"This act shall be known and may be cited as "The Local Postwar Construction Act."

Amendments read and adopted.

FURTHER AMENDMENTS TO SENATE BILL NO. 625

Motion to Amend

Senator Carter moved the adoption of the following amendments:

Amendment No. A1

On page 5 of the printed bill, as amended, strike out lines 13 to 23, inclusive.

Amendment No. A2

On page 5, line 24, of said bill, before "At", insert "(e)".

Amendment No. A3

On page 5, line 25, of said bill, after "Department", insert "of Public Works".

Amendments read and adopted.
Bill ordered printed, re-engrossed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 869

Senator McBride moved that Assembly Bill No. 869 be withdrawn from Committee on Financial Institutions for purpose of amendment, and re-referred to committee.

Motion carried.

Consideration of Assembly Bill No. 869

Assembly Bill No. 869—An act to amend Section 2 and Section 26 of the Corporate Securities Act, relating to definitions, exemptions and fees.

Bill read second time.

Motion to Amend

Senator McBride moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 23, of the printed bill, as amended, strike out "having the effect of increasing the burdens".

Amendment No. 2

On page 2 of the printed bill, as amended, strike out line 24.

Amendment No. 3

On page 2, line 25, of the printed bill, as amended, strike out "outstanding securities".

Amendment No. 4

On page 4 of the printed bill, as amended, strike out lines 4 to 9, inclusive, and insert

"6. Any stock (as defined in the Building and Loan Association Act), issued by a company organized for the purpose of conducting a building and loan association within this State, and the issuance of which has been authorized by the Building and Loan Commissioner, and any shares, investment certificates or borrowers' membership certificates (as defined in the Building and Loan Association Act) issued by a building and loan association holding a license then in force issued by the Building and Loan Commissioner."

Amendment No. 5

On page 4, line 12, of the printed bill, as amended, strike out "has been authorized", and insert "is subject to authorization".

Amendment No. 6

On page 5 of the printed bill, as amended, between lines 23 and 24, insert

"SEC. 2. Section 26 of said act is amended to read:"

Amendment No. 7

On page 7 of the printed bill, as amended, strike out lines 39 to 44, and insert "ing any change in the rights, preferences, privileges or restrictions on outstanding securities."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

President Pro Tempore of the Senate Presiding

At 4.48 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 645
Assembly Bill No. 871
Assembly Bill No. 897
Assembly Bill No. 1264
Assembly Bill No. 1272

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 645—An act to add Sections 1550.1, 2183.5, 3084.1, and 3475 to the Welfare and Institutions Code, and to repeal

Section 2183.9 of said code, relating to the granting of public assistance to former recipients thereof.

Referred to Committee on Social Welfare.

Assembly Bill No. 871—An act to add Section 5815 to the Labor Code, providing a penalty for unsuccessful attacks on Industrial Accident Commission orders, decisions or awards.

Referred to Committee on Labor.

Assembly Bill No. 897—An act to add Section 44.2 to the Vehicle Code, relating to emergency utility vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 1264—An act to repeal Section 588 of the Vehicle Code, to add thereto Sections 588 and 589.5, and to amend Section 590 thereof, relating to stopping or parking of vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 1272—An act to add Section 778 to, and to amend Section 782 of, the Vehicle Code, relating to sobriety tests, ambulance services and crossing guards.

Referred to Committee on Transportation.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 4, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 111
Senate Bill No. 118
Senate Bill No. 168
Senate Bill No. 189
Senate Bill No. 408
Senate Bill No. 501
Senate Bill No. 827
Senate Bill No. 1173
Senate Joint Resolution No. 14

And reports the same correctly engrossed.

SEAWELL, Chairman

ADJOURNMENT

At 4.58 p.m., on motion of Senator Deuel, the President declared the Senate adjourned until 2 p.m., Thursday, April 5, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FORTIETH LEGISLATIVE DAY

EIGHTY-EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Thursday, April 5, 1945

The Senate met at 2 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. W. P. Dunlevy of San Diego, Mrs. May E. Snow of Vista, Mr. Sam A. Claggett of San Diego, Mr. A. K. Wilson, Mr. William Wallace and Mr. Orval Paul of Portland, Oregon.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Basil Phelan, Mr. Tom Phelan and Mr. Joseph Monte of San Francisco.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Moncur of Quincy, Plumas County and Judge Pierovich of Jackson, Amador County.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Ira C. Landis, Superintendent of Schools of Riverside, and member of the Retirement Investment Board in the Department of Education.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to David F. Bush, former State Senator from Oakdale, Stanislaus County.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Jerry Sullivan of Marysville.

On request of Senator Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Ed C. Garrette of Colusa and Mr. L. B. Hart of San Francisco.

On request of Senators Shelley, Slater, Keating, Quinn, Cunningham, Carter, Brown, Burns, Desmond, Deuel, Dillinger, Donnelly, and McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Margaret M. Krsak, Vice President California Federation Democratic Women's Study Clubs; President, The Women's State Democratic Club of California; and Mrs. Evelyn C. Burnet, President California Federation Democratic Women's Study Clubs.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Colonel Ben Huntington and Mrs. Huntington of San Diego.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 911
Assembly Bill No. 912
Assembly Bill No. 913
Assembly Bill No. 914
Assembly Bill No. 915
Assembly Bill No. 1518
Assembly Bill No. 1715
Assembly Bill No. 1952
Assembly Bill No. 2003

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 911—An act to amend Section 8 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 912—An act to amend Sections 4, 6, 8, 9, 11, 12, 13, 13½, 17, 20, 21, 24, 25, 27, 28, and 30 of, and to add one new section to be numbered 14.1 to, the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 913—An act to amend Sections 2, 4, 6, 7, 8, 9, 11, 12, 15, 17, 18, 19, 19.1, 20, 21, and 23 of, and to add one new section to be numbered 14.1 to, the Corporation Income Tax Act relating to the levy and collection of taxes upon the income of corporations, associations and Massachusetts or business trusts, and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 914—An act to amend Section 18682 of, and to add Sections 17324.17, 18165, 18166, and 18167 to the Revenue and Taxation Code, relating to personal income taxes, and providing that this act take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 915—An act to amend Section 4(a) of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1518—An act to amend Sections 17010, 17107, 17125.5, 17254, 17256, 17310, 17318.4, 17318.5, 17320.7, 17322.5, 17324, 17324.9, 17324.13, 17324.14, 17330, 17333, 17337, 17342, 17343, 17344, 17345, 17346, 17347, 17348, 17349, 17349.5, 17350, 17354, 17506, 17508, 17511, 17513, 17514, 17516, 17521, 17559, 17560, 17560.7, 17561, 17562, 17564, 17677, 17679, 17680, 17682, 17684, 17713, 17714, 17715, 17716, 17716.5, 17721, 17723, 17724, 17747, 17784.5, 17786, 17811, 17812, 17813, 17817, 17951, 17952, 17954, 18103, 18104, 18132, 18135, 18156, 18159, 18163, 18172, 18175, 18401, 18402, 18405, 18431, 18434, 18473, 18474, 18475, 18477, 18478, 18479, 18581, 18582, 18590, 18641, 18643, 18648, 18649, 18651, 18691, 18863, 18864, 18882, 18883, 19053.5, 19055, 19083, 19286 of, and to add Sections 17017.1, 17058, 17059, 17136.1, 17157.1, 17320.9, 17676.1, 17686, 17687, 17725, 17726, 17743.1, 17817.1, 17952.1, 17980.1, 18173.1, 18205.1, 18431.1, 18691.1, 19061.1, 19206 to, and repeal Section 17356, as added by Chapters 47 and 147 of the Statutes of 1943, of the Revenue and Taxation Code, relating to personal income taxes, providing the Personal Income Tax Law shall take effect immediately, repealing the Personal Income Tax Act immediately, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1715—An act to add Section 127 to the Vehicle Code, relating to the creation of the California Auxiliary Highway Patrol, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Transportation.

Assembly Bill No. 1952—An act to amend Section 117 of the Vehicle Code, relating to promotions.

Referred to Committee on Transportation.

Assembly Bill No. 2003—An act to amend Sections 3620 and 3637 of the Revenue and Taxation Code, relating to a taxpayer's action to contest the validity of a tax sale or tax deed, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 422

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 448

And reports the same correctly re-engrossed.

SEAWELL, Chairman

Committee on Institutions

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Institutions, to which were referred:

Assembly Bill No. 281
Assembly Bill No. 1194
Assembly Bill No. 1195
Assembly Bill No. 1196
Assembly Bill No. 1199

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

BREED, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 4, 1945

MR. PRESIDENT: Your Committee on Institutions, to which was referred:

Assembly Bill No. 941

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

BREED, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1985

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 708
Senate Bill No. 709
Senate Bill No. 710
Senate Bill No. 711
Senate Bill No. 713
Senate Bill No. 715
Senate Bill No. 718
Senate Bill No. 720
Senate Bill No. 721
Senate Bill No. 723
Senate Bill No. 724
Senate Bill No. 727
Senate Bill No. 729
Senate Bill No. 730
Senate Bill No. 737
Senate Bill No. 740
Senate Bill No. 741

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 705

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 7; noes 2; absent 3.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 707
Senate Bill No. 712
Senate Bill No. 714
Senate Bill No. 716
Senate Bill No. 717
Senate Bill No. 719
Senate Bill No. 722
Senate Bill No. 725
Senate Bill No. 726
Senate Bill No. 728
Senate Bill No. 731
Senate Bill No. 732
Senate Bill No. 733
Senate Bill No. 734
Senate Bill No. 735
Senate Bill No. 736
Senate Bill No. 738
Senate Bill No. 739
Senate Bill No. 742
Senate Bill No. 957
Senate Bill No. 958
Senate Bill No. 959
Senate Bill No. 960
Senate Bill No. 961
Senate Bill No. 962
Senate Bill No. 963
Senate Bill No. 964
Senate Bill No. 965
Senate Bill No. 966

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bills ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 19
Senate Bill No. 839

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 880

Has had the same under consideration, and reports the same back with the recommendation: Re-refer to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bill ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 261
Senate Bill No. 456
Senate Bill No. 622
Senate Bill No. 786
Assembly Bill No. 25

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 486
Senate Bill No. 369
Assembly Bill No. 28
Assembly Bill No. 447
Assembly Bill No. 971

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Assembly Bill No. 282
Assembly Bill No. 361
Assembly Bill No. 362
Assembly Bill No. 710
Assembly Bill No. 1563

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MAYO, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Senate Bill No. 815
Senate Bill No. 1083

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8, noes 2; absent 1.

MAYO, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 360

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 46

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 6; noes 4; absent 1.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 1131

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

MAYO, Chairman

Above reported bill ordered to second reading.

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 272

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; noes 1.

QUINN, Chairman

Above reported bill ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which were referred:

Assembly Bill No. 27
Assembly Bill No. 59
Assembly Bill No. 60
Assembly Bill No. 415

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

QUINN, Chairman

Above reported bills ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 324
Senate Bill No. 325
Assembly Bill No. 32

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

DELAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 323
Assembly Bill No. 379
Assembly Bill No. 1132

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

DELAP, Chairman

Above reported bills ordered to second reading.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Concurrent Resolution No. 41: By Senators Breed and Slater—Relative to the problem of the care, training and education of the blind.

Referred to Committee on Education.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 112—An act to amend Section 860 of the Fish and and Game Code, relating to the taking of salmon.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 257—An act to amend Section 491 of the Fish and Game Code, relating to gaff and other such appliances.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 4, of the printed bill, after "spear", insert ", or gaff".

Amendment No. 2

On page 1 of said bill, after line 6, insert "This section does not apply to the possession of a gaff carried as an accessory while angling."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 23—An act to add Article 4, comprising Section 17390, to Chapter 4, Part 10, Division 2, of the Revenue and Taxation Code, relating to deduction of net operating losses.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 751—An act to add Article 4 to Part 9, Chapter 2, comprising Sections 4920 to 4925, inclusive, of the Revenue and Taxation Code, relating to real property taxation.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 238—An act to amend Sections 13953 and 13954 of the Revenue and Taxation Code, relating to inheritance taxes, and to amend Sections 15552 and 15553 of said code, relating to gift taxes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 3 of the title of the printed bill, after "taxes", and before the period insert ", declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 2 of said bill, after line 13, insert

"SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect and become operative at the same time as Part 8 of the Revenue and Taxation Code. A statement of the facts constituting such necessity is as follows:

The amendments effected by this act were not in 1943 included in Part 8 of the Revenue and Taxation Code, which part takes effect July 1, 1945. This act, if it takes effect immediately, will maintain continuity in the provisions of the State tax laws, without which confusion would result."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 925—An act to amend Sections 13307, 13409, 13554, 13722, 13841, 13984, 13989, 14101, 14191, 14326, 14361, 14511, 14553, and to amend the heading of Chapter 4 of Part 8, to repeal Section 14515, to amend and renumber Section 14516, and to add Article 6 to Chapter 11 of Part 8 of the Revenue and Taxation Code, relating to

inheritance taxes, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 1 of the title of the printed bill, after "13554,", insert "13671,".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 2 of said bill, between lines 12 and 13, insert

"SEC. 3.5. Section 13671 of said code is amended to read:

13671. Where two or more persons hold property in joint tenancy, or deposit property in a bank or similar depository in their joint names subject to payment to either or the survivor, upon the death of one the right of each survivor to the immediate ownership or possession and enjoyment of the property is a transfer subject to this part to the same extent as though the property had belonged absolutely to the decedent and been devised or bequeathed by him to the survivor. However, excluded from the transfer is such portion of the property as [the survivor proves belonged originally to him and never belonged individually to the decedent] *may be proved to have originally belonged to such surviving joint tenant, joint depositor or person and never to have belonged to the decedent or to have been acquired from him for less than a valuable consideration in money or money's worth, and if such property shall have been acquired from the decedent for less than such valuable consideration, there shall also be excepted from the value of said property a portion equal to the amount of the consideration so furnished.*

Amendment No. 3

On page 3, line 42, of said bill, strike out "and", and insert "made".

Amendment No. 4

On page 4, line 40, of said bill, strike out "therefor", and insert "therefore".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 78—An act to add Section 13988.1 to the Revenue and Taxation Code, relating to inheritance taxes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 2 of the title of the printed bill, after "taxes", and before the period, insert ", declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 1 of said bill, strike out lines 5 to 9, and insert "pursuant to the provisions of the Probate Code, or pursuant to Article 3 of Chapter 11 of this part, and attorneys' fees paid for extraordinary services performed in the preparation of estate, inheritance and income tax returns or in the adjustment and payment of extensive or complicated estate or inheritance taxes, are deductible from the appraised value of the property included in any transfer subject to this part. The Controller shall by rule establish the maximum amount of the deductions herein allowed.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect and become operative at the same time as Part 8 of the Revenue and Taxation Code. A statement of the facts constituting such necessity is as follows:

The amendments effected by this act were not in 1943 included in Part 8 of the Revenue and Taxation Code, which part takes effect July 1, 1945. This act, if it takes effect immediately, will maintain continuity in the provisions of the State tax laws, without which confusion would result."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 381—An act to add Section 13443 to the Revenue and Taxation Code, relating to inheritance taxes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 13443", and insert "Sections 13443, 13444, 13445, and 13446".

Amendment No. 2

In line 2 of the title of said bill, after "taxes", and before the period insert ", declaring the urgency thereof, to take effect immediately".

Amendment No. 3

On page 1, line 4, of said bill, strike out ", which"; and strike out lines 5 to 18, and insert "of the final determination thereof by the Federal Government, to notify the Controller or the inheritance tax appraiser, if one has been appointed, of the amount of the maximum State tax credit allowed by the Federal Estate Tax Law."

Amendment No. 4

On page 1, line 23, of said bill, strike out "due and payable under this section", and insert "found due and payable under this article".

Amendment No. 5

On page 1 of said bill, after line 26, insert

"SEC. 2. Section 13444 is added to said code, to read:

13444. If the amount of such maximum State tax credit is greater than the tax theretofore fixed by any order of the court made determining the tax, the inheritance tax appraiser shall prepare and file his supplemental report showing the amount of any additional tax due. The procedure subsequent to the filing of the report is the same as the procedure applicable following the filing of an inheritance tax report with the superior court having jurisdiction in probate of the estate of any decedent by an appraiser.

SEC. 3. Section 13445 is added to said code, to read:

13445. If no proceedings are pending in any court of this State in which the amount of any additional tax may be determined, the Controller shall initiate proceedings for the determination thereof pursuant to the provisions of Chapter 11, Article 2 of this part.

SEC. 4. Section 13446 is added to said code, to read:

13446. Any such additional tax determined to be due under Sections 13444 and 13445 hereof is delinquent at the expiration of 60 days from the date of the final determination of the Federal estate tax by the Federal Government, if such additional tax is not paid within that time.

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect and become operative at the same time as Part 8 of the Revenue and Taxation Code. A statement of the facts constituting such necessity is as follows:

The amendments effected by this act were not in 1943 included in Part 8 of the Revenue and Taxation Code, which part takes effect July 1, 1945. This act, if it takes effect immediately, will maintain continuity in the provisions of the State tax laws, without which confusion would result."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 301—An act to add Section 1270.1 to the Agricultural Code, relating to produce dealers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "to add Section 1270.1 to the Agricultural Code,".

Amendment No. 2

In line 2 of the title of said bill, strike out "produce dealers", and insert "acceptance of delivery of farm products".

Amendment No. 3

On page 1 of said bill, strike out lines 1 to 3, inclusive and insert
"SECTION 1. Any person who, as a commission merchant or wholesale dealer, receives".

Amendment No. 4

On page 1, line 6, of said bill, after the period, insert "As used in this act, "farm products" means fruits, nuts, vegetables, and berries. Every person who accepts delivery of farm products except as provided in this act shall be liable for all costs and expenses incurred by the person delivering such farm products in unloading said farm products, together with exemplary damages in an amount equal to three times the value of such farm products."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 617—An act to amend Section 601 of the Agricultural Code and add Section 607 thereto, relating to imitation ice cream and imitation ice milk.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "amend Section 601 of the Agricultural Code and add Section 607 thereto", and insert "add Sections 601.5 and 607 to the Agricultural Code".

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert
"Section 1. Section 601.5 is added to the Agricultural Code, to read:".

Amendment No. 3

On page 1, line 2, of said bill, strike out "601", and insert "601.5".

Amendment No. 4

On page 1, line 22, of said bill, strike out "or sherbets".

Amendment No. 5

On page 1, line 25, of said bill, strike out "or sherbets".

Amendment No. 6

On page 1 of said bill, after line 27, insert
"SEC. 3. Sections 601.5 and 607 of the Agricultural Code as added by this act shall not become operative until the cessation of hostilities in all wars in which the United States is now engaged. When said sections become operative they shall supersede any conflicting provision of Section 601 of said code."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Agriculture.

Senate Bill No. 835—An act to amend Section 736.3 and to repeal Chapter 11, consisting of Sections 740, 741, 743 to 750, inclusive, and 750.5, of Division 4, and to add Chapter 11 to Division 4, of the Agricultural Code, relating to milk and milk products, including provisions for the investigation of the uses of milk and milk products, programs for stimulating the use of milk and milk products by educational and advertising programs, providing for a California Dairy Industry Board, prescribing its powers and duties and the duties of the Director of Agriculture under this act, and providing for the financing of the provisions of this act.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 8 of the title of the printed bill, as amended, after "Industry", insert "Advisory".

Amendment No. 2

On page 5, line 5, of said bill, after "INDUSTRY" insert "ADVISORY".

Amendment No. 3

On page 5, line 50, of said bill, strike out "board, as hereinafter defined," and insert "director".

Amendment No. 4

On page 6, line 8, of said bill, after "Industry", insert "Advisory".

Amendment No. 5

On page 7 of said bill, between lines 4 and 5, insert

"742.1. The director shall administer and enforce the provisions of this act, and shall have and may exercise any or all of the administrative powers conferred by Section 353 of the Political Code upon a head of a department of the State. In order to effectuate the declared purposes of this act, the director is hereby authorized to contract and be contracted with to carry out the declared intent and purposes of this act."

Amendment No. 6

On page 7, line 5, of said bill, after "Industry", insert "Advisory".

Amendment No. 7

On page 8, line 12, of said bill, after "INDUSTRY" insert "ADVISORY".

Amendment No. 8

On page 8, line 18, of said bill, after "Industry", insert "Advisory".

Amendment No. 9

On page 8, line 26, of said bill, after "Industry", insert "Advisory".

Amendment No. 10

On page 8 of said bill, between lines 30 and 31, insert

"Should 55 per cent of the total number of producers voting and/or 55 per cent of the total number of handlers voting fail to assent to the institution of proceedings as herein provided, it shall not, however, preclude the conducting of additional balloting."

Amendment No. 11

On page 9 of said bill, strike out all of lines 19 to 22, and insert "meetings have been completed, the director shall appoint the board from the nominations so received."

Amendment No. 12

On page 9, line 25, of said bill, strike out "Governor", and insert "director".

Amendment No. 13

On page 9, line 34, of said bill, strike out "Governor", and insert "director".

Amendment No. 14

On page 9 of said bill, strike out all of lines 35 and 36, and insert "eligible nominees from the nominations received by him. The director may remove".

Amendment No. 15

On page 10 of said bill, strike out all of lines 20 to 30, inclusive, and insert
"745.1. The duties of the board shall be advisory, except as to those duties which may be delegated to it by the director, and may include the following:
(a) To recommend to the director administrative rules and regulations relating to the administration and enforcement of this chapter;"

Amendment No. 16

On page 10, line 31, of said bill, strike out "(e)", and insert "(b)".

Amendment No. 17

On page 10, line 33, of said bill, strike out "(f)", and insert "(c)".

Amendment No. 18

On page 10, line 36, of said bill, after "compensation", insert "when authorized by the director".

Amendment No. 19

On page 10, line 37, of said bill, strike out "(g) To", and insert "(d) When authorized so to do, to".

Amendment No. 20

On page 10 of said bill, strike out line 42, and insert
"(e) To establish offices, and incur expenses incidental thereto;"

Amendment No. 21

On page 10 of said bill, strike out all of lines 43 to 48, inclusive.

Amendment No. 22

On page 11 of said bill, strike out line 1 and insert
"(f) To recommend to the director the making of such advertising".

Amendment No. 23

On page 11, line 5, of said bill, strike out "(j)", and insert "(g)".

Amendment No. 24

On page 11 of said bill, strike out line 9, and insert "and recommend to the director the making of contracts and agreements with such organiza-".

Amendment No. 25

On page 11, line 12, of said bill, strike out "and/or contract only".

Amendment No. 26

On page 11, line 16, of said bill, strike out "(k) To institute and promote", and insert "(h) To recommend to the director the institution and promotion of".

Amendment No. 27

On page 11 of said bill, strike out all of lines 19 to 22, inclusive.

Amendment No. 28

On page 11, line 26, of said bill, strike out "board", and insert "director".

Amendment No. 29

On page 11, line 51, of said bill, strike out "board", and insert "director".

Amendment No. 30

On page 12, line 9, of said bill, after "contemplated", insert "or recommended".

Amendment No. 31

On page 12, line 15, of said bill, strike out "probably", and insert "probable".

Amendment No. 32

On page 12, line 22, of said bill, after "contemplated", insert "or recommended".

Amendment No. 33

On page 12, line 24, of said bill, strike out "board", and insert "director".

Amendment No. 34

On page 12, line 25, of said bill, strike out "its", and insert "his".

Amendment No. 35

On page 12, line 31, of said bill, after the period insert "Contemplated or recommended expenditures for political contributions, for lobbying, or for entertainment shall be deemed not warranted by said facts nor authorized by this chapter."

Amendment No. 36

On page 12, line 32, of said bill, strike out "of", and insert "recommended by".

Amendment No. 37

On page 14 line 2, of said bill, strike out "Board", and insert "Advisory Board Account".

Amendment No. 38

On page 14, line 7, of said bill, after the period insert "The director may disburse such funds in authorized activities related to particular dairy products without reference to the branches of the dairy industry from which such funds are derived."

Amendment No. 39

On page 14, line 17, of said bill, strike out "to the board".

Amendment No. 40

On page 15 of said bill, strike out all of lines 19 to 25, and insert

"747.1. Upon recommendation by the board the director shall have power consistent with this chapter to establish such rules and regulations covering the administration and enforcement of this chapter as may be necessary to carry out the purposes and attain the objectives of this chapter. Upon the issuance of any rules and regulations affecting this chapter, a copy thereof shall be posted on a bulletin board to be maintained by the director in his office and a copy of such rules and regulations shall be published in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers as the director may prescribe. No rule or regulation shall become effective until the termination of a period of 5 days from the date of such posting and publication. It shall be the duty of the director to mail a copy of the notice of said posting to all persons directly affected by the rules and regulations whose names and addresses may be on file in the office of the director and to every person who files in the office of the director a written request for such notice."

Amendment No. 41

On page 15 of said bill, strike out all of lines 32 to 35, and insert "748. The".

Amendment No. 42

On page 15, line 36, of said bill, strike out "Governor", and insert "director".

Amendments read and adopted.

Bill ordered reprinted, and re-referred to Committee on Agriculture.

Senate Bill No. 154—An act to amend Section 239 of the Agricultural Code, relating to indemnity paid owners of condemned bovine animals.

Bill read second time, ordered engrossed.

Motion to Refer Bill to Inactive File

Senator Biggar moved that Senate Bill No. 154 be placed on the inactive file.

Motion carried.

Senate Bill No. 844—An act to amend Section 830 of the Agricultural Code, relating to by-products and waste disposal.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 901—An act to amend Section 40 of the Agricultural Code, relating to the State Board of Agriculture.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1012—An act to amend Sections 391 and 401 of, and to add Sections 391.5 and 391.6 to, the Agricultural Code, relating to estrays.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 592—An act to amend Section 284 of the Agricultural Code, relating to apiaries.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 297—An act to amend Sections 812.4, 829.2 and 829.35 of the Agricultural Code, relating to fruit and vegetable containers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, after "812.4," insert "828.65,".

Amendment No. 2

On page 1 of the printed bill, strike out all of line 6 and insert "1947, in standard container 45A or 45B."

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of the printed bill, between lines 6 and 7, insert

"SEC. 2. Section 828.65 of the Agricultural Code is amended to read:

828.65.	46	Standard cauliflower crate	8½	18	21⅝
	47	Standard sweet potato crate	10½	9¾	19½
	48	Special sweet potato crate	12	12	16
	48A	Jumbo sweet potato crate	14	11¾	[17½] *19⅜*".

Amendment No. 4

On page 1, line 7, of the printed bill, strike out "SEC. 2.", and insert "SEC. 3."

Amendment No. 5

On page 1, line 20, of the printed bill, strike out "SEC. 3.", and insert "SEC. 4."

Amendment No. 6

On page 1, line 22, of the printed bill, after "45," insert "45A,".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 401—An act to amend Section 122 of the Agricultural Code, relating to nursery stock certificates.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "livestock,".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 591—An act to amend Section 150 of the Agricultural Code, relating to pest control operators.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "certificates to all persons", and insert "an agricultural pest control operator's certificate to any person".

Amendment No. 2

On page 1, line 16, of the printed bill, following "revoked", insert "or suspended, after hearing,".

Amendment No. 3

On page 1, line 22, of the printed bill, strike out "license to operate as such must", and insert "certificate to operate as an agricultural pest control operator shall present such proof to the commissioner at the time of making application for such certificate as will".

Amendment No. 4

On page 1, line 27, of the printed bill, strike out "license", and insert "certificate, except that any person, who operated an airplane during 1944 in connection with agricultural pest control work and who then held a valid agricultural pest control operator's certificate as required by this section, is entitled to be issued such certificate regardless of the number of flying hours herein stated, if otherwise qualified therefor".

Amendment No. 5

On page 1, line 28, of the printed bill, strike out "operators license", and insert operator".

Amendment No. 6

On page 1 of the printed bill, strike out all of lines 29 to 33, and insert "application for a certificate must be endorsed by a person qualified to serve as an airplane pest control operator and the applicant after being issued an agricultural pest control operator's certificate must at all times operate the airplane being used in pest control work under the supervision of the person who endorsed his application for such certificate."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 843—An act to amend Section 798 of the Agricultural Code, relating to dates and date products.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, strike out lines 4 to 7, and insert "decay, Alternaria infection, fermentation, insects and worms, insect and worm injury other than debris or frass, and from insect or worm debris and frass covering in excess of twenty five per cent (25%) of the surface of the pit cavity."

Amendment No. 2

On page 2 of said bill, strike out lines 15 to 18, and insert "standards when being transported or delivered to a licensed cold storage warehouse for storage, when in such warehouse for storage, and when being removed from such warehouse and being transported or delivered to a packing plant for grading or reconditioning and until the completion of the first grading or reconditioning after removal from such warehouse."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1264—An act making an appropriation for the contingent expenses of the Senate, without regard to fiscal years, including committee expenses, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 332—An act to amend Sections 306 and 312 of the Agricultural Code, and making an appropriation for carrying out the provisions of said code, relating to meat inspection.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 2, line 14, of the printed bill, as amended, after "collected", insert "by the State".

Amendment No. 2

On page 2, line 39, of said bill, after the period, insert "Notwithstanding any other provision of this section, an establishment temporarily operating under Federal inspection pursuant to wartime regulations for such inspection may elect to assume State inspection service at the termination of such Federal inspection."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Finance.

Senate Bill No. 108—An act to amend Sections 1, 1.5, 4, and 5 of, to add Sections 1.1, 1.2, 1.3, 1.7, 4.5, and 4.7 to, and to repeal Section 2 of, the Judges' Retirement Act, and to amend Sections 2, 3, 4, 4.5, and 7 of, and to add Sections 4.7 and 4.9 to, the Judges' Retirement Fund Act, relating to retirement, with retirement allowances, of judges and justices, and to contributions to the Judges' Retirement Fund to provide such retirement allowances.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "Section 2", and insert "Sections 2 and 6".

Amendment No. 2

On page 4 of said bill, between lines 18 and 19, insert

"SEC. 11.5. Section 6 of the Judges' Retirement Act is repealed."

Amendment No. 3

On page 1, line 11 of the printed bill, as amended, after "years", strike out the period and insert "; provided, however, that a hiatus of not to exceed thirty (30) days occurring between terms of service in the same or different courts shall not destroy the continuity of service required for retirement, and such service shall be deemed to be continuous service within the meaning of this act."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 981—An act to amend Sections 10000 and 10001 of the Water Code, relating to the State Water Plan.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1261—An act to amend Section 8 of the Ventura County Flood Control Act, relating to salaries of district supervisors.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1258—An act to amend Section 25(a) of the California Water Storage District Act, relating to the formation, organization and powers of water storage districts, to assessments levied against lands in such districts, and to actions to determine validity of such assessments.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 466—An act to amend Section 20003 of and to repeal Chapter 2 of Division 10 of the Water Code, relating to the financial supervision of irrigation and other public districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 660—An act to forbid the acquisition by the United States of America or any of its agencies of any lands or real property in the State of California except for forts, magazines, arsenals, dockyards and other needful buildings, without the consent of the legislative body of the county or political subdivision in which such land or real property is situated.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 391—An act to amend Section 28.5 of the Agricultural Code, relating to refunds.

Bill read second time.

Motion to Amend

Senator Dilworth moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 25, of the printed bill, as amended, after "made", insert ", unless demand for the payment of such refund is made prior to the expiration of six months after the refund becomes due or six months after the effective date of this provision, whichever last occurs, and if such demand is made, the refund shall be paid".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 775—An act to add Section 37.2 to the Fish and Game Code, relating to bounties on mountain lions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 502—An act to amend Sections 251 and 254 of, and to add Sections 214 and 259.5 to, the Revenue and Taxation Code, relating to exemptions from taxation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 2 of the title of the printed bill, after "214" insert ", 215".

Amendment No. 2

On page 1 of the printed bill, strike out line 4 and insert "charitable purposes owned and operated by commu-".

Amendment No. 3

On page 1, line 10, of the printed bill, strike out "and".

Amendment No. 4

On page 2 of the printed bill, strike out lines 1 to 12, and insert

"(3) The property is not used or operated by the owner or by any other person for profit regardless of the purposes to which the profit is devoted;

(4) The property is not used or operated by the owner or by any other person so as to benefit any officer, trustee, director, shareholder, member, employee, contributor, or bondholder of the owner or operator, or any other person, through the distribution of profits, payment of excessive charges or compensations or the more advantageous pursuit of their business or profession;

(5) The property is not used by the owner or members thereof for fraternal or lodge purposes, or for social club purposes except where such use is clearly incidental to a primary religious, hospital or charitable purpose;

(6) The property is irrevocably dedicated to religious, charitable or hospital purposes and upon the liquidation, dissolution or abandonment of the owner will not inure to the benefit of any private person except a fund, foundation or corporation organized and operated for religious, hospital, or charitable purposes.

The exemption provided for herein shall be known as the "welfare exemption." This exemption shall be in addition to any other exemption now provided by law. This section shall not be construed to enlarge the college exemption or to extend an exemption to property held by or used as an educational institution of less than collegiate grade."

Amendment No. 5

On page 2 of the printed bill, between lines 12 and 13, insert

"SEC. 2. Section 215 is added to the Revenue and Taxation Code, to read as follows:

215. All personal property and all buildings, and so much of the real property on which the buildings are situated as may be required for the convenient use and occupation of said buildings, owned by a veteran organization which has been chartered by the Congress of the United States, when the same are used solely and exclusively for the purposes of such organization, if not conducted for profit and no part of the net earnings of which inures to the benefit of any private individual or member thereof, shall be exempt from taxation.

This exemption shall also be known as a "welfare exemption"."

Amendment No. 6

On page 2, line 13, of the printed bill, strike out "SEC. 2", and insert "SEC. 3".

Amendment No. 7

On page 2, line 17, of the printed bill, strike out "SEC. 3", and insert "SEC. 4".

Amendment No. 8

On page 2, line 23, of the printed bill, strike out "SEC. 4", and insert "SEC. 5".

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1708—An act to add Section 3606 to the Public Resources Code, relating to oil and gas, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 444—An act to add Section 92.8 to the Agricultural Code, relating to district agricultural associations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—Senator Dorsey—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 525—An act to repeal Chapter 8, Part 4, Division 6 of the Welfare and Institutions Code, comprising Sections 7350 to 7354, inclusive, and to add Section 7500.5 to said code, relating to the powers and duties of the State Department of Institutions and the Division of Extramural Care, and providing for community mental hygiene clinics to be maintained and established by the department.

Bill read third time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 6 to 13, and insert "7500.5. The Department of Mental Hygiene may:

(a) Disseminate educational information relating to the prevention, diagnosis and treatment of mental illness, mental disorder, or mental deficiency.

(b) Upon request, advise all public officers, organizations and agencies interested in the mental health of the people of the State.

(c) Conduct such educational and related work as will tend to encourage the development of proper mental hygiene facilities throughout the State."

Amendment No. 2

On page 1, line 14, of said bill, strike out "shall", and insert "may".

Amendment No. 3

On page 1, line 15, of said bill, after "prevention," insert "early".

Amendment No. 4

On page 1, line 16, of said bill, after the period insert "Such clinics may be maintained only for persons not requiring institutional care, who voluntarily seek the aid of such clinics."

Amendment No. 5

On page 1, line 21, of said bill, strike out "shall", and insert "may".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

President of the Senate Presiding

At 2.22 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

Senate Bill No. 1091—An act to amend Section 7 of the Unemployment Insurance Act, relating to unemployment insurance and the inclusion and exclusion of employment thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 167—An act to repeal certain acts, relating to chattel mortgage, mortgage and trust deed moratoria.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 249—An act to amend Section 16424 of the Education Code, relating to injuries to pupils.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California to amend Section 22 of Article XII of the Constitution of the State, relating to the organization and powers of the Public Utilities Commission.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.
NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 764—An act to amend Sections 16 and 43 of the County Employees' Retirement Act of 1937, relating to employees of special districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 798—An act to amend Section 737g of the Political Code, relating to the salaries of judges of the Superior Court in and for the County of Contra Costa.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1259—An act to amend Section 14237 of the Health and Safety Code, relating to fire protection districts in unincorporated areas.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter,

Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 22—Relative to the duty of the United States Government to pay any and all costs of the counties or State of California in relation to indigent Japanese returned from the relocation centers.

Motion to Re-Refer Senate Concurrent Resolution No. 22

Senator Seawell moved that Senate Concurrent Resolution No. 22 be re-referred to Committee on Local Government.

Motion carried.

Senate Bill No. 358—An act to amend Section 737jj of the Political Code, relating to salaries of superior court judges of San Bernardino County.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 976—An act to amend Section 737rr of the Political Code, relating to the salaries of judges of the Superior Court in the County of Santa Cruz.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 416—An act to amend Sections 737r, 737y and 737ff of the Political Code, relating to judges salaries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 614—An act to amend Section 4272 of the Political Code, relating to compensation for public services in counties of the forty-third class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1013—An act to amend Section 4276 of the Political Code, relating to compensation for public services in counties of the forty-seventh class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 333—An act to amend Sections 9164, 9200, 9204, 9206 and 9221 of, and to add Sections 9202, 9207, 9208, 9209, 9210, 9212, 9213, 9214, 9215 and 9217 to the Public Resources Code and to repeal Section 10058 of the Elections Code, relating to the General District Elections held in soil conservation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1257—An act to create a flood control district to be called San Diego County Flood Control District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen,

Judah, Keating, Kuchel, Mayo, McCormack, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 384—An act to amend the heading of Article 11, Chapter 1, Division 5, and Sections 2451, 2453, 2454, 2831, 2832, 2842, and 2843 of, to add a new article heading immediately preceding Section 2455 to, and to repeal Sections 2450, 2452, 2840 and 2841 of, the Elections Code, relating to County Central Committees.

Bill read third time.

Motion to Re-Refer Senate Bill No. 384

Senator Jespersen moved that Senate Bill No. 384 be re-referred to Committee on Elections.

Motion carried.

Senate Bill No. 980—An act to amend Section 373 of the Elections Code, relating to elections.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 698—An act to add a new section to the Labor Code, to be numbered 5315.1, relating to the Industrial Accident Commission.

Motion to Refer Bill to Inactive File

Senator Carter moved that Senate Bill No. 698 be placed on the inactive file.

Motion carried.

Senate Bill No. 842—An act to amend Section 363 of the Political Code, relating to the Director of Public Works.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 115—An act to amend Section 6062 of the Business and Professions Code, relating to attorneys.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield,

Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 116—An act to add Section 6049.1 to the Business and Professions Code, relating to attorneys.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 168—An act to amend Sections 1730 and 1771 of Title XI of Part III of the Code of Civil Procedure, relating to conciliation proceedings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—29.
NOES—Senators Crittenden and Tenney—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1173—An act relating to taxes paid upon mines and mining claims by co-owners and providing remedies for nonpayment of taxes by co-owners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 248—An act to amend Sections 10615 and 10617 of the Health and Safety Code, relating to registration of previously unregistered births.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel Dilworth, Donnelly, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 111—An act to amend Section 1621 of the Streets and Highways Code and Section 8356 of the Revenue and Taxation Code, relating to allocations to counties of moneys for highway purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 118—An act to amend Section 5 of an act entitled "An act relating to the determination of the wartime population of cities or cities and counties for purposes of allocation of moneys from the State Highway Fund and from the Motor Vehicle License Fee Fund for expenditures therein, and declaring the urgency thereof," approved May 18, 1943, relating to the time said act remains in effect, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Tenney, and Ward—31.

NOES—None.

Passed on file upon the request of Senator Biggar.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator McCormack:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 3 of an act entitled "An act declaring portions of the lands conveyed to the City of San Diego by an act entitled 'An act conveying certain tidelands and lands lying under inland navigable waters situate in the Bay of San Diego to the City of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof,' approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and excluding such portions from use for navigation, commerce and fisheries and granting such portions of said tidelands to the City of San Diego and County of San Diego," approved June 11, 1929, relating to grant of tidelands to City of San Diego and County of San Diego for county and municipal purposes.

Respectfully submitted.

SENATOR McCORMACK

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 5, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Transportation.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1267: By Senator McCormack—An act to amend Section 3 of an act entitled "An act declaring portions of the lands conveyed to the City of San Diego by an act entitled 'An act conveying certain tidelands and lands lying under inland navigable waters situate in the Bay of San Diego to the City of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof,' approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and excluding such portions from use for navigation, commerce and fisheries and granting such portions of said tidelands to the City of San Diego and County of San Diego," approved June 11, 1929, relating to grant of tidelands to City of San Diego and County of San Diego for county and municipal purposes.

Referred to Committee on Transportation.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: The Committee on Rules, to which was referred the message from the Governor dated April 2, 1945, appointing Eugene L. Weber, as a Member of the Board of Trustees, Napa State Hospital, vice George Provine; Mrs. Elizabeth King Robinson, as a Member of the Board of Trustees, Napa State Hospital, vice Dr. Harry V. Baker; Washington Mannering, as a Member of the Board of Trustees, Napa State Hospital, vice Samuel J. Grossman; Dr. Dwight H. Murray, as a Member of the Board of Trustees, Napa State Hospital, vice Harry P. Soloman; Edwin R. Hennessey, as a Member of the Board of Trustees, Napa State Hospital, vice self; Has had the same under consideration, and respectfully reports the same back, and recommends that the appointments of the Governor be confirmed.
Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion Confirming Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of Eugene L. Weber, Mrs. Elizabeth King Robinson, Washington Mannering, Dr. Dwight H. Murray, and Edwin R. Hennessey as members of Board of Trustees of Napa State Hospital.

The President put the question, "Will the Senate confirm and consent to the appointment of Eugene L. Weber, Mrs. Elizabeth King Robinson, Washington Mannering, Dr. Dwight H. Murray, and Edwin R. Hennessey?"

The roll was called, with the following result:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—30.
NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointments of Eugene L. Weber, Mrs. Elizabeth King Robinson, Washington Mannering, Dr. Dwight H. Murray, and Edwin R. Hennessey.

MOTIONS TO TAKE BILLS FROM THE INACTIVE FILE

Senator Brown moved that Senate Bill No. 81 be taken from the inactive file and placed on the second reading file.

Motion carried.

Senator Mixter moved that Senate Bill No. 63 be taken from the inactive file and placed on the second reading file.

Motion carried.

Senator Mixter moved that Senate Bill No. 64 be taken from the inactive file and placed on the second reading file.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 98	Assembly Bill No. 1041
Assembly Bill No. 154	Assembly Bill No. 1042
Assembly Bill No. 338	Assembly Bill No. 1585
Assembly Bill No. 528	Assembly Bill No. 1696
Assembly Bill No. 534	Assembly Bill No. 2061
Assembly Bill No. 670	Assembly Bill No. 2062
Assembly Bill No. 716	Assembly Bill No. 2063
Assembly Bill No. 723	Assembly Bill No. 2064
Assembly Bill No. 887	Assembly Bill No. 2065
Assembly Bill No. 1040	Assembly Bill No. 2066

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 98—An act to add Section 1269b to the Penal Code, relating to bail.

Referred to Committee on Judiciary.

Assembly Bill No. 154—An act to amend Section 42.4 of the County Employees Retirement Act of 1937, relating to county retirement associations, and providing for the inclusion of superior court phonographic reporters therein.

Referred to Committee on Local Government.

Assembly Bill No. 338—An act to add Sections 1428.1, 1428.2, and 1428.3 to the Penal Code, relating to procedure in criminal cases in municipal, police and justices' courts.

Referred to Committee on Judiciary.

Assembly Bill No. 534—An act to amend Section 100 of the Agricultural Code, relating to quarantine and pest control definitions.

Referred to Committee on Agriculture.

Assembly Bill No. 528—An act to amend Section 785 of the Agricultural Code, relating to the disposal of fruits, nuts, and vegetables not conforming to standardization requirements.

Referred to Committee on Agriculture.

Assembly Bill No. 670—An act to amend Section 3720 of the Political Code, relating to statements filed with the State Board of Equalization and with the assessors of the creation or change of boundaries of cities or districts.

Referred to Committee on Local Government.

Assembly Bill No. 716—An act to amend Section 631 of the Agricultural Code, relating to pasteurization.

Referred to Committee on Agriculture.

Assembly Bill No. 723—An act to amend Section 671 of the Agricultural Code, relating to milk products manufacturing license.

Referred to Committee on Agriculture.

Assembly Bill No. 887—An act to amend Section 790 of and to add Section 813.7 to, the Agricultural Code, relating to standards for green corn.

Referred to Committee on Agriculture.

Assembly Bill No. 1040—An act to add Section 15.6 to "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to review of orders and other official acts of the commissioner of corporations.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1041—An act to amend Section 24 of "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to written reports of the commissioner and penalty for failure to file as required.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1042—An act to amend Section 18 of "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to approval of loan applications by credit committee.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1585—An act to amend Section 372.5 of the Agricultural Code, relating to stock killed on railroad right of way.

Referred to Committee on Agriculture.

Assembly Bill No. 1696—An act to amend 271 of the Penal Code, relating to desertion or abandonment of a child.

Referred to Committee on Judiciary.

Assembly Bill No. 2061—An act to amend Sections 1731.5, 1732, 1737, 740, 742, 743, 744, 745, 747, and 749 of the Welfare and Institutions Code, relating to commitments of young persons to the Youth

Authority and to other public and private agencies and persons by juvenile and other courts.

Referred to Committee on Judiciary.

Assembly Bill No. 2062—An act to add Section 1767.5 to the Welfare and Institutions Code, relating to the Youth Authority, and authorizing payments by the Authority for care of persons paroled by the Authority.

Referred to Committee on Judiciary.

Assembly Bill No. 2063—An act to add Sections 1737.1 and 1768.7 to the Welfare and Institutions Code, relating to persons committed to the Youth Authority.

Referred to Committee on Judiciary.

Assembly Bill No. 2064—An act to amend Section 1741 of the Welfare and Institutions Code, relating to furnishing information to the Youth Authority concerning persons committed to it.

Referred to Committee on Judiciary.

Assembly Bill No. 2065—An act to add Section 1154 to the Welfare and Institutions Code, relating to the expenses of returning escapees to the Youth Authority.

Referred to Committee on Judiciary.

Assembly Bill No. 2066—An act to amend Section 1009 of the Welfare and Institutions Code, relating to transportation of nonresident persons committed to the Youth Authority or confined in institutions subject to its jurisdiction to the States of their residence, providing for the disposition of moneys received for such transportation, and making an appropriation.

Referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Constitutional Amendment No. 10

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 625

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 333

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1257

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 23
Senate Bill No. 112
Senate Bill No. 466
Senate Bill No. 592
Senate Bill No. 751
Senate Bill No. 844
Senate Bill No. 901
Senate Bill No. 981
Senate Bill No. 1012
Senate Bill No. 1201
Senate Bill No. 1258
Senate Bill No. 1261
Senate Bill No. 1264

And reports the same correctly engrossed.

SEAWELL, Chairman

ADJOURNMENT

At 4.42 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10 a.m., Friday, April 6, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FORTY-FIRST LEGISLATIVE DAY
EIGHTY-NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Friday, April 6, 1945

The Senate met at 10 a.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Parkman and Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Roy Dempter of Burlingame.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. George Winzler and daughter Lura and son John, also Mrs. J. Tadlock, all of Eureka.

On request of Senator Hulse, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. A. Y. Preble of Imperial.

REPORTS OF STANDING COMMITTEES

Committee on Labor

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 58

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 5; noes 2.

SHELLEY, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Assembly Bill No. 348
Assembly Bill No. 684

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 7.

SHELLEY, Chairman

Above reported bills ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 708—An act to amend Section 12752 of the Education Code, and to add Section 2.5 to, to amend Section 4 of, and to repeal Section 5 of an act entitled "An act to provide for the licensing, visitation and supervision of schools teaching foreign languages, and to define and prescribe the powers and duties of the State Board of Education in respect thereto," approved May 31, 1943, relating to administrative procedure of the State Board of Education.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections 113, 12003, and".

Amendment No. 2

On page 1, line 1, of said bill, strike out "12752", and insert "113".

Amendment No. 3

On page 1 of said bill, between lines 2 and 3, insert

"113. The board shall issue subpenas to compel the attendance of witnesses before the board, or any member thereof, in the same manner as any court in this State. Whenever the testimony of any witness upon any matter pending before it is material, the president shall cause the attendance of the witnesses before the board, or a member of the board, to testify concerning the matter, and the board may make a reasonable allowance for this purpose not exceeding the fees of witnesses in civil cases. The allowance shall be paid for out of the appropriation for the expense of the board, but in no instance shall an allowance be made in favor of a witness who appears in behalf of a claimant. *The provisions of this section shall not apply to proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.*

SEC. 2. Section 12003 of said code is amended to read:

12003. The Commission of Credentials may review the cases of applicants for credentials and life diplomas, and when it is satisfied that any candidate fully meets the standard set by the State Board of Education it may issue the proper documents. *Where a hearing is held under this article the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Board of Education shall have all the powers granted therein.*

The documents shall be issued upon the regular forms used by the State Board of Education and shall bear the signatures of the secretary and the president of the board

or their facsimile signatures, countersigned by an assistant secretary authorized to perform that service.

SEC. 3. Section 12752 of said code is amended to read:"

Amendment No. 4

On page 1, line 14, of said bill, strike out "SEC. 2", and insert "SEC. 4".

Amendment No. 5

On page 2, line 1, of said bill, strike out "SEC. 3", and insert "SEC. 5".

Amendment No. 6

On page 2, line 21, of said bill, strike out "SEC. 4", and insert "SEC. 6".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 709—An act to amend Section 1354 of, and to add Section 1392 to, the Harbors and Navigation Code, relating to administrative procedure of the State Board of Pilot Commissioners for the Harbor of San Diego.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 1354", and insert "Sections 1354 and 1371".

Amendment No. 2

On page 1 between lines 10 and 11, of said bill, insert

"SEC. 2. Section 1371 of the Harbors and Navigation Code is amended to read:

1371. Pilots appointed by the board shall be carefully examined as to their qualifications and, if found to be qualified and worthy, they shall receive licenses as pilots for the term of twelve months. Their licenses shall be annually renewed unless the board has good cause to withhold renewal.

Whenever the board deems it has good cause, or intends for any reason to withhold renewal, the secretary of the board shall serve notice in writing on the pilot, specifying the causes, at least ten days before the expiration of his license and the pilot is entitled to a full hearing before the board. *The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code and the board shall have all the powers granted therein.*

Amendment No. 3

On page 1, line 11, of said bill, strike out "SEC. 2", and insert "SEC. 3".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 710—An act to amend Section 1254 and 1290 of the Harbors and Navigation Code, relating to administrative procedure of the Board of Pilot Commissioners for Humboldt Bay and bar.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 24, of the printed bill, after "proceedings", insert "under this article".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 711—An act to amend Sections 1155, 1192 and 1193 of the Harbors and Navigation Code, relating to administrative procedure of the State Board of Pilot Commissioners for the bays of San Francisco, San Pablo and Suisun.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title, of the printed bill, after "Sections", insert "1101,".

Amendment No. 2

On page 1, line 1, of said bill, strike out "1155", and insert "1101".

Amendment No. 3

On page 1, of said bill, between lines 2 and 3, insert

"1101. Pilots licensed by commissioners shall be carefully examined as to their qualifications, and, if found to be qualified and worthy, they shall receive licenses as pilots for a term of 12 months. Licenses shall be renewed annually unless the commissioners have good cause to withhold renewal. Whenever the commissioners deem they have cause, or intend for any reason to withhold renewal of a pilot's license, the secretary of the board of commissioners shall serve notice, in writing, on the pilot, specifying the causes, at least ten days before the expiration of his license. The pilot is thereupon entitled to a full hearing before the board. *The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code and the board shall have all the powers granted therein.*

SEC. 2. Section 1155 of said code is amended to read:".

Amendment No. 4

On page 1, line 11, of said bill, strike out "SEC. 2" and insert "SEC. 3".

Amendment No. 5

On page 2, line 4, of said bill, strike out "SEC. 3", and insert "SEC. 4".

Amendment No. 6

On page 2 of said bill, strike out line 24 and insert

"In all such cases and in all cases of revocation of license or suspension of a pilot for any cause, the final decision of the board is subject to judicial review".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 713—An act to amend Section 104.5, 1625, and 2305 of the Welfare and Institutions Code, relating to administrative procedure in the Department of Social Welfare.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "1625, and 2305", and insert "1624, 1625, 2304, 2305, 2355, and 2356".

Amendment No. 2

On page 1 of said bill, between lines 17 and 18, insert

"SEC. 2. Section 1624 of said code is amended to read:

1624. Application for renewal of a permit or license shall be filed 10 days prior to its expiration each year. If the application is not so filed, the license or permit is automatically canceled. *Where a hearing is held under this section the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.*"

Amendment No. 3

On page 1, line 18, of said bill, strike out "SEC. 2", and insert "SEC. 3".

Amendment No. 4

On page 2 of said bill, between lines 3 and 4, insert

"SEC. 4. Section 2304 of said code is amended to read:

2304. Application for renewal of a permit or license shall be filed 10 days prior to its expiration. If such application is not so filed, such license or permit is automatically canceled. *Where a hearing is held under this section the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.*"

Amendment No. 5

On page 2, line 4, of said bill, strike out "SEC. 3", and insert "SEC. 5".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 6

On page 2 after line 14, of said bill, insert

"SEC. 6. Section 2355 of said code is amended to read:

2355. A certificate of authority issued by the State Department of Social Welfare shall expire 12 months from its date of issuance, and application for renewal of same shall be filed 10 days prior to its expiration. *Where a hearing is held under this section the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.*

SEC. 7. Section 2356 of said code is amended to read:

2356. Certificates of authority may be revoked for cause after a hearing before the State Social Welfare Board. [Written notice of the time and place of such hearing and of the charges made against the holder of the certificate of authority shall be duly served on him not less than 10 days prior to the time fixed for such hearing.] *The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.*"

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 715—An act to amend Sections 1584 and 1596 and to repeal Sections 1597, 1598, and 1599 of the Labor Code, relating to administrative procedure of the Labor Commissioner.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "and 1596", and insert ", 1597 and 1663".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "1597, 1598", and insert "1598".

Amendment No. 3

On page 1, line 7, of said bill, strike out "Article", and insert "Title".

Amendment No. 4

On page 1, line 9, of said bill, strike out "1596", and insert "1597".

Amendment No. 5

On page 1 of said bill, strike out lines 10 to 27, and insert:

"1597. Before revoking or suspending any license, the Labor Commissioner shall [notify in writing, the holder of such license of the charges against him and] afford *the holder of such license* an opportunity to be heard in person or by counsel. *The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.*

[The Labor Commissioner or his deputies shall not be bound by the technical rules of evidence in conducting such a hearing."]

Amendment No. 6

On page 1, between lines 27 and 28, of said bill, insert

"SEC. 3. Section 1663 of said code is amended to read:

1663. No part of the provisions of Part 6, Chapter 1 of this code shall be applicable to an artists' manager, except as expressly provided in Sections 1650 to 1663, inclusive, of this code, and except that the following sections [, in the terms thereof now in effect,] shall be so applicable, to wit: Sections 1550, 1582, 1583, 1584, 1585, 1586, 1587, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1597, [1598, 1599,] 1620, 1621, 1623, 1630, 1636, 1637, 1638, 1639, 1640, 1640.5, 1642, 1643, 1644, 1646, 1647, 1647.5, and 1648; and for such purpose, each of said sections [, in the terms thereof now in effect,] shall be read, applied, administered and enforced as though expressly made applicable to an artists' manager."

Amendment No. 7

On page 1, line 28, of said bill, strike out "SEC. 3. Section 1597, 1598," and insert "SEC. 4. Sections 1598".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 718—An act to amend Section 6925 and to repeal Sections 6927, 6928, 6929, 6931, 6932, 6933, 6934, 6935, 6936, and 6937 of the Business and Professions Code, relating to administrative procedure of the Secretary of State.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 21, of the printed bill, after "6928," insert "6929,".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 720—An act to amend Section 8952 and to repeal Section 8953 of the Business and Professions Code, relating to administrative procedure of the Yacht and Ship Brokers Commission.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 15, of said bill, strike out "Article", and insert "Title".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 721—An act to amend Sections 8620, 8621, and 8634 and to repeal Sections 8622, 8623, 8626, 8627, 8628, 8629, 8630, 8631,

and 8633 of the Business and Professions Code, relating to administrative procedure of the Structural Pest Control Board.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 20, of the printed bill, strike out "8634", and insert "8633".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 723—An act to amend Section 7425, and to repeal Sections 7426, 7427, 7428, and 7429 of the Business and Professions Code, relating to administrative procedure of the State Board of Cosmetology.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 8, of said bill, strike out "Article", and insert "Title".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 724—An act to amend Sections 7073, 7091, and 7100 and to repeal Sections 7092, 7093, 7094, 7096, 7097, 7098, 7099, 7101, 7103, 7104, and 7105 of the Business and Professions Code, relating to administrative procedure of the Registrar of Contractors.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 29, of the printed bill, strike out "conditional", and insert "conditioned".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 727—An act to amend Sections 5560, 5561, and 5570 and to repeal Sections 5562, 5563, 5564, 5566, 5567, 5568, and 5569 of the Business and Professions Code, relating to administrative procedure of the California State Board of Architectural Examiners.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "and 5569", and insert "5569, 5574, 5575, and 5576".

Amendment No. 2

On page 2, line 22, of said bill, after "any", insert "such".

Amendment No. 3

On page 2 of said bill, in lines 30 and 31, strike out "and 5569", and insert "5569, 5574, 5575 and 5576".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 729—An act to amend Section 1265 of the Business and Professions Code, to amend Section 1227 and to repeal Section 1228 of the Health and Safety Code, and to amend Section 9 of an act entitled "An act to regulate the conduct of canneries, to create a division of cannery inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, relating to Administrative procedure of the State Board of Public Health.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "Section 1227", and insert "Sections 1222 and 1227".

Amendment No. 2

On page 1 of said bill, between lines 7 and 8, insert

"SEC. 2. Section 1222 of the Health and Safety Code is amended to read:

1222. Upon the filing of any application for a permit or for renewal, the director shall investigate the facts set forth in the application. *Where a hearing is held under this section the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.*"

Amendment No. 3

On page 1, line 8, of said bill, strike out "SEC. 2.", and insert "SEC. 3."

Amendment No. 4

On page 1, line 18, of said bill, strike out "Sec. 3.", and insert "SEC. 4."

Amendment No. 5

On page 2, line 1, of said bill, strike out "Sec. 4.", and insert "SEC. 5.".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 730—An act to amend Section 4530 of the Business and Professions Code, to amend Sections 1409 and 1615 and to repeal Sections 1616, 1617, and 1620 of the Health and Safety Code, and to amend Section 11503 of the Insurance Code, relating to administrative procedure of the State Department of Public Health.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 2 of the title of the printed bill, after "Sections", insert "1406,".

Amendment No. 2

On page 1, between lines 11 and 12 of said bill, insert

"SEC. 2. Section 1406 of the Health and Safety Code is amended to read:

1406. The department shall prescribe the conditions upon which permits shall be granted. *Where a hearing is held under this section the proceedings shall be*

conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein."

Amendment No. 3

On page 1, line 12, of said bill, strike out "SEC. 2.", and insert "SEC. 3."

Amendment No. 4

On page 1, line 19, of said bill, strike out "SEC. 3.", and insert "SEC. 4."

Amendment No. 5

On page 2, line 6, of said bill, strike out "SEC. 4.", and insert "SEC. 5."

Amendment No. 6

On page 2, line 8, of said bill, strike out "SEC. 5.", and insert "SEC. 6."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 737—An act to amend Sections 23, 23.5, 100, 102, 150, 158, 203, 204, 400, 401, 402, 403, 404, 1601, 2100, 2701, 3010, 3146, 3148, 3151, 4000, 4063, 4070, 4800, 5000, 5510, 6500, 6702, 6710, 6721, 7000, 7301, 7501, 7503, 7601, 7608, 8501, 8702, 8910, 16501, 19004, 19030, 19031 of, and to add Sections 110.5 and 110.6 to, the Business and Professions Code, relating to the divisions, boards and bureaus of the Department of Professional and Vocational Standards, changing the name of the department to the Department of Administrative Procedure, and relating to the employment of hearing officers and the continued study of administrative procedure.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 6, of the printed bill, after "department.", insert "Upon request from any such board which has adopted the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code as rules of procedure in proceedings before it, the director shall assign hearing officers for such proceedings in accordance with Section 110.5."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 740—An act to amend Sections 120, 150, 215.12, 352, 380.58, 723, 737.11, 747, 1041, 1043, 1072, 1175, 1178, 1241, 1254, 1268, 1269, 1300.4, 1300.4a, and 1300.5, and to repeal Sections 1074, 1176 and 1177, of the Agricultural Code, and to add Section 5.5 to, and to amend Section 8 of, an act entitled "An act to provide for the regulation and supervision of, and to prevent fraud in, sales of fertilizer as the same is therein defined; to provide for license to engage in the business of selling or dealing in such fertilizer; to provide for the enforcement of said act and penalties for the violation thereof," approved April 20, 1927, relating to administrative procedure affecting various businesses in the agricultural field.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "150,".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "1254, 1268", and insert "and 1254,".

Amendment No. 3

In line 3 of the title of the printed bill, strike out "1269, 1300.4, 1300.4a, and 1300.5,".

Amendment No. 4

In line 4 of the title of the printed bill, strike out "and to add".

Amendment No. 5

In the title of the printed bill, strike out lines 5 to 11, and insert "relating to administra-".

Amendment No. 6

On page 2 of the printed bill, strike out lines 37 to 52, inclusive.

Amendment No. 7

On page 3 of the printed bill, strike out lines 1 to 4, inclusive.

Amendment No. 8

On page 3, line 5, of the printed bill, strike out "3", and insert "2".

Amendment No. 9

On page 3, line 31, of the printed bill, strike out "4", and insert "3".

Amendment No. 10

On page 3, line 40, of the printed bill, strike out "5", and insert "4".

Amendment No. 11

On page 3, line 49, of the printed bill, strike out "6", and insert "5".

Amendment No. 12

On page 3, line 51, of the printed bill, strike out "5", and insert "4, 5, 6".

Amendment No. 13

On page 3, line 52, of the printed bill, strike out "501", and insert "500.5".

Amendment No. 14

On page 4, line 15, of the printed bill, strike out "7", and insert "6".

Amendment No. 15

On page 5, line 49, of the printed bill, strike out "8", and insert "7".

Amendment No. 16

On page 6, line 10, of the printed bill, strike out "9", and insert "8".

Amendment No. 17

On page 6, line 22, of the printed bill, strike out "10", and insert "9".

Amendment No. 18

On page 7, line 17, of the printed bill, strike out "11", and insert 10".

Amendment No. 19

On page 7, line 38, of the printed bill, strike out "12", and insert "11".

Amendment No. 20

On page 8, line 8, of the printed bill, strike out "13", and insert "12".

Amendment No. 21

On page 8, line 26, of the printed bill, strike out "14" and insert "13".

Amendment No. 22

On page 8, line 36, of the printed bill, strike out "15" and insert "14".

Amendment No. 23

On page 8 of the printed bill, strike out lines 49 to 52, inclusive.

Amendment No. 24

On page 9 of the printed bill, strike out lines 1 to 52, inclusive.

Amendment No. 25

On page 10 of the printed bill, strike out lines 1 to 52, inclusive.

Amendment No. 26

On page 11 of the printed bill, strike out lines 1 to 52, inclusive.

Amendment No. 27

On page 12 of the printed bill, strike out lines 1 to 52, inclusive.

Amendment No. 28

On page 13 of the printed bill, strike out lines 1 to 50, inclusive.

Amendment No. 29

On page 14 of the printed bill, strike out lines 1 to 51, inclusive.

Amendment No. 30

On page 15 of the printed bill, strike out lines 1 to 31, inclusive.

Amendment No. 31

On page 15, line 32, of the printed bill, strike out "21", and insert "15".

Amendment No. 32

On page 15 of the printed bill, strike out all of lines 34 to 50, inclusive.

Amendment No. 33

On page 16 of the printed bill, strike out lines 1 to 51, inclusive.

Amendment No. 34

On page 17 of the printed bill, strike out lines 1 to 12, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 741—An act to amend Sections 700, 704, 851, 852, 1649, 1707, 1720.06, 1731, 1732, 1734, 1776, 1807.5, 1813, 1818, 1821, 12924, and 12975.5 of the Insurance Code, relating to administrative procedure affecting the transaction of insurance business.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 1

In the title of the printed bill, strike out lines 1 and 2; and in line 3 strike out 12975.5 and insert

"An act to amend Sections 383.5, 700, 704, 765, 766, 783, 783.5, 851, 852, 1512, 1649, 1707, 1720.06, 1731, 1732, 1760.5, 1776, 1807.5, 1813, 1821, 11063, 12223, 12282, 12924, and 12975.5, and to repeal Sections 767, 1734, 1818, and 11064".

Amendment No. 2

On page 1, line 1, of said bill, strike out "700", and insert "383.5".

Amendment No. 3

On page 1 between lines 2 and 3 of said bill, insert

"383.5. "Document," as used in this section, means a policy or a certificate evidencing insurance under a master policy. Such policy or certificate shall conform to Section 381 and shall segregate the premiums charged for each risk insured against. Such a certificate, in lieu of specifying the risks insured against, may designate them by name or by description.

"Owner" as used in this section means any person who is named as an insured in such contract of insurance or document, or in a loss payable clause therein, and, whether or not he is named therein, the vendee, pledgor, or chattel mortgagor of a motor vehicle where insurance contracts subject to this section are procured with respect to the motor vehicle by or on behalf of either party to the purchase, pledge, or mortgage.

Every contract of insurance against hazards incident to ownership, maintenance, operation and use of motor vehicles shall be embodied in a document.

The original or a true copy of such document shall be delivered to each owner. Where it is executed by an insurer, the insurer shall deliver the original or a true copy:

(a) To the agent or broker who negotiated the insurance, for delivery to each owner of the motor vehicle, or

(b) To each owner of the motor vehicle.

The agent or broker receiving such original or copy shall deliver one to each owner. Where coverage subject to this section is evidenced by a document executed by an agent licensed under Article 1, Chapter 5, Part 2, of this division, and not by an insurer, the agent and not the insurer is responsible for delivery of the original or a true copy to each owner.

The licenses of any agent or broker *found by the commissioner after hearing to have violated this section may be suspended or revoked in accordance with the procedure provided in Section 1731*, or the certificate of authority of any insurer found by the commissioner after hearing to have violated this section may be suspended or revoked *in accordance with the procedure provided in Section 704*.

The purpose of this section is to prevent fraud or mistake in connection with the transaction of insurance covering motor vehicles and in furtherance of that purpose the commissioner may make reasonable rules and regulations therefor.

SEC. 2. Section 700 of the Insurance Code is amended to read:"

Amendment No. 4

On page 1, line 15, of said bill, strike out "SEC. 2", and insert "SEC. 3".

Amendment No. 5

On page 2 between lines 11 and 12 of said bill, insert

"SEC. 4. Section 765 of the Insurance Code is amended to read:

765. If an insurer knowingly violates any provisions of this article, or knowingly permits any officer, agent, or employee so to do, the commissioner, after a hearing *in accordance with the procedure provided in Section 704*, may suspend the insurer's certificate of authority to do the class of insurance in which the violation of this article occurred.

SEC. 5. Section 766 of said code is amended to read:

766. If an insurance agent, broker, or solicitor knowingly and wilfully violates any of the provisions of this article, the commissioner, after a hearing *in accordance with the procedure provided in Section 1731*, may suspend or revoke the violator's license.

SEC. 6. Section 783 of said code is amended to read:

783. Whenever any insurance agent, broker, or solicitor knowingly violates any provisions of Sections 780 or 781, the commissioner, after [proper] *a* hearing *in accordance with the procedure provided in Section 1731*, may suspend the license of any such person for not exceeding three years.

SEC. 7. Section 783.5 of said code is amended to read:

783.5. If an insurer knowingly violates any provision of Sections 780 or 781, or knowingly permits any officer, agent, or employee so to do, the commissioner, after [proper] *a* hearing *in accordance with the procedure provided in Section 704*, may suspend the insurer's certificate of authority to do the class of insurance in respect to which the violation occurred.

Amendment No. 6

On page 2, line 12, of said bill, strike out "SEC. 3", and insert "SEC. 8".

Amendment No. 7

On page 2, strike out lines 23 to 52, inclusive; and on page 3 of said bill, strike out lines 1 to 35, inclusive.

Amendment No. 8

On page 3, line 44, of said bill, strike out "SEC. 4", and insert "SEC. 9".

Amendment No. 9

On page 3, line 45, of said bill, after "time", insert "in accordance with the procedure provided in Section 1731".

Amendment No. 10

On page 3, of said bill, strike out lines 49 to 51, inclusive; and on page 4 of said bill, strike out line 1, and insert "in any fraudulent transaction.".

Amendment No. 11

On page 4 of said bill, between lines 1 and 2, insert

"SEC. 10. Section 1512 of said code is amended to read:

1512. In addition to the foregoing penalties and where not otherwise provided, the penalty for failure or refusal to comply with any or all of the provisions of this chapter upon the part of the attorney, shall be the refusal, suspension or revocation of certificate of authority. Before such refusal, suspension or revocation, notice and hearing shall be given such attorney *in accordance with the procedure provided in Section 704* [to show cause why such action should not be taken.].

Amendment No. 12

On page 4, line 2, of said bill, strike out "SEC. 5", and insert "SEC. 11".

Amendment No. 13

On page 4, line 31, of said bill, strike out "SEC. 6", and insert "SEC. 12".

Amendment No. 14

On page 4 of said bill, strike out lines 39 to 50, and insert

"SEC. 13. Section 1720.06 of said code is amended to read:

1720.06. A license shall not be refused by the commissioner on the basis of Section 1720.05, excepting subdivisions (g) and (h), without hearing on notice to the applicant held within 60 days after his application is filed in proper form. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

SEC. 14. Section 1731 of said code is amended to read:

1731. The commissioner may suspend or revoke any license of an insurance agent, broker, or solicitor, life agent, surplus line broker or motor club agent if, after a hearing upon reasonable notice, he determines that any of the following facts exist in respect to any person authorized to act under such license:

(a) Such person has violated any provision of law relating to conduct of business which could lawfully be done only under authority conferred by such license.

(b) Such person has knowingly or wilfully made a misstatement in an application to the commissioner for a license or in a document filed in support of such an application, or has obtained his license by concealment or knowing misrepresentation.

(c) The purpose of obtaining such license was to evade or prevent the enforcement of any provision of this code or other insurance laws.

(d) Such person has engaged in a fraudulent practice or conducts his business in a dishonest manner.

(e) Such person has shown that he was incompetent or untrustworthy in the conduct of his business or has by commission of a wrongful act or practice in the course of his business exposed the public or those dealing with him to the danger of loss.

(f) Such person has knowingly misrepresented the terms or effect of an insurance policy or contract while acting in the course of his business.

(g) Such person has failed to perform a duty expressly enjoined upon him by a provision of this code, or has committed and act expressly forbidden by such a provision.

(h) Such person has committed a public offense, shown by a final judgment of conviction, having as one of its necessary elements a fraudulent act or an act of dishonesty in acceptance, custody, or payment of money or property. Upon any conviction of such offense, the commissioner may suspend the license of the person so convicted until the judgment is made final or other final judgment issues.

(i) Such person has aided or abetted any person in an act or omission which would constitute grounds for suspension, revocation, or refusal of license to the person aided or abetted.

(j) Such person has permitted any person in his employ to violate any provision of this code.

The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

SEC. 15. Section 1732 of said code is amended to read:

1732. In addition to any other matters required to be shown to him in order to obtain a license to act as an insurance agent, broker, solicitor, or life agent, surplus line broker or motor club agent, the commissioner may refuse to grant any such license unless the applicant makes a showing satisfactory to him that none of the facts specified in Section 1731 exist in respect to the applicant or its members. Where a hearing is held under this section the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

SEC. 16. Section 1760.5 of said code is amended to read:

1760.5. The provisions of this chapter limiting the insurance which may be placed with nonadmitted insurers and requiring any report thereof shall not apply to:

(a) Reinsurance of the liability of an admitted insurer.

(b) Insurance against perils of navigation, transit or transportation upon hulls, freights or disbursements, or other shipowner interests; upon goods, wares, merchandise and all other personal property and interests therein, in course of exportation from or importation into any country, or transportation coastwise, including transportation by land or water from point of origin to final destination and including war risks; and marine builder's risks, dry docks and marine railways, including insurance of ship repairer's liability, and protection and indemnity insurance, but excluding insurance covering bridges or tunnels.

(c) Aircraft insurance.

(d) Insurance on property or operations of railroads engaged in interstate commerce.

The insurance specified in the foregoing paragraphs (b), (c), and (d), may be placed with a nonadmitted insurer only by and through a special lines' surplus line broker. The license of a special lines' surplus line broker shall be applied for and procured and shall be subject to the same fees for filing on issuance in the same manner as the license of a surplus line broker, except that in lieu of the bond required by subdivision (b) of Section 1765, there shall be delivered to the commissioner a bond in the form, amounts, and conditions specified in Section 1644 of this code and only one fee shall be collected from one person for both licenses. Such licensee in respect to such business shall be subject to all the provisions of this chapter except Sections 1761, 1763 and 1775.5.

The commissioner may, in respect to business written or placed under the provisions of this section, require such information and reports thereof as he considers necessary, convenient or advisable for tax or statistical purposes.

Each placing of insurance in violation of this chapter is a misdemeanor.

The commissioner may revoke, suspend or deny any license [or certificate of authority] granted pursuant to this code *in accordance with the procedure provided in Section 1731 or any certificate of authority granted pursuant to this code in accordance with the procedure provided in Section 704* whenever he finds [, after reasonable notice and hearing,] that the licensee or holder of the certificate has committed a violation of this section.

The premium for insurance placed by or through a special lines' surplus line broker pursuant to this section shall not be subject to the tax imposed upon such broker based upon gross premiums paid for insurance placed under authority conferred by his license."

Amendment No. 15

On page 5, line 1, of said bill, strike out "SEC. 11", and insert "SEC. 17".

Amendment No. 16

On page 5, line 35, of said bill, strike out "proper".

Amendment No. 17

On page 5, line 36, of said bill, after "hearing", insert "in accordance with the procedure provided in Section 1731".

Amendment No. 18

On page 5 of said bill, strike out lines 37 to 40, inclusive, and insert "tion.".

Amendment No. 19

On page 5, line 44, of said bill, strike out "SEC. 12", and insert "SEC. 18".

Amendment No. 20

On page 6, line 3, of said bill, strike out "SEC. 13", and insert "SEC. 19".

Amendment No. 21

On page 6, line 4, of said bill, strike out "reasonable".

Amendment No. 22

On page 6, line 5, of said bill, after "ing", insert "in accordance with the procedure provided in Section 1731".

Amendment No. 23

On page 6 of said bill, strike out lines 8 to 11, and insert "provisions of this chapter."

Amendment No. 24

On page 6 of said bill, strike out lines 12 to 20, inclusive.

Amendment No. 25

On page 6, line 21, of said bill, strike out "SEC. 15", and insert "SEC. 20".

Amendment No. 26

On page 6 between lines 32 and 33, of said bill, insert

"SEC. 21. Section 11063 of said code is amended to read:

11063. When the commissioner [, after investigation,] finds *in accordance with the procedure provided in Section 704* that an admitted foreign society has exceeded its powers, has failed to comply with any provisions of this chapter, is conducting business fraudulently, or is not carrying out its contracts in good faith, he *may revoke* [shall notify the society of his finding, ordering it to show cause why] its certificate of authority [should not be revoked].

[The notice and order to show cause shall specify the facts constituting the basis for his finding and shall name a date, a reasonable time after notice, for hearing on the order.]

SEC. 22. Section 12223 of said code is amended to read:

12223. The commissioner shall revoke or suspend the certificate of authority of a motor club whenever, after a hearing, he finds *in accordance with the procedure provided in Section 704 that* any of the following circumstances exist:

(a) The club has violated any provision of this part.
(b) It is insolvent.
(c) Its assets are less than its liabilities.
(d) It, or its officers, refused to submit to an examination.
(e) It is transacting business fraudulently.

The commissioner shall give notice of such revocation or suspension to the public in such manner as he deems proper.

SEC. 23. Section 12282 of said code is amended to read:

12282. Such license may, upon [reasonable] notice and hearing [by the commissioner], be suspended or revoked by the commissioner *in accordance with the procedure provided in Section 1731* for misrepresentation, fraud or any other violation of this part."

Amendment No. 27

On page 6, line 33, of said bill, strike out "SEC. 16", and insert "SEC. 24".

Amendment No. 28

On page 6, line 46, of said bill, strike out the period after "Code", and insert ", such proceedings to be governed solely by the said chapter".

Amendment No. 29

On page 7, line 5, of said bill, strike out "SEC. 17", and insert "SEC. 25".

Amendment No. 30

On page 7, line 18, of said bill, strike out the period after "Code", and insert ", such proceedings to be governed solely by the said chapter

SEC. 26. Sections 767, 1734, 1818 and 11064 of said code are repealed."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 705—An act to add Chapter 5, comprising Sections 11500 to 11528, inclusive, to Part 1 of Division 3 of Title 2 of the Government Code, relating to administrative procedure.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 10, of the printed bill, after "11501", insert "and those to which this chapter is made applicable by law".

Amendment No. 2

On page 1, line 25, of said bill, strike out "3", and insert "11502".

Amendment No. 3

On page 2, line 5, of said bill, strike out "15000", and insert "11500".

Amendment No. 4

On page 2 between lines 32 and 33, of said bill, insert "Social Welfare Board."

Amendment No. 5

On page 2, line 40, of the printed bill, strike out "State Board of Equalization".

Amendment No. 6

On page 2 of said bill, strike out lines 43 and 44, "enumerated in subdivision (a)".

Amendment No. 7

On page 3, line 32, of said bill, strike out "11506 and 11507", and insert "11505 and 11506".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 707—An act to amend Sections 59.5, 587, 995, 995.1, 1074, and 1075 and to repeal Sections 585, 586, and 995.2 of the Fish and Game Code, relating to administrative procedure of the Fish and Game Commission.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 712—An act to amend Sections 5703 and 5753 of the Welfare and Institutions Code, relating to administrative procedure in the Department of Institutions.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 714—An act to amend Section 10100 and to repeal Sections 10103, 10104, 10105, 10107, 10108, 10109, 10110, 10111, 10112, 10113, 10114, 10115, and 10116 of the Business and Professions Code, relating to administrative procedure of the Real Estate Commissioner.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 716—An act to amend Sections 2256, 2257, 2258, 2259, and 2260 and to repeal Sections 2261, 2262, and 2263 of the Public Resources Code, relating to administrative procedure of the State Mineralogist.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 717—An act to amend Section 13320 and 13613 and to repeal Sections 13321, 13322, 13323, 13324, 13614, 13615 and 13616 of the Health and Safety Code, relating to administrative procedure of the State Fire Marshal.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 719—An act to amend Section 7570 and to repeal Sections 7571, 7572, 7573, 7574, 7575, 7576, and 7577 of the Business and Professions Code, relating to administrative procedure of the Director of Administrative Procedure.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 722—An act to amend Sections 7686, 7686.5, and 7690 and to repeal Sections 7688, 7688.5, 7689, and 7689.5 of the Business and Professions Code, relating to administrative procedure of the State Board of Funeral Directors and Embalmers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 725—An act to amend Sections 6776 and 8781 and to repeal Sections 6777, 6778, 8782, and 8783 of the Business and Professions Code, relating to administrative procedure of the State Board of Registration for Civil Engineers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 726—An act to amend Section 6570 and to repeal Sections 6571, 6572, 6573, and 6574 of the Business and Professions Code, relating to administrative procedure of the State Board of Barber Examiners.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 728—An act to amend Section 4875 and to repeal Sections 4876, 4877, 4878, 4879 and 4880 of the Business and Professions Code, relating to administrative procedure of the Board of Examiners in Veterinary Medicine.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 731—An act to amend Section 4210 of the Business and Professions Code, relating to administrative procedure of the California State Board of Pharmacy.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 732—An act to amend Section 3090 and to repeal Section 3091 of the Business and Professions Code, relating to administrative procedure of the State Board of Optometry.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 733—An act to amend Section 2750 and to repeal Sections 2751, 2752, 2753, 2754, 2755, 2756, 2757, and 2758 of the Business and Professions Code, relating to administrative procedure of the Board of Nurse Examiners of the State of California.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 734—An act to amend Sections 2360, 2364, and 2555 and to repeal Sections 2365, 2366, 2367, 2368, 2369, 2370, and 2371 of the Business and Professions Code, relating to administrative procedure under the chapter on medicine of said code.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 735—An act to amend Sections 1670, 1674, 1675, and 1747 and to repeal Sections 1671, 1672, 1673, 1675, 1676, and 1677 of the Business and Professions Code, relating to administrative procedure of the Board of Dental Examiners of California.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 736—An act to add Section 1094.5 to the Code of Civil Procedure, relating to the judicial review of administrative decisions.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 738—An act to amend Section 5019 of the Business and Professions Code, relating to administrative procedure of the State Board of Accountancy.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 739—An act to amend Sections 11.04 and 11.05 of the Building and Loan Association Act, relating to the administrative procedure of the Building and Loan Commissioner.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 742—An act to amend Section 15 of, and to add Sections 7.5, 9.5, and 23.5 to, the Corporate Securities Act; to amend Section 8 of, and to add Section 3.5 to, an act entitled "An act requiring

individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof," approved July 1, 1937; to amend Sections 8, 13, and 22.5 of the Personal Property Brokers Act, as revised by Chapter 952 of the Statutes of 1939; to amend Sections 8, 13, and 23 of the Personal Property Brokers Act, as revised by Chapter 1044 of the Statutes of 1939; to amend Sections 15.3 and 15.4 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927; to amend Sections 7, 12 and 23 of the California Small Loan Act; relating to administrative procedure of the Commissioner of Corporations.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 957—An act to amend Section 2911 of the Civil Code, relating to the extinguishment of liens.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 958—An act to amend Section 329 of the Code of Civil Procedure, relating to time of commencing action for foreclosure of street improvement assessment liens and duration of such liens.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 959—An act to add Section 330 to the Code of Civil Procedure, relating to the limitation of time for sales under improvement bonds.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 960—An act to amend Sections 12 and 17 of the "Assessment Bond Refunding Act of 1933," relating to liens and bonds.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 961—An act to amend Sections 5372, 6446, 6460 and 6572 of the Streets and Highways Code, relating to liens and bonds under the "Improvement Act of 1911."

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 962—An act to amend Sections 7240 and 7390 of the Streets and Highways Code, relating to liens and bonds under the "Street Improvement Act of 1913."

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 963—An act to amend Section 4290 of the Streets and Highways Code, relating to liens under the "Street Opening Act of 1903."

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 964—An act to amend Section 3450 of the Streets and Highways Code, relating to liens and bonds under the "Street Opening Bond Act of 1921."

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 965—An act to amend Sections 4570 and 4573 of the Streets and Highways Code, relating to liens and bonds under the "Street Opening Bond Act of 1911."

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 966—An act to amend Section 3280 of the Streets and Highways Code, relating to liens under the "Street Opening Act of 1889."

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 19—An act to provide for the erection and equipment of a building or buildings on the campus of the University of California at Davis for use in connection with instruction in food-canning and food-processing, for the establishment and maintenance of a course in food-canning and food-processing on the campus of the University of California at Davis, and to make an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

Strike out all of the title of the printed bill, and insert

"An Act making a transfer of money from the General Fund to the Postwar Employment Reserve and providing that the money so transferred shall be available for appropriation by the Legislature for expenditure by the Regents Of The University Of California for the purpose of establishing and maintaining in The University of California instruction in the various methods of preservation and processing of agricultural and meat products and for the purpose of erecting and equipping a building or buildings to be used in connection with such course of instruction."

Amendment No. 2

On page 1, line 1, of the printed bill, strike out all of Section 1 after the period following "1", and insert

"The sum of five hundred thousand dollars ($500,000) is hereby transferred to the Postwar Employment Reserve in the State Treasury out of any money in the General Fund in the State Treasury that heretofore has not been appropriated. The money so transferred may be invested and reinvested in accordance with the provisions of Chapter 572 of the Statutes of 1943 and shall be available for expenditure only when appropriated by the Legislature to The Regents of the University of California for expenditure by The Regents of the University of California for the purpose of establishing and maintaining in the University of California instruction in the various methods of preservation and processing of agricultural and meat products and for the purpose of erecting and equipping a building or buildings to be used in connection with such course of instruction.

Amendment No. 3

On page 1 of the printed bill, strike out lines 13 and 14.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 839—An act to add Section 8722.1 to the Education Code, relating to the establishment and maintenance of high schools and the support thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "the", and insert "a".

Amendment No. 2

On page 1 of said bill, strike out line 7 and insert "another district, the parents or guardians of a majority of such pupils may, prior to June 1 of any school year".

Amendment No. 3

On page 1 of said bill, strike out lines 9 and 10 and insert "establish and maintain a four year high school at a place convenient to the pupils and named in the petition. If the petition is approved by the Superintendent of Public Instruction, the governing board".

Amendment No. 4

On page 1, line 12, of said bill, strike out "in such elementary district", and insert "at such place beginning with the next succeeding school year".

Amendment No. 5

On page 1, line 16, of said bill, strike out "such", and insert "the".

Amendment No. 6

On page 1, line 17, of said bill, after "trict", insert "in which such high school is maintained".

Amendment No. 7

On page 1 of said bill, following line 19, insert

"If the average daily attendance of a high school established under this section is less than 5 for any school year, following that in which the high school is first maintained, the governing board of the district may discontinue the high school."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 261—An act to add Chapter 10 to Division 4 of the Education Code; to add Chapters 15.5 and 16.5 to Division 3 of said code; to amend Sections 7105, 7137, 7302, 9051, 9071 and 9191 of said code; to repeal Articles 1 and 3 of Chapter 7 of Division 4 of said code and to repeal Sections 6758, 7136, and 10604 of said code, all relating to the Public School System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 2, line 6, of the printed bill, as amended, strike out "and schools".

Amendment No. 2

On page 3, line 42, of said bill, after "in", insert "classes for adults".

Amendment No. 3

On page 3, of said bill, beginning in line 49, strike out "or schools".

Amendment No. 4

On page 4, line 32, of said bill, strike out "7136,".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 456—An act to amend Section 12751 of the Education Code, relating to the suspension and revocation of credentials, life diplomas and other documents issued by the State Board of Education.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "and revocation".

Amendment No. 2

On page 1, line 7, of said bill, strike out "of the governing board", and insert "of the superintendent, if any, or the governing board,".

Amendment No. 3

On page 1, line 16, of said bill, strike out "revoke", and insert "suspend".

Amendment No. 4

On page 1, line 17, of said bill, strike out "in lieu of again suspending them", and insert "for not more than two years".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 662—An act to repeal Sections 20394.3, 20394.4, 20394.5, 20394.6 and 20394.7 of the Education Code and to add Section 20394.3 to said code, relating to the board of appeals established to review the dismissal of employees of State colleges not in State civil service.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1, of the title of the printed bill, as amended, after "Sections", insert "20394.1".

Amendment No. 2

Strike out line 2 of the title of the printed bill, as amended, and insert "20394.7 of the Education Code; to amend Sections 20393, 20394, and 20394.2 and to add Section 20394.12".

Amendment No. 3

On page 1, line 1, of the printed bill as amended, after "Sections" insert "20394.1,".

PRINTER'S NOTE There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 4

On page 1 of the printed bill as amended, strike out lines 3 to 5, and insert

"20393. Notice of such dismissal must, except as herein provided, be given such employee in writing by the [president of the college in which he is employed] *Director of Education* at least six months prior to the date on which such dismissal is to become effective, except that in the case of any employee who, in the considered opinion of the president of the college in which he is employed, is guilty of gross immorality or gross unprofessional conduct or is by reason of obvious physical or mental condition not fitted to instruct and/or associate with students, no notice prior to the dismissal of such employee need be given but such employee shall, in any event, be given notice in writing of his dismissal by [such president] *the Director of Education* not later than the date upon which his dismissal becomes effective.

In every case the reasons for the dismissal of an employee shall be *clearly* stated in writing in the notice of dismissal given to the employee *and shall contain the effective date of dismissal.*

20394. Any employee dismissed may demand a review of his dismissal by the [board of appeals hereinafter provided for] *State Personnel Board.* Such demand must be sent by registered mail, postage prepaid, return receipt requested, to the [chairman of the board of appeals] *State Personnel Board* within 30 days after notice of his dismissal has been given the employee. [Not later than 30 days after the demand for hearing has been received at the office of the Director of Education, the board of appeals shall set a date, not less than 30 days nor more than 60 days

after such employee was given his notice of dismissal, for a hearing by the board of appeals and shall notify the interested parties at least 10 days prior to the date of the hearing. The date so fixed for the hearing may be changed with the consent of the employee and the consent of the president who gave the employee notice of his dismissal. The hearing may be continued from time to time by the board.] *The Personnel Board shall hold a hearing on such demand for review within a reasonable time after receiving the demand for a review from said employee. The Personnel Board rules and procedures shall govern the hearings on all cases of dismissal of State college employees under this act.*

20394.2. In the event that the decision of the [board of appeals] *Personnel Board* does not sustain such dismissal or intended dismissal the employee shall not be dismissed or, if such employee has been dismissed, he shall immediately be restored to the position from which he was dismissed, or to a comparable position, and any salary of which the employee may have been deprived because of his dismissal shall be immediately paid him. In the event the dismissal or intended dismissal of the employee is sustained by the decision of the [board of appeals] *Personnel Board* such dismissal shall be effective as of the date [thereof] fixed [thereunder] *in the notice of dismissal.*

20394.12. The State Personnel Board shall be reimbursed for all expenses reasonably and necessarily incurred by it in connection with the holding of any hearings of appeals from dismissals under this act. Such expenses shall be paid out of funds of the State college from which the employee was dismissed. Such expenses shall be paid by such State college upon submission to it by the State Personnel Board of a proper statement of such expenses. Any money so received shall be credited to the appropriation from which the expenditure for conducting such hearings were paid."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 786—An act to amend Section 14341 of the Education Code, relating to the Retirement Investment Board.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out the period and "Securities"; and strike out lines 8 and 9; and in line 10 strike out "the board", and insert "and which may sell any securities when it is necessary and advantageous to do so".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 486—An act to repeal Chapters 1, 2, 3, 4, 5, and 7 of Division 7 of the Education Code and to add Chapter 1 to Division 7 of said code, all relating to the authorization of persons to serve in the public schools.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 369—An act to amend Section 19183 of the Education Code, relating to library funds of city school districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 815—An act to add Sections 7.1, 7.2, 37.1, 56.1, 57.2 and 58.1, and to amend Sections 6, 6.5 and 7 of the Unemployment Insurance Act, relating to the coverage of seamen under this act.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1083—An act to add Section 57.1 to the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 46—An act to add Section 2181.02 to the Welfare and Institutions Code, relating to aid to the aged, and providing for the manner of payment of relatives' contributions to the support of applicants for and recipients of such aid.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1 of the printed bill, lines 12 and 13, strike out ", in reimbursement for the aid granted".

Amendment No. 2

On page 1, line 14, of said bill, after "shall", insert "first be paid by the county to the recipient to the extent of any established and unmet need of the recipient in excess of the maximum monthly grant of aid, and the balance, if any, shall".

Amendment No. 3

On page 1, line 16, of said bill, after "granted", and before the period, insert ", in reimbursement therefor".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1131—An act to repeal Section 56.5 of, and to add Sections 56.5 and 6.6 and to amend Section 19 to the Unemployment Insurance Act, relating to reciprocal arrangements with other States and to advances under Title XII of the Social Security Act.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1 of the amended bill, strike out lines 8, 9 and 10 and insert

"(a) Services customarily performed in more than one State by an individual for a single employer shall be deemed to be services performed entirely".

Amendment No. 2

On page 2 of the amended bill, strike out lines 7 to 15 and insert

"(c) Wages or services in employment subject to an unemployment compensation law of another State or of the Federal Government shall be deemed to be wages in employment for employers for the purpose of determining his rights to benefits under this act, and wages in employment for employers as defined in this act shall be deemed to be wages or services on the basis of which unemployment compensation under the law of another State or".

Amendment No. 3

On page 2 of the amended bill, strike out line 21 and insert "and reasonable as to all affected interests. Reimbursements paid from the fund pursuant to this subsection shall be deemed to be benefits for the purposes of this act. The commission is authorized to make to other State and Federal agencies and to receive from such other State or Federal agencies reimbursements from or to the fund, in accordance with arrangements entered into pursuant to this subsection."

Amendment No. 4

On page 2, line 38, of the amended bill, strike out the period and insert "on the basis of the location of the operating office of the employer from which the operations of the vessel are ordinarily and regularly supervised, managed, directed, and controlled."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

Senate Bill No. 324—An act to amend Sections 12009, 12024 and 12201 of, and to add a new Section 12515 to, the Business and Professions Code, relating to weights and measures.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 12009, 12024 and", and insert "Section".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "a new Section", and insert "Sections 12024.1, 12103.5 and".

Amendment No. 3

On page 1, line 1, of the printed bill, strike out all of the line following the period and insert "A new section to be numbered 12024.1 is hereby added to the Business and Professions Code to read:

"12024.1. Every person who, as representative or agent for another, with or without authority to consummate a sale, solicits or accepts an order for any commodity which is delivered in less quantity than represented, directly or indirectly, by the manufacturer, producer, or distributor thereof, is guilty of a misdemeanor.

It shall not be deemed a violation of this section where a salesman or broker, not clothed with authority to consummate a sale, takes or solicits an order for a commodity when such salesman or broker as heretofore defined specifically transmits to a manufacturer or distributor definite specifications as to weight, quality and quantity and where such manufacturer or distributor substitutes something different from that specifically described in such order. Burden of proof of such specifications as specifically set forth in this section shall be placed upon such person, salesman or broker."

Amendment No. 4

On page 1 of the printed bill, strike out lines 2 to 11, inclusive, and insert

"SEC. 2. A new Section to be numbered 12103.5 is hereby added to the Business and Professions Code to read:

12103.5. The duty of enforcing this division and carrying out its provisions and requirements is vested in the director and in each sealer acting under the supervision and direction of the director."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 325—An act to amend Sections 12703, 12704 and 12705 of, the Business and Professions Code, relating to public weighmasters.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 2, line 9, of the printed bill, after the period insert "If motor vehicle carrier is used, the license number of any vehicle or trailer shall be stated on the certificate."

Amendment No. 2

On page 2, line 23, of the printed bill, following the comma insert "as records,".

Amendment No. 3

On page 2, line 24, of the printed bill, strike out "correct and accurate records of all", and insert "true copies of all certificates issued upon".

Amendment No. 4

On page 2, line 25, of the printed bill, strike out "or measurings", and insert ", measurings or counts".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 323—An act to amend Section 12107 of, and to add a new Section 12107.5 to, the Business and Professions Code, relating to tares.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 81—An act to amend Section 737n of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Inyo.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 63—An act to amend Section 737bbb of the Political Code, relating to the salaries of judges in counties of the thirteenth class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 64—An act to amend Section 4242 of the Political Code, relating to compensation for public service in counties of the thirteenth class.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 281—An act to amend Section 5515 of the Welfare and Institutions Code, to repeal Section 5516 thereof, and to add Section 5516 thereto, relating to the property and support of sexual psychopaths.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1194—An act to amend Section 6726.1 of the Welfare and Institutions Code, relating to payments for care of patients paroled from State institutions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1195—An act to add Section 6725.5 to and amend Sections 6729, 6730 and 6733 of the Welfare and Institutions Code, and to repeal Section 6739 thereof, relating to the release of patients from State hospitals, and providing for the various forms of leave of absence or discharge.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1196—An act to amend Sections 5250 and 7000 of the Welfare and Institutions Code, relating to feeble-minded persons and State homes therefor, designating such persons as mentally deficient persons and such homes as homes for the mentally deficient, and defining mentally deficient persons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1199—An act to amend Sections 5500, 5502, 5502.5, 5512, and 5514 of the Welfare and Institutions Code, relating to sexual psychopaths, revising the definition thereof, and providing for their commitment, care, support, parole, and disposition.

Bill read second time, and ordered to third reading.

Assembly Bill No. 941—An act to add Section 6500.3 to the Welfare and Institutions Code, relating to State institutions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Institutions:

Amendment No. 1

On page 1, lines 6 and 7, of the printed bill, strike out ", physically handicapped, and mentally retarded persons." and insert "and for mentally defective physically handicapped persons."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1985—An act to amend Section 751a of the Code of Civil Procedure, relating to the adjudication of the identity of persons executing instruments to real property by a name other than that by which they acquired title.

Bill read second time, and ordered to third reading.

Assembly Bill No. 25—An act to add Section 18060 to the Education Code, relating to the purchase by the governing boards of school districts of materials, supplies or equipment from the Federal Government or its agencies, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "material, supplies or equipment", and insert "surplus property, as defined in the Surplus Property Act of 1944,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 28—An act to amend Section 18059 of the Education Code, relating to the letting of contracts, extending the period within which the section is to remain in effect.

Bill read second time, and ordered to third reading.

Assembly Bill No. 447—An act to add Section 18706 to the Education Code, relating to the sale of personal property by school districts to pupils.

Bill read second time, and ordered to third reading.

Assembly Bill No. 971—An act to amend Section 20005 of the Education Code, relating to residence of students at the University of California.

Bill read second time, and ordered to third reading.

Assembly Bill No. 282—An act to repeal Section 222 of the Welfare and Institutions Code, relating to warrants for public assistance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 361—An act to add Section 2311 to the Welfare and Institutions Code, relating to institutions providing housing for aged persons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 362—An act to add Section 1631 to the Welfare and Institutions Code, relating to institutions for child care.

Bill read second time, and ordered to third reading.

Assembly Bill No. 710—An act to amend Section 120.5 of the Welfare and Institutions Code, relating to the functions of the State Department of Social Welfare.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1563—An act to add Section 7.2 to the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 360—An act to add Section 5709 to the Welfare and Institutions Code, relating to private institutions for the care, custody or treatment of the insane.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1 of the printed bill, strike out line 10 and insert "Part, and requiring a certificate by the local health officer, that the local health, sanitation and hygiene laws have been complied with before maintaining or conducting".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 27—An act to amend Section 395.2 of the Military and Veterans Code, and to amend Sections 12009.1, 12894.1, and 13204.1 of the Education Code, all relating to employees of school districts entering, or in, military service, United States Merchant Marine, or the American Red Cross during time of war or national emergency.

Bill read second time, and ordered to third reading.

Assembly Bill No. 59—An act to add Section 1039.3 to the Military and Veterans Code, relating to gifts to the Veterans' Home of California.

Bill read second time, and ordered to third reading.

Assembly Bill No. 60—An act to add Sections 1030.1 and 1030.2 to the Military and Veterans Code, relating to the Veterans' Home of California.

Bill read second time, and ordered to third reading.

Assembly Bill No. 415—An act to amend Sections 500.1 and 502.1 of the Military and Veterans Code and to repeal Section 8 of Chapter 738 of the Statutes of 1943, relating to high school cadets, and continuing in effect the law relating to high school cadets.

Bill read second time, and ordered to third reading.

Assembly Bill No. 32—An act adding Chapter 10, comprising Sections 13000 to 13001, inclusive, to Division 5 of the Business and Professions Code, relating to flour and meal containers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 11, of the printed bill, strike out "two (2),".

Amendment No. 2

On page 1, line 22, of said bill, strike out "cartons", and insert "containers".

Amendment No. 3

On page 1, line 23, of said bill, strike out "five (5)", and insert "four (4)".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 379—An act to amend Section 2727.5 of the Business and Professions Code, relating to the existence of an emergency within the meaning of subdivision (d) of Section 2727 of said Business and Professions Code.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1132—An act to amend Section 20800 of, the Business and Professions Code, relating to petroleum.

Bill read second time, and ordered to third reading.

Assembly Constitutional Amendment No. 10—A resolution to propose to the people of the State of California to amend Sections 2 and 34 of Article IV of the Constitution of said State, relating to Legislature.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 24, of the printed measure, as amended, strike out "and".

Amendment No. 2

On page 1, line 26, of said measure, strike out the period and insert ", and the approval or rejection of charters and charter amendments of cities, counties, and cities and counties."

Amendment No. 3

In line 3, of the title, of the printed measure, as amended, strike out "and 34", and insert ", 34 and 34a".

Amendment No. 4

On page 1, line 6, of said measure, strike out "and 34", and insert ", 34 and 34a".

Amendment No. 5

On page 2, line 19, of said measure, strike out "next", and insert "ensuing".

Amendment No. 6

On page 2, line 22, of said measure, strike out "preceding", and insert "last completed fiscal year and the actual and estimated expenditures for the existing".

Amendment No. 7

On page 2, line 27, of the printed measure as amended, after "session", insert ", and prior to its recess,".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 8

On page 3 after line 13, of said measure, insert

"Third: That Section 34a of Article IV of the State Constitution be amended to read:

Sec. 34a. Appropriations from the general fund of the State for any [biennium] *fiscal year*, exclusive of appropriations for the support of the public school system, shall not exceed by more than 5 per centum the appropriations from such fund, exclusive of such public school appropriations, for the preceding [biennium] *fiscal year* unless two-thirds of all the members elected to each house of the Legislature vote in favor thereof; provided, that no amount appropriated in excess of such 5 per centum shall become a part of the base for determining the maximum appropriation for a succeeding [biennium] *fiscal year and provided that the base for the ninety-ninth fiscal year shall be one-half of the base in effect for the ninety-seventh and ninety-eighth fiscal years plus 5 per centum.* Should the appropriations in the budget act for any [biennium] *fiscal year* exceed the limitations herein prescribed, and such budget act be not passed by such two-thirds vote, the several items of appropriation therein shall be deemed reduced by that percentage which the excess amount of appropriation bears to the total appropriation. Should the prescribed limit for any [biennium] *fiscal year* be exceeded by reason of any other appropriation or appropriations from the general fund, then the appropriation first passed by the Legislature without such two-thirds vote, which exceeds such prescribed limitation, shall be deemed reduced by the amount of such excess, and all other subsequent appropriations from the general fund not passed by such two-thirds vote shall be void. Nothing herein contained shall prevent the Governor from vetoing any bills or reducing any appropriation therein or any appropriation reduced as herein provided.

Not more than 25 per cent of the total appropriations from all funds of the State shall be raised by means of taxes on real and personal property according to the value thereof."

Amendments read and adopted.

Resolution ordered printed, and to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 1264—An act making an appropriation for the contingent expenses of the Senate, without regard to fiscal years, including committee expenses, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 10.30 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

MOTION TO CONSIDER ASSEMBLY BILLS

Senator Seawell moved that the Senate discontinue further action on the Senate third reading file, and refer to Assembly third reading file for the purpose of considering Assembly bills.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 68—An act to amend Section 1a of an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the Chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments." approved May 20, 1927, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council.

Motion to Refer Bill to Inactive File

Senator Gordon moved that Assembly Bill No. 68 be placed on the inactive file.

Motion carried.

Assembly Bill No. 69—An act to amend Sections 1 and 3, and to repeal Section 1a of an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the Chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 26—Relative to proclamation of The United Nations Conference Week.

Resolution read, and presented by Senator Tenney.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 959—An act to repeal Chapter 1127 of the Statutes of 1943; to repeal Section 13842.1 of the Education Code and to amend Section 13842 of said code, all relating to the salaries of persons employed by school districts in positions requiring certification qualifications.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—Senator Gordon—1.

Motion to Reconsider

Senator Gordon moved to reconsider the vote whereby Assembly Bill No. 959 was passed.

Postponement of Reconsideration

On motion of Senator Gordon, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 959 was passed, was continued until the next legislative day.

Assembly Bill No. 513—An act to amend Section 2957 of the Civil Code, relating to mortgages of personal property.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Dorsey, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—26.
NOES—Senators Carter and Donnelly—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 575—An act to add Section 19a to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to emergency employees in municipal courts.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1225—An act to amend Section 3056 of the Business and Professions Code, relating to admission to practice optometry.

Bill read third time, and presented by Senator Cunningham.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1545—An act to amend Section 4245 of the Political Code, relating to compensation for public service in counties of the sixteenth class.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 5—Relative to memorializing the Congress of the United States to encourage small business and to make the fullest possible provision for jobs in private enterprise to returning veterans.

Resolution read, and presented by Senator Brown.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Slater, Sutton, Tenny, Ward, and Weybret—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 6—Relative to memorializing the Congress of the United States, to give full consideration to giving preference rights to returning veterans in sales rights to surplus commodities.

Resolution read, and presented by Senator Brown.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 11—Relative to memorializing the Congress of the United States to give job preference to returning veterans on all public works.

Resolution read, and presented by Senator Brown.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 14—Relative to recognition of small business and the encouragement in private enterprise of returning veterans.

Resolution read, and presented by Senator Brown.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.
NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 21—Relative to job preference for returning veterans on all public works in the State of California.

Resolution read, and presented by Senator Brown.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—29.
NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 584—An act to amend Section 9485 of the Education Code, relating to real and personal property of emergency schools maintained by county superintendent of schools.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1244—An act to add Section 22023 to the Education Code, relating to libraries.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 920—An act to amend Section 1352 of the Labor Code, relating to working hours for women.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.
NOES—Senator Dillinger—1.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 23—Relative to memorializing Congress to provide a wage readjustment for postal service employees.

Resolution read, and presented by Senator Tenney.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 8—Relative to memorializing Congress to enact legislation similar to S. 1100 of the Seventy-eighth Congress, Second Session regarding promotion of officers on the retired list of the Army after specified years of service on active duty.

Resolution read, and presented by Senator Quinn.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 1803—An act to amend Sections 890 and 891 of the Military and Veterans Code, relating to veterans' dependents.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—32.

NOES—Senator Dillinger—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 205—An act to add Sections 1520.1 and 2163.4 to the Welfare and Institutions Code, relating to the definition of stock in water companies as real property for the purposes of public assistance.

Bill read third time, and presented by Senator Slater.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 428—An act to amend Section 7305 of the Education Code, and to add Section 7305.1 to said code, relating to average daily attendance.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen,

Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 10—An act to add Section 8.3 to and to amend Section 4 of the Planning Act, relating to names of streets.

Bill read third time, and presented by Senator Hulse.
The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 372—An act and Section 18542 of the Government Code to add Section 25 to the State Civil Service Act, relating to a definition of words and phrases as used in said act.

Bill read third time, and presented by Senator Breed.
The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 373—An act and Section 18970 of the Government Code to amend Section 225 of the State Civil Service Act, relating to veterans' preference.

Bill read third time, and presented by Senator Breed.
The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 374—An act to amend Section 172 of the State Civil Service Act, and to add Section 19536.5 to the Government Code, relating to layoffs.

Bill read third time.

Motion to Amend

Senator Breed moved the adoption of the following amendment:

Amendment No. 1

On page 3, line 30, of the printed bill, as amended, strike out "granted by this section".

Amendment read and adopted.
Bill ordered printed, and to third reading.

Assembly Bill No. 924—An act to add Section 41.3 to, and to amend Section 153 of, the State Civil Service Act, and to add Section 18681 to, and to amend Section 19502 of, the Government Code, relating to State civil service.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Rich:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 6, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 3966 of the Political Code, relating to the reestablishment and redefinitions of county boundaries, including the boundaries of Yuba County.

Respectfully submitted,

SENATOR RICH

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 6, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Local Government.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1268: By Senator Rich—An act to amend Section 3966 of the Political Code, relating to the reestablishment and redefinitions of county boundaries, including the boundaries of Yuba County.

Referred to Committee on Local Government.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 12.05 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

RECESS

At 12.05 p.m., on motion of Senator Seawell, the Senate recessed until 1.30 p.m.

REASSEMBLED

At 1.30 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the Desk.

Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 1.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 34
Senate Joint Resolution No. 6
Senate Joint Resolution No. 12

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 250
Senate Bill No. 222
Senate Bill No. 700
Senate Bill No. 701
Senate Bill No. 702
Senate Bill No. 554
Senate Bill No. 82
Senate Bill No. 418
Senate Bill No. 84
Senate Bill No. 1264
Senate Bill No. 379

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 203
Senate Bill No. 637
Senate Bill No. 649

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 6, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 78
Senate Bill No. 238
Senate Bill No. 257
Senate Bill No. 297
Senate Bill No. 301
Senate Bill No. 401
Senate Bill No. 591
Senate Bill No. 843

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 6, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 391
Senate Bill No. 525

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 6, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 38—Relative to adjournment in respect to the memory of Esther B. Phillips;

Senate Joint Resolution No. 17—Relative to the issuance of a United States postage stamp reproducing Joe Rosenthal's photograph of the raising of the United States Flag on Iwo Jima;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the sixth day of April, 1945, at 10 a.m.

SEAWELL, Chairman

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 18
Senate Bill No. 350
Senate Bill No. 151
Assembly Bill No. 1030
Assembly Bill No. 82
Assembly Bill No. 64
Assembly Bill No. 2054
Assembly Bill No. 1085
Assembly Bill No. 1487

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 170
Senate Bill No. 427

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 576

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; noes 2.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Assembly Bill No. 99

Has had the same under consideration, and reports the same back with the recommendation: Be referred to Committee on Judiciary.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bill ordered re-referred to Committee on Judiciary.

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 26
Senate Bill No. 285

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 171

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 638

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bill ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 5, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 347

Has had the same under consideration, and reports the same back without recommendation as to any matters contained in the bill except as follows: That it be placed on the inactive file, to be considered by the Senate after the Budget Bill has been passed and adopted by the Legislature.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bill ordered placed on the inactive file.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 906—An act to amend Section 151 of the State Civil Service Act, and Section 18100 of the Government Code, relating to the granting and computation of sick leave.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 907—An act to amend Section 150 of the State Civil Service Act, and Section 18050 of the Government Code, relating to the granting and computation of vacation time.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 976—An act and Section 18975 of the Government Code to amend Section 223 of the State Civil Service Act, relating to veterans' credit for journeyman experience gained while in military service.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 981—An act and Section 18804 of the Government Code to amend Section 64 of the State Civil Service Act, relating to status and salary of persons whose positions have been reclassified or reallocated.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1070—An act to amend and renumber Section 152.6 as added by Chapter 736 of the Statutes of 1943, of the State Civil Service Act, and to amend Section 19200 of the Government Code, relating to the termination of duration appointments.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keat-

ing, Kuchel, Mayo, McBride, McCormack, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1288—An act to amend Section 86.1 of the State Civil Service Act, and Sections 18932 and 19700 of the Government Code, relating to minimum or maximum age limit for civil service examinations.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1396—An act and Section 19398 to the Government Code to add Section 152.7 to the State Civil Service Act, relating to employees returning from military service.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1752—An act to amend Section 96.7 of the State Civil Service Act, and Section 19394 of the Government Code, relating to employment lists.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Powers, Quinn, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Assembly Bill No. 1762—An act to add Section 152.8 to the State Civil Service Act, and Section 19398 to the Government Code, relating to promotional examinations for persons in military service.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1766—An act and Section 19573.5 to the Government Code to add Section 202.2 to the State Civil Service Act, relating to citizenship.

Bill read third time, and presented by Senator Carter.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Ward, and Weybret—27.

NOES—Senators Hulse, Sutton, and Tenney—3.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1986—An act to amend Section 152.5 of the State Civil Service Act, and to amend Section 19390 of, to repeal Section 19391 of, and to add a new Section 19391 to, the Government Code, relating to the reinstatement of employees returning from military leave.

Bill read third time.

Motion to Amend

Senator Breed moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 32, of the printed bill, as amended, strike out "under this section".

Amendment No. 2

On page 2, line 39, of said bill, strike out "SEC. 4", and insert "SEC. 5".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 375—An act to amend Sections 78a and 78b of the State Employees' Retirement Act and Section 21000 and 21001 of the Government Code, relating to the State Employees' Retirement System, and extending the period during which persons who have attained the age of compulsory retirement may be retained in State service or reinstated in State service from retirement, upon conditions specified therein.

Bill read third time, and presented by Senator Carter.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 979—An act and Section 18976 of the Government Code to amend Section 224 of the State Civil Service Act, relating to the filing of requests for veterans' preference in civil service examinations.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack,

Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1751—An act to amend Section 22 of the State Civil Service Act and Section 18540 of the Government Code, relating to veterans.

Bill read third time.

Motion to Amend

Senator Breed moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 18, of the printed bill, as amended, after "States," insert "or who entered one of said services during the period September 16, 1940, to December 7, 1941,".

Amendment read and adopted.
Bill ordered printed, and to third reading.

Assembly Bill No. 96—An act to add Section 84.5 to Article 1 of Chapter 5 of Title 1 of Part 1 of the Code of Civil Procedure, relating to procedure in justices' courts.

Bill read third time, and presented by Senator Tenney.
The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 100—An act to amend Section 1143 of the Penal Code, relating to justices' courts of Class A.

Bill read third time, and presented by Senator Tenney.
The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 165—An act to amend Section 808 of the Penal Code, relating to magistrates.

Bill read third time, and presented by Senator Tenney.
The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 678—An act to amend Section 411 of the Code of Civil Procedure, relating to service of summons.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 108—An act to add Section 66c to the Code of Civil Procedure, and to repeal an act entitled "An act to provide one additional judge of the superior court of the County of Contra Costa," approved June 4, 1913, relating to the number of superior court judges and providing for the appointment of an additional superior court judge in and for the County of Contra Costa.

Bill read third time, and presented by Senator Swing.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 386—An act to add Section 155.1 to the State Civil Service Act, and Section 19398 of the Government Code, relating to the computation of time during which a veteran may apply for reinstatement to State service after resignation.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 753—An act to amend Section 692 of the Political Code and Section 11005 of the Government Code, relating to the approval of gifts of real property by the Director of Finance.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 978—An act and Section 18973 of the Government Code to amend Section 221 of the State Civil Service Act, relating to veterans' preference.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1796—An act to abolish the San Diego Harbor Improvement Fund in the State treasury.

Bill read third time, and presented by Senator Seawell.
The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1847—An act to add Section 363i to the Political Code and Section 14037 to the Government Code, relating to the refund of moneys received or collected by the Department of Public Works.

Bill read third time, and presented by Senator Seawell.
The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—28.
NOES—Senator Gordon—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1798—An act to amend Section 149 of the State Civil Service Act and to add Section 19393.5 to the Government Code, relating to leaves of absence.

Bill read third time, and presented by Senator Ward.
The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 889—An act to add a new section to the Streets and Highways Code, to be numbered 100.6, relating to powers of the Department of Public Works with respect to agreements with adjoining States.

Bill read third time, and presented by Senator Seawell.
The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1801—An act to add Section 822.5 to the Streets and Highways Code, relating to Federal aid highway work.

Bill read third time, and presented by Senator Mayo.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 632—An act to amend Section 136.5 of the Streets and Highways Code, relating to rental of tools or equipment for State highway work.

Bill read third time, and presented by Senator Quinn.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 888—An act to amend Section 186.5 of the Streets and Highways Code, to extend the effective date thereof.

Bill read third time, and presented by Senator Seawell.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Assembly Bill No. 287—An act to add Section 761.5 to the Probate Code, relating to sale of estate property.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Cunningham, Dillinger, Donnelly, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—23.
NOES—Senators Dilworth and Ward—2.

Motion to Reconsider

Senator Ward moved to reconsider the vote whereby Assembly Bill No. 287 was passed.

Postponement of Reconsideration

On motion of Senator Ward, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 287 was passed, was continued until the next legislative day.

Assembly Bill No. 1878—An act authorizing a suit or suits against the State of California to quiet title against it to certain real property in the County of Sacramento, State of California.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 115—An act to add Article 3.5, comprising Sections 18661 to 18663, inclusive, to Chapter 5 of Division 9 of the Education Code, relating to the sale or lease of real property belonging to school districts.

Bill read third time, and presented by Senator Swing.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1488—An act to add Section 14143 to the Education Code, relating to the noncertificated employees of a unified school district conterminous with the boundaries of a city and county.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1489—An act to add Section 1307 to the Education Code, relating to a superintendent of schools of a unified school district which is coterminous with the boundaries of a city and county.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1491—An act to add Section 26 to the Education Code, relating to city superintendent of schools.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1492—An act to add Section 27 to the Education Code, relating to city school district.

Bill read third time, and presented by Senator Shelley.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Gordon moved that Senate Bill No. 12 be taken from the inactive file, and placed on the second reading file.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 42: By Senator Swing—Relative to approving those certain amendments to the charter of the City of San Bernardino, a municipal corporation in the county of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at a special election held thereon on the 19th day of March, 1945.

Without reference to committee.

Request for Unanimous Consent

Senator Swing asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 42, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 42

Senate Concurrent Resolution No. 42—Relative to approving those certain amendments to the charter of the City of San Bernardino, a municipal corporation in the county of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at a special election held thereon on the 19th day of March, 1945.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—28.
NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolutions were offered:

By Senator Powers:

Senate Resolution No. 87

Resolved, That the following named persons be promoted from the position of Assistant at Desk at a per diem of $10.00, to the position of Assistant Secretary at a per diem of $12.00 beginning April 8, 1945, as per resolution of the Rules Committee effecting compensation for the respective positions and the Controller is hereby directed to draw his warrants in favor of the respective persons for the respective amounts, and the Treasurer is hereby directed to pay the same.

	Per day
Buster Peart, Assistant Secretary	$12 00
A. F. Ross, Assistant Secretary	$12 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—27.

NOES—None.

By Senator Powers:

Senate Resolution No. 88

Resolved, That the following named person be stricken from the list of Senate Attaches, and that his name be stricken from the payroll of the Senate, to take effect on completion of work April 7, 1945.

	Per day
Jack Quinn, page	$3 00

Resolution read, and on motion of Senator Powers, adopted.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 155—An act to amend Sections 101, 102, 103, 103.5, 103.6, 105, 107, 111, 130, 1551, 2141, 3076, 3077, 3078 and 3461 and to repeal Section 2142 of the Welfare and Institutions Code, and to add thereto a new section to be designated Section 105.5, relating to the Department of Social Welfare and the Social Welfare Board.

Bill read third time.

Motion to Amend

Senator Mayo moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "130,".

Amendment No. 2

On page 2, line 22, of said bill, strike out "relief", and insert "public assistance".

Amendment No. 3

On page 3, line 9, of said bill, strike out "relief", and insert "public assistance".

Amendment No. 4

On page 3 of said bill, strike out lines 37 to 41, inclusive.

Amendment No. 5

On page 3, line 42, of said bill, strike out "SEC. 11.", and insert "SEC. 10."

Amendment No. 6

On page 4, line 9, of said bill, strike out "SEC. 12.", and insert "SEC. 11."

Amendment No. 7

-On page 4, line 18, of said bill, strike out "SEC. 13.", and insert "SEC. 12."

Amendment No. 8

On page 4, line 20, of said bill, strike out "SEC. 14.", and insert "SEC. 13."

Amendment No. 9

On page 4, line 28, of said bill, strike out "SEC. 15.", and insert "SEC. 14."

Amendment No. 10

On page 4, line 35, of said bill, strike out "SEC. 16.", and insert "SEC. 15."

Amendment No. 11

On page 5, line 8, of said bill, strike out "SEC. 17.", and insert "SEC. 16."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Dorsey moved that Senate Bill No. 347 be taken from the inactive file, for the purpose of amendment and be returned to the inactive file.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 347

Senate Bill No. 347—An act to establish California academies for children who require special care and supervision, to provide for the government and administration thereof, and making an appropriation.

Bill read second time.

Motion to Amend

Senator Dorsey moved the adoption of the following amendments:

Amendment No. 1

On page 4, line 17, of the printed bill, as amended, after "whether", insert "students".

Amendment No. 2

On page 5, line 47, of said bill, as amended, strike out "so ordered," and insert ", and upon the affidavit of the superintendent that any such payment".

Amendment No. 3

On page 6 of said bill, as amended, after line 30, insert

"SEC. 31. If any section, sentence, clause or part of this act is for any reason held to be unconstitutional, such holding shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, sentence, clause and part thereof despite the fact that one or more sections, sentences, clauses or parts thereof be declared unconstitutional."

Amendments read and adopted.

Bill ordered printed, engrossed, and placed on the inactive file.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3.50 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Dilworth moved that Senate Bill No. 390 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 11	Assembly Bill No. 692
Assembly Bill No. 16	Assembly Bill No. 810
Assembly Bill No. 163	Assembly Bill No. 811
Assembly Bill No. 294	Assembly Bill No. 812
Assembly Bill No. 310	Assembly Bill No. 813
Assembly Bill No. 530	Assembly Bill No. 1168
Assembly Bill No. 543	Assembly Bill No. 1172
Assembly Bill No. 579	Assembly Bill No. 1173
Assembly Bill No. 580	Assembly Bill No. 1297
Assembly Bill No. 588	Assembly Bill No. 1379
Assembly Bill No. 630	Assembly Bill No. 1610
Assembly Bill No. 631	Assembly Bill No. 1897
Assembly Bill No. 669	Assembly Bill No. 1992

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 11—An act to add Section 957.5 to the Fish and Game Code, relating to the use of nets.

Referred to Committee on Fish and Game.

Assembly Bill No. 16—An act to amend Section 4240 of the Political Code, relating to compensation for public services in counties of the eleventh class.

Referred to Committee on Local Government.

Assembly Bill No. 163—An act to amend Section 4041.5 of the Political Code, relating to the expenditure of tax money for making plans and arrangements for worlds' fairs and other fairs and expositions.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 294—An act to amend Section 1071 of, and to add Sections 1071.1, 1071.2, 1071.3 and 1071.4 to, the Agricultural Code, relating to licenses, fees, and registration of economic poisons.

Referred to Committee on Agriculture.

Assembly Bill No. 310—An act to amend Section 4235 of the Political Code, relating to compensation for public service in counties of the sixth class.

Referred to Committee on Local Government.

Assembly Bill No. 530—An act to amend Section 784.5 of the Agricultural Code, relating to the packing of fruits and vegetables.

Referred to Committee on Agriculture.

Assembly Bill No. 543—An act to amend Sections 16461 and 16463 of the Education Code and Section 485 of the Health and Safety Code, all relating to health services for public school pupils.

Referred to Committee on Education.

Assembly Bill No. 579—An act adding Section 97 to the County Employees Retirement Act of 1937, relating to contributions of members who have been in the armed forces of the United States, declaring the urgency thereof, and that this act shall take immediate effect.

Referred to Committee on Local Government.

Assembly Bill No. 580—An act adding Section 457 to the Health and Safety Code, relating to the duties of the county health officer.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 588—An act to add Section 11123 to the Elections Code, relating to elections.

Referred to Committee on Elections.

Assembly Bill No. 630—An act to amend Section 6512 of the Business and Professions Code, relating to the compensation of members of the State Board of Barber Examiners.

Referred to Committee on Business and Professions.

Assembly Bill No. 631—An act to amend Section 6630 of the Business and Professions Code, relating to fees for registered barbers and apprentices.

Referred to Committee on Business and Professions.

Assembly Bill No. 669—An act to amend Section 4157.5 of the Political Code, relating to furnishing emergency ambulance service.

Referred to Committee on Local Government.

Assembly Bill No. 692—An act to amend Sections 580 and 581 of the Fish and Game Code, relating to kelp and other aquatic plants.

Referred to Committee on Fish and Game.

Assembly Bill No. 810—An act to amend Section 14655 of the Health and Safety Code, relating to fire protection districts.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 811—An act to amend Section 14656 of the Health and Safety Code, relating to fire protection districts.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 812—An act to amend Section 14657 of the Health and Safety Code, relating to fire protection districts.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 813—An act to amend Section 14658 of the Health and Safety Code, relating to fire protection districts.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1168—An act to amend Section 1277 of the Code of Civil Procedure, relating to changes in names of persons.

Referred to Committee on Judiciary.

Assembly Bill No. 1172—An act to amend Section 701 of the Probate Code, relating to giving of notice to creditors.

Referred to Committee on Judiciary.

Assembly Bill No. 1173—An act to amend Section 702 of the Probate Code, relating to affidavit of publication.

Referred to Committee on Judiciary.

Assembly Bill No. 1297—An act to repeal Section 842.5 of, and to add a new Section 842.5 to, the Fish and Game Code, relating to the use of nets and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Fish and Game.

Assembly Bill No. 1379—An act to amend Section 887 of the Fish and Game Code, relating to fish.

Referred to Committee on Fish and Game.

Assembly Bill No. 1610—An act to add Section 1001 to the Business and Professions Code, relating to chiropractors.

Referred to Committee on Business and Professions.

Assembly Bill No. 1897—An act to add Section 7071.3 to the Business and Professions Code, relating to the licensing of contractors, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Business and Professions.

Assembly Bill No. 1992—An act to add Section Chapter 12 to Division 9 of, the Education Code, relating to the establishment and maintenance of school farms.

Referred to Committee on Education.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 6, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 323	Senate Bill No. 960
Senate Bill No. 369	Senate Bill No. 961
Senate Bill No. 486	Senate Bill No. 962
Senate Bill No. 815	Senate Bill No. 963
Senate Bill No. 925	Senate Bill No. 964
Senate Bill No. 957	Senate Bill No. 965
Senate Bill No. 958	Senate Bill No. 966
Senate Bill No. 959	Senate Bill No. 1083

And reports the same correctly engrossed.

SEAWELL, Chairman

ADJOURNMENT

At 3.55 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Monday, April 9, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FORTY-SECOND LEGISLATIVE DAY

NINETY-SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Monday, April 9, 1945

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Roney Noonan of Piedmont.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. and Mrs. Ward Willis Long, Minister, First Presbyterian Church of Stockton; Dr. and Mrs. Hampton Hawes, Moderator of the Synod of the Presbyterian Church, Los Angeles; also Mr. Fred Bollinger, Attorney at Law, Stockton.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Nick Vintalich of San Diego.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Carpenters' Mate 2/c Robert Byran of Flint, Michigan and Torpedoman 2/c Orville Peterson of Salem, Nebraska.

MOTION TO PRINT

Senator Hatfield moved that the following resolution by the Board of Supervisors of Madera County, be printed in the Journal.

Motion carried.

Resolution

WHEREAS, That with the growth of the State of California, and the increase in population of counties thereof, there has developed in the spirit of cooperation and with the intent of rendering greater public service many activities which are carried on and maintained jointly by the State and the various counties; that in many cases such joint action is evidenced not only by the common use of county property, facilities, and the time of county officers and employees for activities commonly presumed to be functions of State Government alone, but by the outright grant of funds by counties to various programs, the control and operation of which in many cases can be said to be "joint" only by reason of the fact that counties contribute funds; that in many such joint programs the counties have little, if any, authority over such programs; that examples of such joint activities are predatory animal control, social welfare, fire protection and public health; and

WHEREAS, There have been introduced for passage in the present State Legislature many measures, the purpose, intent and result of which will be to shift and transfer to the counties a greater share of the expense and cost of maintaining and carrying on many of said joint projects; and

WHEREAS, There is now a marked tendency on the part of many State bureaus, departments and divisions to persuade and influence the counties to assume a higher proportionate share of the expense required to carry on and maintain said joint projects; and

WHEREAS, This body has no dispute with the desirability or necessity for the activities and services rendered by the State as part of said joint activities, but that it is evident that said State agencies and bodies have extended and increased the scope and field of their services and activities to a point where the financial burden thereof is out of proportion to the cost of maintaining and carrying on the basic and essential duties of the department concerned; and

WHEREAS, It is obvious and reasonable that many of the joint functions participated in by the counties are of vital interest to all the people of the State and concerned with the welfare of all of the other fifty-seven counties in the State. Specific examples of this are found in the fields of public health and predatory animal control in which the control of an epidemic or the eradication of pest animals within the County of Madera concerns the inhabitants of every county in the State; and

WHEREAS, It is obvious, as evidenced by the measures now pending in the State Legislature and by the efforts and persuasions of the representatives of State department, bureaus, divisions, that there is a definite and concerted program, the effect of which will be to impose upon the counties either by mandatory law or by contract provisions the additional cost and expense represented and made necessary by the extension and widening of such State activities carried on as part of joint program; and

WHEREAS, Many of such activities carried on by said State agencies represent new and radical innovations and explorations into fields of public service; and

WHEREAS, In many cases the extending and broadening of those activities in such joint programs was made without consultation with or invitation from the counties; and

WHEREAS, The various counties and other local governments are now and have been keeping abreast of the demands made upon them for the expansion of public services in programs carried on solely by the counties and local governments, the expense of which together with the mandatory obligations imposed by law and the ever increasing cost of the normal and primary functions of county and local government, have kept and are now holding the rate of local taxation at the maximum consistent with the welfare of the people and permissive in the interests of good economy; and

WHEREAS, Confronted with this condition, the narrow and restricted tax base available to the counties does not permit or allow the imposition of such additional or increased expenses arising from the broadening of State functions as a burden upon the counties; but rather is a proper and reasonable charge upon the taxing ability of the State of California in view first of the fact that the necessity therefor arises from the activities of its own agents and by virtue of its broad and unlimited tax base.

Now, Therefore, Be It Resolved, That His Excellency, The Governor of The State of California, the Legislature of the State of California, the Members thereof, and the departmental heads of the various agencies of the State, shall at all times during this Legislative Session take care both in passage of legislation and in the preparation of the Biennial Budget that there shall be no unjustified shifting of the expense and cost involved in joint programs to the counties.

Be It Further Resolved, That a copy of this resolution be mailed to the Governor of the State of California, Office of the Secretary of the County Supervisors Association of California, and to Senator George Hatfield and Assemblyman George A. Clarke.

The foregoing Resolution was adopted by the following vote this fourth day of April, 1945;

Supervisor Adell voted: Yes; Supervisor Yates voted: Yes; Supervisor Mitchell voted: Yes; Supervisor Crooks voted: Yes; Supervisor McDougald voted: Yes.

NEIL McDOUGALD
Chairman of the Board of Supervisors of Madera County

Attest: ERMA E. CHEUVRONT, Clerk
[SEAL]

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 10
Assembly Bill No. 1803

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1138
Senate Bill No. 1139
Senate Bill No. 1140
Senate Bill No. 1141
Senate Bill No. 1142
Senate Bill No. 1143
Senate Bill No. 1144
Senate Bill No. 1145
Senate Bill No. 1146
Senate Bill No. 1147
Senate Bill No. 1148
Senate Bill No. 1149
Senate Bill No. 1150

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1095
Assembly Bill No. 1336
Assembly Bill No. 1337
Assembly Bill No. 1341
Assembly Bill No. 2087
Assembly Bill No. 2088
Assembly Bill No. 2142

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 1095—An act to amend Sections 7051, 7052, 7053, 7054 and 7055 of, and to add Section 7056 to, the Public Resources Code, relating to oil and gas and mineral leases by counties and other public or quasi public corporations, bodies or agencies.

Referred to Committee on Local Government.

Assembly Bill No. 1336—An act to amend Sections 1290, 1299, 1302, and 1307 of the Labor Code, relating to the employment of minors.

Referred to Committee on Labor.

Assembly Bill No. 1337—An act to amend the article heading of Article 2 of Chapter 1 of Part 1 of Division 2 and to repeal Sections 258 and 259 of the Labor Code, and to add Article 3, comprising Sections 270 to 272, inclusive, to said code, relating to payment of wages.

Referred to Committee on Labor.

Assembly Bill No. 1341—An act to amend Section 124 of the Labor Code, relating to salaries, payment, and expenses of Industrial Accident Commission.

Referred to Committee on Labor.

Assembly Bill No. 2087—An act to amend Sections 6 and 10 of and to add Section 6a to the Minors Emergency War Employment Act, relating to working conditions of minor employees essential to the war effort.

Referred to Committee on Labor.

Assembly Bill No. 2088—An act to amend Sections 6 and 10 of and to add Section 6a to the War Production Act, relating to employment and working conditions of female employees essential to the war effort.

Referred to Committee on Labor.

Assembly Bill No. 2142—An act to amend Section 3 of the Housing Authorities Law, relating to areas of operations of housing authorities, and to housing projects; declaring the urgency thereof, to go into immediate effect.

Referred to Committee on Local Government.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 6, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 707
Senate Bill No. 712
Senate Bill No. 714
Senate Bill No. 716
Senate Bill No. 717
Senate Bill No. 719
Senate Bill No. 722
Senate Bill No. 725
Senate Bill No. 726
Senate Bill No. 728
Senate Bill No. 731
Senate Bill No. 732
Senate Bill No. 733
Senate Bill No. 734
Senate Bill No. 735
Senate Bill No. 736
Senate Bill No. 738
Senate Bill No. 739
Senate Bill No. 742

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 6, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 46
Senate Bill No. 261
Senate Bill No. 324
Senate Bill No. 456
Senate Bill No. 705
Senate Bill No. 708
Senate Bill No. 709
Senate Bill No. 710
Senate Bill No. 711
Senate Bill No. 713
Senate Bill No. 724
Senate Bill No. 727
Senate Bill No. 729
Senate Bill No. 730
Senate Bill No. 737
Senate Bill No. 786
Senate Concurrent Resolution No. 42

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 9, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 662
Senate Bill No. 155

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 9, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1264—An act making an appropriation for the contingent expenses of the Senate, without regard to fiscal years, including committee expenses, to take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the ninth day of April, 1945, at 10.15 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 6, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 718
Senate Bill No. 720
Senate Bill No. 721
Senate Bill No. 723
Senate Bill No. 740

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, April 9, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 63

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

QUINN, Chairman

Above reported bill ordered to second reading.

MOTION TO PRINT

Senator Hatfield moved that the Report of the Joint Legislative Fact-Finding Committee on Agricultural and Industrial Labor be printed in the Journal of Wednesday, April 11, 1945.

Motion carried.

MOTION TO PRINT COPIES

Senator Hatfield moved that 200 copies of the report of the Joint Legislative Fact-Finding Committee on Agricultural and Industrial Labor be printed and made available for general distribution.

Motion carried.

CONSIDERATION OF DAILY FILE

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill No. 637—An act to provide for forest practices which will promote the maximum sustained productivity of the forest lands of California.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 637?

Amendment No. 1

On page 1, line 1, of the printed bill, strike out "An act", and insert "SECTION 1. Statement of Purposes. This is an act".

Amendment No. 2

On page 1, line 17, of said bill, strike out "Section 1. Statement of Purposes."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 637 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Quinn, Seawell, Slater, Sutton, Tenney, and Ward—29.

NOES—None.

Senate Bill No. 637 ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 203—An act to amend Sections Section 4237 and to repeal Section 4237.9 of the Political Code, relating to compensation for public service in counties of the eighth class.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 203?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Sections 4237 and 4237.1", and insert "Section 4237".

The roll was called, and the Senate concurred in Assembly Amendment to Senate Bill No. 203 by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Seawell, Slater, Sutton, Swing, Tenney, and Ward—27.
NOES—None.

Senate Bill No. 203 ordered enrolled.

SECOND READING OF SENATE BILLS

Senate Bill No. 18—An act to amend Section 4071 of the Political Code, relating to monthly financial reports to boards of supervisors.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 350—An act to add Section 4056a to the Political Code, relating to county ordinances and providing for codification thereof.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 151—An act to amend Section 4266 of the Political Code, relating to compensation for public service in counties of the thirty-seventh class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 170—An act to amend Section 737a of the Political Code, relating to the salary of superior court judges.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 1, of the printed bill, strike out "737a", and insert "737u".

Amendment No. 2

On page 1, line 3, of the printed bill, strike out "737a", and insert "737u".

Amendments read and adopted.
Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 427—An act to amend Section 737ddd of the Political Code, relating to the salary of the judge of the superior court of the County of Ventura.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1 lines 4 and 5, of the printed bill, strike out "_____dollars ($_____)", and insert "ten thousand dollars ($10,000)".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 576—An act to amend Section 4013 of the Political Code by adding thereto a new officer to be known as the controller.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 26—An act to amend the title of "An act making an appropriation for allocation to cities, counties, and cities and counties to develop a postwar public works program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights-of-way and sites for major streets, roads, bridges, sewerage and other public facilities and providing the procedure for making such allocations," approved June 20, 1944, and to add Section 25.5 thereto, relating to State aid for the cost of construction of public works by local agencies.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 2, line 3, of the printed bill, strike out "a site", and insert "and has paid for the necessary sites and rights of way".

Amendment No. 2

On page 2, line 8, of said bill, after the period, insert "The local agency shall also submit a certification by the State Board of Public Health that a menace to public health and to the health of the personnel of the armed services exists in the community and that such menace will be corrected by the project."

Amendment No. 3

On page 2, line 11, of said bill, strike out "one-half", and insert "20 per cent".

Amendment No. 4

On page 2, line 13, of said bill, strike out "provided in", and insert "as to the total amount available to such local agency under".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 285—An act to amend Section 4041.6 of the Political Code and to add a new section to said code to be numbered 4041.6a, relating to jurisdiction and powers of boards of supervisors.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 4041.6 of the Political Code and to".

Amendment No. 2

In line 2 of the title of said bill, strike out "said code", and insert "the Political Code".

Amendment No. 3

On page 1 of said bill, strike out lines 1 to 27; and on page 2 strike out lines 1 to 45, inclusive.

Amendment No. 4

On page 2, line 46, of said bill, strike out "SEC. 2", and insert "SECTION 1".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 171—An act to amend Section 4251 of the Political Code, relating to compensation for public services in counties.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 12—An act to add Section 6365 to Part 1 of Division 2 of the Revenue and Taxation Code, relating to exemption from taxation under the Sales and Use Tax Law.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 390—An act to amend Section 28.6 of the Agricultural Code, relating to collections.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 58—An act to add Section 1197.5 to the Labor Code, relating to wages for women.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Labor:

Amendment No. 1

On page 1, line 6, of the printed bill after "labor", strike out ".", and insert ", having the same or equal qualifications."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 348—An act to amend Section 5710 of the Labor Code, relating to the taking of evidence in workmen's compensation proceedings.

Bill read second time, and ordered to third reading.

Assembly Bill No. 684—An act to amend Section 4460 of the Labor Code, relating to workmen's compensation, declaring the urgency hereof to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1030—An act to add Section 352a to the Political Code, relating to necessary expenses incurred by municipal and county officers and employees in connection with special training schools.

Bill read second time, and ordered to third reading.

Assembly Bill No. 82—An act to amend Section 4234 of the Political Code, relating to compensation for public service in counties of the fifth class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 64—An act to amend Section 4252 of the Political Code, relating to compensation for public services in counties of the twenty-third class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2054—An act to amend Section 4248 of the Political Code, relating to compensation of public officers in counties of the nineteenth class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1085—An act to amend Section 10 of the Annexation of Uninhabited Territory Act of 1939, relating to the liability of annexed territory for indebtedness and contracts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1487—An act to amend the title of and to add Section 7 to an act entitled "An act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water-mains, and other conduits therein, also to construct and maintain sewers, water-mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes," approved March 22, 1909 extending the act to sanitary and sanitation districts and relating to the construction and ownership of sewage treatment and disposal works for the use of two or more municipal corporations, sanitary or sanitation districts; the making of contracts for such construction, ownership or use and the issuance of bonds by municipal corporations, sanitary and sanitation districts to pay the cost of construction or for any property or rights acquired under such contracts; and declaring the urgency of this act to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 638—An act to add Section 480 to the Penal Code, relating to the powers and duties of the Attorney General.

Bill read second time, and ordered to third reading.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill No. 649—An act to amend Section 12 and 21.30 of, and to add Section 21.35 to, the Municipal Utility District Act, relating to municipal utility districts.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 649?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 21.30", and insert "Sections 12 and 21.30".

Amendment No. 2

On page 2 of the printed bill, after line 25, insert

"SEC. 3. Section 12 of the Municipal Utility District Act is amended to read:

Sec. 12. Any municipal utility district incorporated as herein provided shall have power:

First—To have perpetual succession.

Second—To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

Third—To adopt a seal and alter it at pleasure.

Fourth—To take by grant, purchase, gift, devise, or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and to hold and enjoy real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers. The directors of the district may lease, mortgage, sell or otherwise dispose of any real or personal property within or without the district when in their judgment it is for the best interests of the district so to do. The provisions of this section shall apply to all sales or mortgages heretofore or hereafter made.

Fifth—To acquire, construct, own, operate, control or use, within or without, or partly within and partly without, the district, works or parts of works for supplying the inhabitants of said district and public agencies therein, or some of them, with light, water, power, heat, transportation, telephone service, or other means of communication, or means for the collection, treatment or disposition of garbage, sewage, or refuse matters, and to do all things necessary or convenient to the full exercise of the powers herein granted; also to purchase any of the commodities or services aforementioned from any other utility district, public agency, person, or private company, and distribute the same. Whenever there is a surplus of water, light, heat or power above that which may be required by such inhabitants or public agencies within the district, such district shall have power to sell or otherwise dispose of such surplus outside of the district to persons, firms, and public or private corporations, or public agencies outside said district.

Whenever any of the facilities, works, or utilities of the district, or part thereof, is not used or employed to its fullest capacity for the benefit or requirements of the district or its inhabitants, such district shall have power to enter into an agreement or agreements with public agencies or any person, firm or corporation, upon such terms and conditions as may be satisfactory to its board of directors, for renting, leasing, or otherwise using the available portion or parts of such facilities, works, or utilities, and in connection with any such agreement, renting or leasing, the district may undertake or perform any service incidental thereto.

Sixth—To have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. To take any property necessary or convenient to the exercise of the powers herein granted, whether such property be already devoted to the same use or otherwise. In the proceedings, venue and trial, relative to the exercise of such right the district shall have all the rights, powers and privileges of an incorporated city or town, and all rights, powers and privileges herein conferred.

Seventh—To construct works across or along any street or public highway, or over any of the lands which are now or may be the property of this State, and to have the same rights and privileges appertaining thereto as have been or may be granted to municipalities within the State, and to construct its works across any stream of water or watercourse. The district shall restore any such street or highway to its former state as near as may be, and shall not use the same in a manner to unnecessarily impair its usefulness.

Eighth—To borrow money and incur indebtedness, and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness that may exist against or be assumed by the district, and any special district established pursuant to the provisions of this act; provided, no indebtedness shall be incurred exceeding the ordinary annual income and revenue of the district without the approval of a two-thirds vote of the electors voting on the proposition to incur such indebtedness; provided, however, that a further vote of the electors is not required for any indebtedness heretofore or hereafter incurred within the purposes and not exceeding the available amount of any previously authorized bond issue and as to such indebtedness the proceeds of any of such bonds unexpended in the treasury of the district, or the par value of any such bonds which are unsold shall be deemed a part of the ordinary annual income and revenue of such district; provided further, that any district operating a utility under rules and regulations requiring applicants for extensions to advance the expenses of such extensions and facilities for serving additional territory may enter into agreements to refund to such applicants in a subsequent year the whole or any part of such expenses so advanced and such refunds may be paid out of the revenues of such subsequent years.

Ninth—To levy and collect, or cause to be levied and collected, taxes for the purpose of carrying on the operations and paying the obligations of the district, and any special district established pursuant to the provisions of this act.

Tenth—To make contracts and to enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, contracts and stipulations to indemnify and save harmless, also to employ labor, and to do all acts necessary and convenient for the full exercise of the powers herein in this act granted.

Eleventh—To proceed in the name of the district in case of condemnation proceedings.

Twelfth—To invest any surplus money in the district treasury, including money in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded or other indebtedness or for any other purpose, not required for the immediate necessities of the district, in its own bonds, or in bonds of any special district established pursuant to the provisions of this act or in treasury notes or bonds of the United States, or of this State, or bonds of any county, city and county, city, school district, or in bonds of any other public or municipal corporation or public district within this State which are legal as security for the deposit of public funds, or in obligations issued pursuant to the provisions of the Federal Home Loan Bank Act, approved June 22, 1932, as now or hereafter amended, or in obligations issued pursuant to Title IV of the National Housing Act, approved June 27, 1934, as now or hereafter amended, and such investment may be made by direct purchase of any issue of such bonds, treasury notes, or obligations, or part thereof, at the original sale of the same or by the subsequent purchase of such bonds, treasury notes, or obligations. Any bonds, treasury notes, or obligations thus purchased and held may from time to time be sold and the proceeds reinvested in bonds, treasury notes, or obligations as above provided. Sales of any bonds, treasury notes, or obligations thus purchased and held shall from time to time be made in season so that the proceeds may be applied to the purposes for which the money, with which the bonds, treasury notes, or obligations were originally purchased, was placed in the treasury of the district.

Thirteenth—To sell, or otherwise dispose of any water, sewage effluent, fertilizer, or other by-product resulting from the operation of a sewage disposal system, and to construct, maintain and operate such pipe lines and other works as may be necessary for that purpose.

Fourteenth—To accept, without limitation by any other provisions of this act requiring approval of indebtedness, contributions or loans from the United States of America, or any department, instrumentality or agency thereof, for the purpose of financing the construction, maintenance and operation of any enterprise in which the district is authorized to engage, and to enter into contracts and cooperate with, and accept cooperation from, the United States of America, or any department, instrumentality or agency thereof, in the construction, maintenance and operation, and in financing the construction, maintenance and operation, of any such enterprise in accordance with any legislation which Congress may have heretofore adopted or may hereafter adopt, under which aid, assistance and cooperation may be furnished by the United States of America in the construction, maintenance and operation or in financing the construction, maintenance and operation of any such enterprise; and to do any and all things necessary in order to avail itself of such aid, assistance and cooperation under any Federal legislation now or hereafter enacted. *Any evidence of indebtedness issued under this subdivision shall constitute a negotiable instrument.*

Fifteenth—To accept, without limitation by any other provisions of this act, requiring approval of indebtedness, contributions of money, rights of way, labor, materials and any other property for the construction, maintenance and operation of any enterprise in which the district is authorized to engage, and to enter into any contracts and cooperate with, and accept cooperation from, the State of California, or any department, instrumentality or agency thereof, or any public agency of this State in the construction, maintenance and operation of, and in financing the construction, maintenance and operation of, any such enterprise."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 649 by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Swing, Tenney, and Ward—32.

NOES—None.

Senate Bill No. 649 ordered enrolled.

THIRD READING OF SENATE BILLS

Senate Bill No. 525—An act to repeal Chapter 8, Part 4, Division 6 of the Welfare and Institutions Code, comprising Sections 7350 to 7354, inclusive, and to add Section 7500.5 to said code, relating to the powers and duties of the State Department of Institutions and the Division of Extramural Care, and providing for community mental hygiene clinics to be maintained and established by the department.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 155—An act to amend Sections 101, 102, 103, 103.5, 103.6, 105, 107, 111, 130, 1551, 2141, 3076, 3077, 3078 and 3461 and to repeal Section 2142 of the Welfare and Institutions Code, and to add thereto a new section to be designated Section 105.5, relating to the Department of Social Welfare and the Social Welfare Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Swing, Tenney, and Ward—29.
NOES—Senators Carter, Collier, and Donnelly—3.

Bill ordered transmitted to the Assembly.

Senate Bill No. 625—An act creating the "Local Postwar Construction Fund," providing that the sum of one hundred million dollars ($100,000,000) be set aside and deposited to the credit of said fund from unappropriated moneys in the State treasury; providing for the apportionment of said funds to the cities, counties and cities and counties for expenditure by such local agencies, when appropriated, for the construction of public works and facilities in which the State has an interest; and defining the powers and duties of State officers in connection therewith.

Bill read third time.

Previous Question

Senator Collier moved the previous question.

Motion carried.

The question being on final passage of Senate Bill No. 625.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—26.
NOES—Senators Breed, DeLap, Desmond, Deuel, Dillinger, Gordon, Judah, McBride, McCormack, Mixter, Rich, Salsman, and Ward—13.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF MOTION TO RECONSIDER

Assembly Bill No. 959—An act to repeal Chapter 1127 of the Statutes of 1943; to repeal Section 13842.1 of the Education Code and to amend Section 13842 of said code, all relating to the salaries of persons employed by school districts in positions requiring certification qualifications.

Postponement of Reconsideration

Senator Gordon moved that his motion to reconsider the vote whereby Assembly Bill No. 959 was passed, be continued to the next legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—33.

NOES—None.

CONSIDERATION OF MOTION TO RECONSIDER

Assembly Bill No. 287—An act to add Section 761.5 to the Probate Code, relating to sale of estate property.

Motion to Reconsider Waived

Senator Judah waived his motion to reconsider the vote whereby Assembly Bill No. 287 was passed.

Assembly Bill No. 287 ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 176	Assembly Bill No. 224
Assembly Bill No. 177	Assembly Bill No. 270
Assembly Bill No. 178	Assembly Bill No. 483
Assembly Bill No. 179	Assembly Bill No. 1795
Assembly Bill No. 180	Assembly Bill No. 1912
Assembly Bill No. 182	Assembly Bill No. 1923

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 176—An act to amend Sections 3447 and 3473 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents.

Referred to Committee on Social Welfare.

Assembly Bill No. 177—An act to amend Section 3044 of the Welfare and Institutions Code, relating to aid to the needy blind, and revising the provisions for payments to persons in institutions.

Referred to Committee on Social Welfare.

Assembly Bill No. 178—An act to amend Section 3047 of the Welfare and Institutions Code, relating to property qualifications of recipients of aid to the needy blind.

Referred to Committee on Social Welfare.

Assembly Bill No. 179—An act to amend Section 3444 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, and revising the provisions for payments to persons in institutions.

Referred to Committee on Social Welfare.

Assembly Bill No. 180—An act to amend Section 3044.5 of the Welfare and Institutions Code, relating to aid to the needy blind.

Referred to Committee on Social Welfare.

Assembly Bill No. 182—An act to amend Section 3472, and to repeal Section 3474, of the Welfare and Institutions Code, relating to aid to the blind.

Referred to Committee on Social Welfare.

Assembly Bill No. 224—An act to add Sections 739.2 and 756 to the Vehicle Code, relating to offenses under said code.

Referred to Committee on Transportation.

Assembly Bill No. 270—An act to add Sections 2262.1, 2262.2, 2262.3 and 2262.4 to, and to amend Section 2351 of the Labor Code, relating to conditions in places of employment.

Referred to Committee on Labor.

Assembly Bill No. 483—An act to add Section 2162.1 to the Welfare and Institutions Code, relating to aid to the aged, and providing for proof of age of applicants therefor.

Referred to Committee on Social Welfare.

Assembly Bill No. 1795—An act to repeal Part 2 of Division 6 of the Harbors and Navigation Code, relating to the Board of State Harbor Commissioners for the Bay of San Diego.

Referred to Committee on Transportation.

Assembly Bill No. 1912—An act to amend Section 4085½ of the Political Code, relating to the declaration of nonnavigable sloughs, rivers or streams to be public highway for fishing.

Referred to Committee on Fish and Game.

Assembly Bill No. 1923—An act granting certain salt marsh, tide and submerged lands of the State of California to the City of Redwood City, including the management, use and control thereof.

Referred to Committee on Transportation.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 6, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 741

And reports the same correctly engrossed. SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 6, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 325

And reports the same correctly engrossed. SEAWELL, Chairman

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 941

Senator Kuchel moved that Senate Bill No. 941 be withdrawn from Committee on Finance for purpose of amendment, and re-referred to Committee.

Motion carried.

Consideration of Senate Bill No. 941

Senate Bill No. 941—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land in Orange County as part of the State Park System.

Bill read second time.

Motion to Amend

Senator Kuchel moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 3, of the printed bill as amended, after "rights of way", insert a semicolon.

Amendment No. 2

On page 2, line 22, of said bill, as amended, after "Lands at Huntington Beach", strike out the balance of line; strike out lines 23 and 24; and in line 25, strike out "value as beach playground."

Amendments read and adopted.
Bill ordered printed, and re-referred to Committee on Finance.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 662—An act to repeal Sections 20394.1, 20394.3, 20394.4, 20394.5, 20394.6 and 20394.7 of the Education Code; to amend Sections 20393, 20394, and 20394.2 and to add Section 20394.12 to said code, relating to the board of appeals established to review the dismissal of employees of State colleges not in State civil service.

Bill read third time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended, between lines 5 and 6, insert "SEC. 2. Section 20393 of said code is amended to read:".

Amendment No. 2

On page 2 of said bill, as amended, before line 1, insert "SEC. 3. Section 20394 of said code is amended to read:".

Amendment No. 3

On page 2 of said bill, as amended, between lines 21 and 22, insert "SEC. 4. Section 20394.2 of said code is amended to read:".

Amendment No. 4

On page 2 of said bill, as amended, between lines 32 and 33, insert "SEC. 5. Section 20394.12 is added to said code, to read:".

Amendments read and adopted.
Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 710—An act to amend Section 1254 and 1290 of the Harbors and Navigation Code, relating to administrative procedure of the Board of Pilot Commissioners for Humboldt Bay and bar.

Bill read third time.

Motion to Amend

Senator DeLap moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, as amended, lines 3 and 4, strike out "President, powers: Disobedience of subpena by witness."

Amendment read and adopted.
Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 118—An act to amend Section 5 of an act entitled "An act relating to the determination of the wartime population of cities or cities and counties for purposes of allocation of moneys from the State

Highway Fund and from the Motor Vehicle License Fee Fund for expenditures therein, and declaring the urgency thereof," approved May 18, 1943, relating to the time said act remains in effect, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator DeLap moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 5", and insert "Sections 3 and 5".

Amendment No. 2

On page 1, line 1, of the printed bill, strike out "5", and insert "3".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, between lines 2 and 3, insert

"SEC. 3. All allocations made under Sections 194 and 203 of the Streets and Highways Code and all payments made under Section 11005 of the Revenue and Taxation Code, or under Section 11 of an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the Motor Vehicle License Fee Fund, and making an appropriation of the moneys there," approved June 25, 1935, [for any fiscal year subsequent to such determination] shall be based upon the population so determined. The respective departments in making the computations required by said sections shall add to the total population of all cities and cities and counties in the State all increases of population over the population of the last Federal census which are shown by such determination.

SEC. 2. Section 5 of the act cited in the title hereof is amended to read:".

Amendment No. 4

On page 1, line 10, of said bill, strike out "2", and insert "3".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

MOTION TO APPROVE SENATE JOURNALS

Senator Seawell moved that Senate Journals of Monday, April 2, 1945, Tuesday, April 3, 1945, Wednesday, April 4, 1945, Thursday, April 5, 1945 and Friday, April 6, 1945, be approved as corrected by the Journal Clerk and Minute Clerk.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 43: By Senators Breed, Judah, and Weybret—Relative to the creation of a Joint Committee on Health Insurance.

ADJOURNMENT

At 4.35 p. m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Tuesday, April 10, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FORTY-THIRD LEGISLATIVE DAY

NINETY-THIRD CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Tuesday, April 10, 1945

The Senate met at 2 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Geo. C. Malone of Dunsmuir.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Everett Wilcox and Charlie Taylor of Fresno, Carl Larson of Clovis, Lee Lake of Fig Garden, Norman Fitzgerald of Planada, Harold Edwards of Yuba City, A. E. Montgomery of Merced, Karl Neilsen of Newman, Tony Feneira and Jot Feneira of Stevinson.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Nicholas Anthony Vitalich of San Diego.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bradford M. Crittenden of Stockton.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. R. Grinstead, Dr. Carroll Andrews, Al Rathbone, and Paul Walters, all of Sonoma.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator William L. Sharkey of Martinez.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfull refused to concur in Senate amendments to:

Assembly Bill No. 889—An act to add a new section to the Streets and Highways Code, to be numbered 100.6, relating to powers of the Department of Public Works with respect to agreements with adjoining States;

And appointed Messrs. Stream, Johnson and Hollibaugh as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 375	Assembly Bill No. 979
Assembly Bill No. 1070	Assembly Bill No. 1798
Assembly Bill No. 1801	Assembly Bill No. 924

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 9, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 18	Senate Bill No. 171
Senate Bill No. 151	Senate Bill No. 350
Senate Bill No. 170	Senate Bill No. 576

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 9, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 427
Senate Bill No. 715

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 9, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 118
Senate Bill No. 662
Senate Bill No. 710

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 9, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 34—Relative to publishing appendices to the legislative journals;

Senate Joint Resolution No. 6—Relative to making available to the Palo Verde Mesa lands certain waters of the Colorado River;

Senate Joint Resolution No. 12—Relating to the establishment of the seat of government of the Allied Nations of the World, in the Redwood Empire of California;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the ninth day of April, 1945, at 5 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 9, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 82—An act to amend Section 1 of an act entitled "An act relating to the relief of gold and silver mining operators, permitting postponement of sales under certain chattel mortgages, mortgages, deeds of trust or contracts of purchase on gold and silver mines and gold and silver mining machinery and equipment, or postponement of forfeitures and terminations under gold and silver mining contracts and leases, regulating appointment of receivers in certain cases, extending the time in which the purchase price may be paid and extending the statute of limitations, declaring the urgency thereof, to take effect immediately," approved April 24, 1943, relating to the gold and silver mining moratorium;

Senate Bill No. 84—An act to amend Section 10601.5 of the Elections Code, relating to candidates for judicial offices;

Senate Bill No. 222—An act to add Section 9322 to the Government Code, relating to compensation of legislative committee reporters;

Senate Bill No. 250—An act to amend Section 5 of the California Food and Fiber Production Act, relating to the period said act shall remain in effect;

And reports that the same have been correctly enrolled, and presented to the Governor on the ninth day of April, 1945, at 5 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 9, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 379—An act to amend Section 891 of the Military and Veterans Code, relating to educational assistance to veterans' dependents, declaring the urgency thereof, to take effect immediately;

Senate Bill No. 418—An act to add Section 1241.5 to the Water Code, relating to the forfeiture of water rights, declaring the urgency of this act, to take effect immediately;

Senate Bill No. 554—An act to add Section 652 to the Penal Code, relating to offers of rewards for the apprehension or capture of persons;

Senate Bill No. 700—An act to add Section 988j to the Code of Civil Procedure, relating to practice and procedure on appeals from municipal courts in civil cases, declaring the urgency thereof, to take effect immediately;

Senate Bill No. 701—An act to amend Sections 984 and 988g, and to repeal Sections 983a, 988, 988a, 988b, 988c, 988c-1 and 988d, of the Code of Civil Procedure, relating to procedure and practice on appeal in municipal courts;

Senate Bill No. 702—An act to amend Sections 47, 936, 953d, 956a, 1034, 1178, and 1199, and to repeal Sections 648, 649, 650, 651, 653, 939, 940, 950, 951, 952, 953, 953a, 953b, 953c, 954 and 954a, of the Code of Civil Procedure; to amend Sections 1176, 1235, 1239, 1243, 1246, 1248, and 1252, and to repeal Sections 1241, 1249 and 1264, of the Penal Code; and to amend Sections 1232 and 1233 of the Probate Code, relating to appeals;

And reports that the same have been correctly enrolled, and presented to the Governor on the ninth day of April, 1945, at 5 p.m.

SEAWELL, Chairman

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 319
Senate Bill No. 375

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 586

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

COLLIER, Chairman

Above reported bill ordered to second reading.

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, April 9, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 109
Assembly Bill No. 2139

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 9, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 307
Senate Bill No. 1033

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported bills ordered re-referred to Committee on Finance.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 51
Senate Bill No. 55
Senate Bill No. 57
Senate Bill No. 550
Senate Bill No. 1188

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 747

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1003

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1251

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 265

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 42

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

Above resloution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 33

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Joint Resolution No. 33—Relative to memorializing Congress to erect a Statue of Liberty on the Coast of California.

Referred to Committee on Military and Veterans Affairs.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 77
Assembly Bill No. 296
Assembly Bill No. 615
Assembly Bill No. 331
Assembly Bill No. 334
Assembly Bill No. 487
Assembly Bill No. 650
Assembly Bill No. 949
Assembly Bill No. 953
Assembly Bill No. 1082
Assembly Bill No. 1201
Assembly Bill No. 1238
Assembly Bill No. 1268
Assembly Bill No. 1363
Assembly Bill No. 1522
Assembly Bill No. 1568
Assembly Bill No. 1627
Assembly Bill No. 1721

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 77—An act to amend Section 4274 of the Political Code, relating to compensation for public service in counties of the forty-fifth class.

Referred to Committee on Local Government.

Assembly Bill No. 296—An act to amend Section 771 of the Probate Code, relating to the sale of personal property.

Referred to Committee on Judiciary.

Assembly Bill No. 615—An act to add Section 2020.02 to the Welfare and Institutions Code, relating to aid to the aged, and defining "income" for the purposes of determining the amount of aid to which an applicant is entitled.

Referred to Committee on Social Welfare.

Assembly Bill No. 331—An act to add Section 1397.5 to the Labor Code, relating to employment of minors.

Referred to Committee on Labor.

Assembly Bill No. 334—An act to amend Sections 1250, 1251 and 1252 of the Labor Code, relating to female employees.

Referred to Committee on Labor.

Assembly Bill No. 487—An act to amend Sections 700 and 702 of the Welfare and Institutions Code, relating to the protection of minors, redefining the jurisdiction of the juvenile court and the crime of contributing to the delinquency of a minor, and specifying the powers of the juvenile court in respect thereto.

Referred to Committee on Judiciary.

Assembly Bill No. 650—An act to amend Section 278 of the Vehicle Code, relating to operator's and chauffeur's licenses.

Referred to Committee on Transportation.

Assembly Bill No. 949—An act to add Section 1060.1 to the Probate Code, relating to deposit of money or property with the county treasurer.

Referred to Committee on Judiciary.

Assembly Bill No. 953—An act to amend Section 1147 of the Probate Code, relating to deposit of decedent's money by public administrators.

Referred to Committee on Judiciary.

Assembly Bill No. 1082—An act to add Section 82.5 to the Agricultural Code, relating to boards of directors of district agricultural associations.

Referred to Committee on Agriculture.

Assembly Bill No. 1201—An act to repeal Section 6654.5 of the Welfare and Institutions Code, and to add Section 1461.3 to the Probate Code, relating to proceedings for the appointment of guardians for insane

or incompetent persons, and requiring notice thereof to the Director of Institutions.

Referred to Committee on Institutions.

Assembly Bill No. 1238—An act to amend Section 18760 of the Business and Professions Code, relating to boxing and wrestling.

Referred to Committee on Business and Professions.

Assembly Bill No. 1268—An act to amend Section 694 of, and to add Section 700.5 to, the Vehicle Code, relating to vehicles and highways, including size and width of vehicles and obstruction in and damages to highways and highway structures.

Referred to Committee on Transportation.

Assembly Bill No. 1363—An act to amend Section 5015 of, and to add Section 6307 to, the Public Resources Code, relating to the acquisition of ocean beaches and to beach and cliff erosion.

Referred to Committee on Natural Resources.

Assembly Bill No. 1522—An act to add Section 2848 to the Elections Code, relating to change of residence by county central committeemen.

Referred to Committee on Elections.

Assembly Bill No. 1568—An act to add Section 151.1 to the State Civil Service Act and Section 18103 to the Government Code, relating to sick leave.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1627—An act to add Article 6.5, comprising Section 2210, to Chapter 1 of Division 3 of the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Social Welfare.

Assembly Bill No. 1721—An act to amend Section 511.9 of the Vehicle Code, relating to prima facie speed limits near military and naval establishments or housing projects.

Referred to Committee on Transportation.

CONSIDERATION OF DAILY FILE

CONSIDERATION OF MOTION TO RECONSIDER

Assembly Bill No. 959—An act to repeal Chapter 1127 of the Statutes of 1943; to repeal Section 13842.1 of the Education Code and to amend Section 13842 of said code, all relating to the salaries of persons employed by school districts in positions requiring certification qualifications.

Motion to Reconsider Waived

Senator Gordon waived his motion to reconsider the vote whereby Assembly Bill No. 959, was passed.

Assembly Bill No. 959 ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 63—An act to add Section 2176 to the Business and Professions Code, relating to persons authorized to practice medicine and surgery in the Veterans' Home of California.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 1 of the printed bill, after line 14, insert

"This section shall remain in effect until the ninety-first day after the final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs."

Amendment read and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 560—An act to add Article 6, comprising Sections 4421 to 4435, inclusive, to Chapter 2 of Division 4 of the Public Resources Code, relating to the acquisition, their management as State forests and administration, protection and reforestation of forest lands, the management for demonstration purposes and sale of forest products therefrom.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Salsman, Shelley, Slater, Sutton, Tenney, and Weybret—23.

NOES—Senators Breed, Collier, DeLap, Deuel, Hulse, Mayo, McBride, McCormack, Powers, Quinn, Rich, Seawell, Swing, and Ward—14.

Bill ordered transmitted to the Assembly.

Senate Bill No. 827—An act to provide for the receiving as evidence in any court, office or other place in this State, official findings, records, reports or certified copies thereof, of death, presumed as missing or other status, issued by the Secretaries of War and Navy and other Federal officers and employees, declaring the urgency thereof and that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 422—An act to add Section 1426.1 to the Penal Code, relating to proceedings on misdemeanor complaints.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 448—An act to amend Section 473a of the Political Code and Section 11041 of the Government Code, relating to attorneys for State departments.

Motion to Re-Refer Senate Bill No. 448

Senator Kuchel moved that Senate Bill No. 448 be re-referred to Committee on Governmental Efficiency.

Motion carried.

Senate Bill No. 118—An act to amend Sections 3 and 5 of an act entitled "An act relating to the determination of the wartime population of cities or cities and counties for purposes of allocation of moneys from the State Highway Fund and from the Motor Vehicle License Fee Fund for expenditures therein, and declaring the urgency thereof," approved May 18, 1943, relating to the time said act remains in effect, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Quinn, Seawell, Shelley, Slater, Tenney, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 189—An act to add Section 372.3 to the Vehicle Code, relating to exemptions from fees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Parkman, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 408—An act to add Section 1½ to an act entitled "An act to regulate the construction, operation and maintenance of toll bridges and toll roads situated wholly or in part within the State of California; vesting the exclusive jurisdiction over said toll bridges and toll roads in the Department of Public Works of the State of California; authorizing and empowering said department to grant upon certain terms, limitations, conditions and restrictions and under such

supervision as in its judgment may be necessary, franchises, privileges or licenses for the construction or operation of toll bridges and toll roads and for the taking and keeping of tolls thereon, and to fix, determine, modify or change the rate of tolls to be taken thereon; to terminate the right of boards of supervisors to grant franchises, privileges or licenses for the construction, operation and the taking and keeping of tolls on toll bridges and toll roads; also providing that the State may purchase or retake any such toll bridges or toll roads constructed hereunder and repealing all other acts and parts of acts in conflict therewith," approved June 10, 1929, as amended, relating to franchises, licenses and privileges for toll bridges, toll roads and toll ferries and making administration of said act a charge against the State Highway Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Seawell, Slater, Sutton, Tenney, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senator Keating Presiding

At 3.50 p.m., Senator Thomas F. Keating of the Thirteenth District, presiding.

Senate Bill No. 501—An act to amend Section 374.5 of the Vehicle Code, relating to license plates for exempt vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Tenney, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 14—Relative to memorializing Congress to enact H. R. 2347, Seventy-ninth Congress, First Session, relating to guayule rubber.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—29.
NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 112—An act to amend Section 860 of the Fish and Game Code, relating to the taking of salmon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Seawell, Tenney, and Weybret—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 751—An act to add Article 4 to Part 9, Chapter 2, comprising Sections 4920 to 4925, inclusive, of the Revenue and Taxation Code, relating to real property taxation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Seawell, Slater, Sutton, Tenney, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 238—An act to amend Sections 13953 and 13954 of the Revenue and Taxation Code, relating to inheritance taxes, and to amend Sections 15552 and 15553 of said code, relating to gift taxes, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Seawell, Slater, Sutton, Tenney, and Weybret—27.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Seawell, Slater, Sutton, Tenney, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 901—An act to amend Section 40 of the Agricultural Code, relating to the State Board of Agriculture.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Seawell, Slater, Sutton, Tenney, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1012—An act to amend Sections 391 and 401 of, and to add Sections 391.5 and 391.6 to, the Agricultural Code, relating to estrays.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Quinn, Seawell, Slater, Sutton, Tenney, and Weybret—29.
NOES—Senator Powers—1.

Motion to Amend

Senator Carter moved the adoption of the following amendment:

Amendment No. 1

In line 3 of the title of the printed bill, as amended, after "estrays", insert "and trespassing animals".

Amendment read and adopted.
Bill ordered reprinted, and transmitted to the Assembly.

Senate Bill No. 301—An act relating to acceptance of delivery of farm products.

Bill read third time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, after line 14 insert
"For the purposes of this act a "processor", as defined in subdivision (d) of Section 1299.18 of the Agricultural Code, shall not be deemed to be a commission merchant or wholesale dealer."

Amendment read and adopted.
Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 592—An act to amend Section 284 of the Agricultural Code, relating to apiaries.

Bill read third time.
The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 297—An act to amend Sections 812.4, 828.65, 829.2 and 829.35 of the Agricultural Code, relating to fruit and vegetable containers.

Bill read third time.
The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Senate Bill No. 660—An act to forbid the acquisition by the United States of America or any of its agencies of any lands or real property in the State of California except for forts, magazines, arsenals, dockyards and other needful buildings, without the consent of the legislative body

of the county or political subdivision in which such land or real property is situated.

Bill read third time.

Motion to Amend

Senator Mayo moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out lines 1 to 6, inclusive, and insert

"An act to add Section 126 to the Government Code, relating to the acquisition of land in this State by the United States and the consent of the Legislature to such acquisition upon the conditions and subject to the reservations in this act prescribed."

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 7, inclusive, and insert

"SECTION 1. Section 126 is added to the Government Code, to read:

126. Notwithstanding any other provision of law, general or special, the Legislature of California consents to the acquisition by the United States of land within this State solely upon and subject to each and all of the following express conditions and reservations:

(a) The acquisition must be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, or other public purpose within the purview of clause 17 of section 8 of Article I of the Constitution of the United States;

(b) The acquisition must be pursuant to and in compliance with the laws of the United States;

(c) The United States must have acquired title to the land and must in writing have assented to acceptance of jurisdiction over the land upon and subject to each and all of the conditions and reservations in this section prescribed;

(d) The conditions prescribed in subdivisions (a), (b), and (c) of this section must have been found and declared to have occurred and to exist, by the legislative body of each county, city, or city and county within which any part of the land is situate, and each such body must have found and declared that such acquisition is in the interest of the State, certified copies of its orders or resolutions making such findings and declarations to be filed in the office of the Secretary of State and recorded in the office of the county recorder of each county in which any part of the land is situate;

(e) In granting this consent, the Legislature and the State reserve jurisdiction on and over the land for the execution of civil process and criminal process in all cases, and the State's entire power of taxation including that of each State agency, county, city, city and county, political subdivision or public district of or in the State; and reserves to all persons residing on such land all civil and political rights, including the right of suffrage, which they might have were this consent not given.

(f) This consent continues only so long as the land continues to belong to the United States and is held by it in accordance and in compliance with each and all of the conditions and reservations in this section prescribed."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Hatfield:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 13101 of the Health and Safety Code, relating to the State Fire Marshal.

Respectfully submitted.

SENATOR HATFIELD

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 10, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Governmental Efficiency.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1269: By Senator Hatfield—An act to amend Section 13101 of the Health and Safety Code, relating to the State Fire Marshal.

Referred to Committee on Governmental Efficiency.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Hatfield moved that Senate Bill No. 875 be taken from the inactive file for the purpose of amendments, and be placed on second reading file.

Motion carried.

Consideration of Senate Bill No. 875

Senate Bill No. 875—An act to add a new article heading to Chapter 1, Part 1, Division 12 of the Health and Safety Code, to amend Sections 13101, 13104, 13107, 13108, 13109, 13111, 13316 and 13654 thereof, and to add Sections 13100.1, 13111.1 and 13111.2, and Article 2, comprising Sections 13140 to 13146, inclusive, to Chapter 1, Part 2, Division 12 thereof, relating to the State Fire Marshal.

Bill read third time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 13, of said bill, as amended, strike out "in order to be"; strike out lines 14 to 17, inclusive, and insert

"He shall be paid a salary of four thousand eight hundred dollars ($4,800) per annum."

Amendment No. 2

On page 2, line 4, of said bill, strike out the comma.

Amendment No. 3

On page 2, line 15, of said bill, strike out ", city and county".

Amendment No. 4

On page 2, line 30, of said bill, strike out ", city and county".

Amendment No. 5

On page 2, lines 32 and 33 of said bill, strike out "except single family dwellings", and insert "not used for dwelling purposes".

Amendment No. 6

On page 2, line 37, of said bill, strike out ", city and county".

Amendment No. 7

On page 2, line 44, of said bill, strike out "act", and insert "section".

Amendment No. 8

On page 2, line 51, of said bill, strike out "act", and insert "section".

Amendment No. 9

On page 3, line 7, of said bill, strike out "the provision of".

Amendment No. 10

On page 3, line 39, of said bill, after "by", insert "the Governor with the advice and consent of the Senate".

Amendment No. 11

On page 3, line 49, of said bill, strike out ", city"; strike out line 50, and insert "or county fire department or fire protection district".

Amendment No. 12

On page 4, line 5, of said bill, strike out ", city and county".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and placed on second reading file.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Carter moved that Senate Bill No. 20 be taken from the inactive file and placed on the second reading file.

Motion carried.

REPORTS OF STANDING COMMITTEES

Appointment of Committee on Conference

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Breed, Tenney, and Judah as a Senate Committee on Conference concerning Assembly Bill No. 889 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES
SEAWELL, Chairman

RESOLUTIONS

The following resolution was offered:

By Senator Powers:

Senate Resolution No. 89

Resolved, That the following named person be stricken from the list of Senate Attaches, and that her name be stricken from the pay roll of the Senate, to take effect on completion of work April 9, 1945.

	Per day
Ada Reinhold, Assistant Minute Clerk	$12 00

Resolution read, and on motion of Senator Powers adopted.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 421
Senate Bill No. 504
Senate Bill No. 622

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 176

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 12; committee vote: Ayes 11; absent 1.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2118

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 1236

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; noes 3; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 458

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; noes 1; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 99

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 10; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 998

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 766
Senate Bill No. 778
Senate Bill No. 781

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 756

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 770
Senate Bill No. 771
Senate Bill No. 772
Senate Bill No. 773
Senate Bill No. 774
Senate Bill No. 775
Senate Bill No. 776
Senate Bill No. 777
Senate Bill No. 779
Senate Bill No. 780
Assembly Bill No. 676
Assembly Bill No. 1620

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership, 11; committee vote: Ayes, 10; absent, 1.

McCORMACK, Chairman

Above reported bills ordered to second reading.

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Military and Veterans' Affairs, to which was referred:

Senate Bill No. 148

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership, 9; committee vote: Ayes, 6; noes, 3.

QUINN, Chairman

Above reported bill ordered to second reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 157
Assembly Bill No. 200
Assembly Bill No. 269
Assembly Bill No. 389
Assembly Bill No. 419
Assembly Bill No. 426
Assembly Bill No. 689
Assembly Bill No. 1732
Assembly Bill No. 1836
Assembly Bill No. 2116

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 157—An act to amend Section 4321 of the Political Code, relating to inventories.

Referred to Committee on Judiciary.

Assembly Bill No. 200—An act to add Section 10500.5 to the Elections Code, relating to elections for members of Congress.

Referred to Committee on Elections.

Assembly Bill No. 269—An act to add Section 2670.1 to the Elections Code, relating to printing and distribution of election forms.

Referred to Committee on Elections.

Assembly Bill No. 389—An act to amend Section 131 of the Civil Code, relating to actions for divorce.

Referred to Committee on Judiciary.

Assembly Bill No. 419—An act to amend Section 7 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Referred to Committee on Local Government.

Assembly Bill No. 426—An act to amend Sections 10490, 10491, 10492, 10493, 10494, 10495, 10496, 10497, 10498, 10498.5, 10499, 10500, 10501, 10971, 10971.4 and 10972 of the Insurance Code, to repeal Section 10241 thereof, and to add Section 10498.6 to said code, all relating to insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 689—An act to repeal Section 486 of the Fish and Game Code, relating to fish.

Referred to Committee on Fish and Game.

Assembly Bill No. 1732—An act to amend Section 602 of the Penal Code, relating to trespass.

Referred to Committee on Judiciary.

Assembly Bill No. 1836—An act to add Section 862e to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of cities of the sixth class and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Local Government.

Assembly Bill No. 2116—An act to amend Section 1.5 of the Judges' Retirement Act, relating to the judges' retirement system, and providing

for the inclusion of time served as a justice of the peace in computing service for the purpose of retirement.

Referred to Committee on Governmental Efficiency.

ADJOURNMENT

At 4.35 p.m., on motion of Senator Sutton, the President declared the Senate adjourned until 1.30 p.m. Wednesday, April 11, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FORTY-FOURTH LEGISLATIVE DAY

NINETY-FOURTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Wednesday, April 11, 1945

The Senate met at 1.30 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ethel S. Willits, Principal, and the following seventh and eighth grade pupils of the Union Hill School, Grass Valley: Bud Barnhart, Bill Brown, Kenneth Gordon, Donald Hall, Jim Abraham, James Bristol, Norma Anderson, and Laurel Densmore.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rosalind Goodrich Bates, Past President, California Business Women's Council, and Mrs. Miriam Olden Fendler, Executive Vice President, California League of Women Voters, both of Los Angeles.

On request of Senators Shelley and Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Herbert Hanley, Chairman, San Francisco Republican County Committee, and Mr. Ashley C. Pinching, both of San Francisco.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to F. L. Luttrell, Superintendent of Schools, Indian Wells Valley Union Schools of Inyokeon, and John G. Ross of Bakersfield, Assistant Superintendent of Schools, Kern County.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Mary Waterstreet, Radio Commentator, KSFO, of San Francisco.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Walter H. Nagle, County Clerk of Sonoma County.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 428
Assembly Bill No. 287

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 159
Assembly Bill No. 170
Assembly Bill No. 354
Assembly Bill No. 370
Assembly Bill No. 885
Assembly Bill No. 872
Assembly Bill No. 947
Assembly Bill No. 1235
Assembly Bill No. 1913

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 159—An act to amend Sections 16271 and 16272 of the Revenue and Taxation Code and Section 74 of the Gift Tax Act of 1939, relating to interest on refunds of gift taxes, including those ordered in the judgment of any court, and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 170—An act to amend Section 277 of the Vehicle Code, relating to chauffeur's licenses.

Referred to Committee on Transportation.

Assembly Bill No. 354—An act to add Section 44.6 to the Vehicle Code, relating to authorized emergency vehicles, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

Assembly Bill No. 370—An act to amend Section 4455 of the Labor Code, relating to average earnings.

Referred to Committee on Labor.

Assembly Bill No. 885—An act to amend Section 4840 of the Health and Safety Code, relating to joint operation agreements of county sanitation districts.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 872—An act to amend Section 5811 and to add Section 5814 to the Labor Code, relating to a penalty for delay in the payment of workmen's compensation benefits.

Referred to Committee on Labor.

Assembly Bill No. 947—An act to amend Section 274 of the Code of Civil Procedure, relating to the compensation of phonographic reporters.

Referred to Committee on Judiciary.

Assembly Bill No. 1235—An act to amend Sections 2736 and 2811 of the Business and Professions Code, relating to the practice of professional nursing.

Referred to Committee on Business and Professions.

Assembly Bill No. 1913—An act to amend Section 73 of the State Civil Service Act and Section 18021 of the Government Code, relating to overtime compensation.

Referred to Committee on Governmental Efficiency.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 43

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 43—Relative to approving eight certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city pursuant to the provisions of Article XI, Section 8, of the Constitution of the State of California, at an election held in the City of Los Angeles on the third day of April, 1945.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 43, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 43

Assembly Concurrent Resolution No. 43—Relative to approving eight certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California,

voted for and ratified by the electors of said city pursuant to the provisions of Article XI, Section 8, of the Constitution of the State of California, at an election held in the City of Los Angeles on the third day of April, 1945.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Dilworth, Donnelly, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, April 9, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Assembly Bill No. 31

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 9, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 630
Senate Bill No. 1030

Has had the same under consideration, and reports the same back with amendments with the recommendation: Do pass as amended and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported bills ordered to second reading.

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 759
Assembly Bill No. 470
Assembly Bill No. 1186

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 397

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 2; absent 2.

GORDON, Chairman

Above reported bill ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 11, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 332

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bill ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 293
Senate Bill No. 359

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 887

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 835

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; noes 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 382

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, April 9, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 1249

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 9, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 462

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 138
Senate Bill No. 796

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 328
Senate Bill No. 1187
Assembly Bill No. 502

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 339

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 875

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 301
Senate Bill No. 660
Senate Bill No. 1012

And reports the same correctly re-engrossed.

SEAWELL, Chairman

PRINTING OF REPORT IN THE JOURNAL

Pursuant to the motion of Senator Hatfield made on April 9, 1945, the following report of the Joint Legislative Fact-Finding Committee on Agricultural and Industrial Labor was ordered printed in the Journal of this date.

SPECIAL REPORT OF THE JOINT LEGISLATIVE FACT-FINDING COMMITTEE ON AGRICULTURAL AND INDUSTRIAL LABOR APPOINTED PURSUANT TO THE TERMS OF SENATE CONCURRENT RESOLUTION NO. 13 AND CONTINUED BY SENATE CONCURRENT RESOLUTION NO. 40 OF THE 56TH SESSION OF THE CALIFORNIA LEGISLATURE, COVERING THE COMMITTEE'S INVESTIGATION OF ALLEGED ABUSES BY SWAMPERS AND LUMPERS IN THE HANDLING OF PRODUCE AT THE MAIN LOS ANGELES PRODUCE MARKETS

April, 1945

COMMITTEE MEMBERS

SENATOR GEORGE HATFIELD, Chairman
SENATOR BRADFORD S. CRITTENDEN
ASSEMBLYMAN HARVEY E. HASTAIN
ASSEMBLYMAN LEE BASHORE
ASSEMBLYMAN LLOYD LOWREY

To the Members of the Senate

Your Joint Legislative Fact-Finding Committee on Agricultural and Industrial Labor, appointed pursuant to the terms of Senate Concurrent Resolution No. 13 and continued by Senate Concurrent Resolution No. 40 of the Fifty-sixth Session of the California Legislature, submits herewith the following special report covering its investigation of alleged excessive charges imposed by lumpers and swampers engaged in the unloading of produce trucks at the Seventh and Ninth Streets produce markets in Los Angeles.

Your committee made a special investigation of this situation because the facts did not fit into any general pattern of our other lines of inquiry, and because this situation about which complaints had been made was limited to one particular type of work in a single city. In order to correctly evaluate this situation, your committee wanted to get the facts, analyze them in the light of public interest, and, if necessary, recommend legislation to cure or curb any abuses that could be regulated through legislation and not covered by existing laws.

Investigation showed that many of the abuses found could be eliminated by legislation and your committee has, therefore, introduced Senate Bill No. 301 designed to accomplish this purpose.

This report will, therefore, present factual information to all persons who may be called upon to consider the need for the bill suggested by your committee or other legislation on this subject which may be proposed.

This brief report presents only the essential factual information developed by testimony at the hearings and the conclusions of your committee.

Several exhibits have been incorporated as an appendix to the report for the benefit of those who are interested in a more detailed statement.

Exhibits attached are:

1. Agreement entered into between Produce Drivers and Employees Union Local 630. (This is Exhibit No. 2 in hearing)
2. Agreement between the Los Angeles Markets Arbitration Association and the Produce Drivers and Employees Union Local 630. (This is Exhibit No. 10 in hearing)
3. Minutes of Meeting on delays in unloading produce in Los Angeles Wholesale Terminals Jan. 27, 1944. (This is Exhibit No. 7 in hearing)
4. Summarized testimony of growers and truckers.

Furthermore, the record of the testimony taken is available for public inspection and additional exhibits, not considered essential in this summary report, are a part of the official record in the custody of the committee. All these public documents are available for inspection and study.

Evidence on this subject was gathered at a two-day hearing held by your committee in the State Building at Los Angeles on Wednesday, August 30, 1944, and Thursday, August 31, 1944. Individual growers shipping to the main Los Angeles produce markets, truckers, both common carrier and contract haulers, hauling into those markets; official representatives of organized labor, the Secretary-Manager of the Associated Produce Dealers and Brokers of Los Angeles, a representative of the Office of Defense Transportation, and swampers, presented testimony at the invitation of the committee.

Witnesses at the first hearing:

August Witte, grower, packer, shipper; Reedley, California.
Allen Remy, truck driver; Sanger, California.
D. C. Ramsey, highway transportation; 2115 E. Twenty-fifth Street, Los Angeles, California.
Edgar E. Cox, rancher 24 years, dried beans, hay, vegetables; Irvine, California.

C. J. Cegan, rancher, salesmanager 27 years for Irvine Company; Santa Ana, California.

Kenneth Weston, secretary-treasurer, Local 630, Produce Drivers' Union 3 years; Los Angeles, California.

John Stevinson, attorney for the Joint Council Teamsters in Southern California; 846 S. Union Avenue, Los Angeles, California.

Witnesses at the second hearing:

John K. Oliver, radial common carrier; 609 W. Park Avenue, Santa Maria, California.

Kenneth Weston (recalled), Secretary-treasurer, Local 630, Produce Drivers' Union 3 years; Los Angeles, California.

Homer Harris, Secretary-manager, Associated Produce Dealers and Brokers, Los Angeles; Los Angeles, California.

Austin Walline, rancher; Route 3, Ontario, California.

Henry L. Lucas, Member of a corporation raising various fruit and also in dairy business; Cucamonga, California.

C. L. Conrow, Franchise carrier, fresh fruit and vegetables; Box 455, San Luis Obispo Co., California.

W. B. Williams, Swamper, vicinity Seventh St. Market; 4027 Woodlock, Los Angeles, California.

Ray Bryant, Railroad Commission employee "Senior Transportation Rate Expert"; Los Angeles, California.

The members of the committee had only a superficial understanding of the work of swampers and lumpers when this inquiry was started.

Complaints of unfair treatment at the terminal had been made to the committee by farmers, by truckers, and by others engaged in delivering fresh produce to the Los Angeles markets.

Your committee was interested in protecting the rights of all the parties involved and protecting their means of livelihood against unfair attacks.

The committee was also interested in our men and women in uniform and general consumers getting as large a supply of fresh fruits and vegetables as possible.

The Los Angeles fresh produce market is one of the largest in the United States. The large number of military establishments, huge war industries, and the most heavily populated area in the State concentrated in the Los Angeles area, depend directly upon this central market for fresh produce. The committee was concerned that there be no hindrance in the distribution of fresh produce, nor any lessening of production by reason of the adverse effect on farmers of any alleged unfair labor practices in the unloading of produce at these markets.

The terms "swamper" and "lumper" are synonymous. For simplification, the term swamper will be used, for it is the more generally understood and more widely used of the two words.

Swampers are the men who unload and load trucks of produce at the Los Angeles produce markets. The work of swampers corresponds in a degree to that of longshoremen. The work is somewhat uncertain and the hours irregular and they frequently work long hours, sometimes 16 hours at a stretch. Some begin work at 4 p.m., working through the entire night. Others begin during the early morning hours. They usually work for a number of different truckers and growers during a single shift. The produce handled may be packaged in boxes, bags, crates, or in bulk. Some of the produce is wet and some refrigerated. Packages may vary in weight from 25 pounds to 75 pounds or over. Two men are generally used on 10-wheelers, semi's and truck and trailers and one man on "heb tails." On loads of 100 packages or less only one man is generally used regardless of the type of equipment.

The produce, as it is unloaded, is placed within 25 feet of the rear end of the truck bed on the dock or platform in from the commission merchant's stall.

The first witnesses heard by the committee were farmers delivering to the Los Angeles produce markets. They recited numerous instances of excessive charges made by swampers unloading their produce. They testified that, in a number of cases, the charges exacted by swampers ran as high as 40 per cent of the total cost of transporting the produce to market.

Shipping, freight bills, and receipts signed by swampers covering their charges, were introduced by the farmers in support of the claims of exorbitant fees.

One grower located at Ontario presented freight bills covering 14 shipments of 1944 crop peaches by a commercial trucker to the Los Angeles market, showing itemized freight costs and charges made by swampers for unloading.

The following breakdown covering these shipments clearly presents the comparison of freight and unloading charges:

No. Boxes	Weight	Freight	Unloading
733	Minimum	$25 00	$7 00
887	17,740 lbs.	26 61	12 00
1,128	22,480 lbs.	33 72	15 00
1,425	28,500 lbs.	42 75	17 80
1,551	31,020 lbs.	46 53	20 25
1,462	29,240 lbs.	43 86	18 60
1,279	25,580 lbs.	38 37	16 70
1,135	22,700 lbs.	34 05	15 18
1,278	25,560 lbs.	38 34	16 44
1,126	22,520 lbs.	33 78	14 55
1,071	21,420 lbs.	32 13	14 40
650	Minimum	25 00	8 62
377	Minimum	25 00	5 25
128	Minimum	15 00	2 10

The services rendered by this trucker included the loading of the peaches at the growers' packing platform and delivery to the unloading platform at the produce market in Los Angeles.

Additional grower testimony showed that during 1943 and 1944 swampers charged from $1.25 to $1.50 per hour and also charged from $2 to $4 a load of approximately 550 boxes, requiring 30 to 40 minutes to unload.

Growers also alleged that an additional service charge of $1 was made in many cases for loosening the ropes on a load.

Growers also testified that rather than pay what they considered a tribute and an imposition for unloading, they would consider reducing crop acreage or switching to other crops which would not have to be marketed at the Los Angeles produce markets.

In other cases it was stated that some contract haulers were unwilling to haul the growers' produce to the Los Angeles markets because of the difficulties and delays encountered in getting produce unloaded.

In another instance, a grower testified that a truck load of peas hauled in his own truck was picketed because swampers were not hired to unload.

Additional problems connected with the payment of swampers were discussed by growers. They testified that confusion existed regarding the exact status of swampers as employees of the trucker or grower delivering produce. Many of the swampers insisted that they were independent contractors and, therefore, not required to pay either unemployment insurance, Social Security, or income taxes. Growers, in turn, indicated that they were perplexed as to whether or not they were legally required to make returns under the Unemployment Insurance law and the Social Security law covering money paid to the swampers.

The question of whether or not these charges could be taken as legitimate labor deductions on income tax returns was also raised. Not knowing what to do, the farmers appealed to the various agencies concerned, particularly the Bureau of Internal Revenue, and were informed, so the testimony shows, that, until they were told not to do so, they must make the necessary returns and pay the employer's share and the employee's share of the Federal levies.

Truckers invited to testify before the committee verified essentially the facts presented in grower testimony.

One trucker, hauling produce from Imperial Valley to the Los Angeles market, testified that the swampers' rates for unloading had increased approximately 100 per cent during the period 1941-1944. He asserted that unloading rates were subject to frequent increase without any prior notification or negotiation and that frequent delays of as high as four or five hours in unloading trucks seriously affected hauling schedules.

Truckers asserted that swampers were averaging between $3.50 and $5 an hour or more. Although drivers were instructed in many cases not to pay more than $1.50 per hour, it was sometimes necessary, because of the perishable nature of the produce hauled, to meet the demands of swampers even though the charge might actually amount to two or three times the $1.50 hourly rate.

Attempts by truckers to control excessive charges by swampers through contacts with local Union representatives were said to have been generally unsuccessful. Although frequent promises were made by the representatives that the situation would be remedied, no real improvement was made, truckers said.

The truckers also testified that many of the swampers held themselves to be independent contractors and refused to permit Social Security or withholding tax deductions. In some cases deductions were made despite the swampers objections, but, in many cases, the deductions were not made.

The question of the payment of the swampers' withholding tax and Social Security tax in those cases where deductions could not be made, are problems which truckers assert they still must face with the Bureau of Internal Revenue, as they are operating

under instructions from that agency to collect them until an official decision is made regarding the relationship existing between trucker and swamper.

One trucker testified that with the assistance of employees of the commission merchant, his own truck driver could unload faster and more efficiently and at one tenth of the present swamper cost. Under the present situation, truck drivers are not even permitted to untie the ropes on a load or fold the tarpaulins covering the load. A service charge of 50 cents per man must be paid for this service.

Losses through breakage, damage and shortages, because of rough handling by inexperienced swampers, were claimed to be substantial.

In addition to charges for untying ropes on a load, and folding tarpaulins, truckers asserted that additional charges were also levied by swampers on mixed or "chop suey" loads, involving delivery of produce to more than one place in the markets. An extra service charge of $1 for each man, is made for handling a "chop suey" load.

The Secretary Manager of the Associated Produce Dealers and Brokers of Los Angeles, a trade association of wholesale dealers in fresh fruits and vegetables who receive and distribute within the metropolitan area, testified at some length regarding the background of the present situation relating to the use of swampers in the Los Angeles produce markets.

During the early days of the depression, prior to 1933-1934, the produce markets were open on practically a 24-hour basis. Help was plentiful and workers waited around the markets looking for a chance to work unloading trucks. Truck operators at the time usually took upon themselves the obligation of loading and unloading their produce with help from the produce houses on the larger loads. However, as the hauls became longer, the drivers wishing to unload quicker and to have more time for themselves, began to hire these roustabouts to do the unloading. At that time trucks were unloaded for as little as 25 cents or 50 cents each.

In 1937 the employees in the market, including the swampers, organized themselves into an independent Union which, during the latter part of 1937, became affiliated with the Teamsters International Union as Local No. 630. With this step, the swampers, so called, became an entity in the market and were a factor with which to deal on the basis of organized labor.

During 1937 a contract was signed between the produce dealers and the union recognizing the union as the collective bargaining agency and establishing a work day opening at 3 a.m. and closing at noon. A wage scale of $1 an hour was established, an increase over the 60-cent scale for transient help previously effective. This contract covered all the regular employees of the commission merchants but did not include the swampers.

The secretary-manager of the association also testified that at one time the association had been requested to establish a wage scale for swampers in the association's contract with the Union. But the association declined on the grounds that it was not the employer of the swampers. However, the contract between the association and the union did contain a provision that a grower or his son, or a full time farmer employee, within a radius of approximately 90 miles, may unload their own truck without the necessity of hiring swampers. This particular provision was one of the stipulations secured by the association in return for granting the union a union shop contract.

During 1943, at the request of some of the truck operators delivering to the markets, a conference was arranged with union representatives to establish a per package basis for the loading and unloading. This contract was signed by 14 truckers and growers delivering to the market. Following the completion of this agreement, certain swampers refused to abide by the terms of the contract. Some refused to observe the scale while others were unwilling to have Social Security and Unemployment Insurance deductions made. Some refused to permit the withholding of income tax.

When this situation developed, the local union representative and the Secretary-Manager of the Produce Dealers Association invited representatives of the Social Security Board, the Bureau of Internal Revenue, the Office of Defense Transportation, and representatives of two or three other miscellaneous agencies to attend a meeting on January 27, 1944, for the purpose of solving the situation.

A total of 750 invitations were sent to truck operators and growers known to be delivering produce to the Los Angeles market. The various Federal agencies were fairly well represented, but only five or six truck operators were present.

At this meeting a committee was appointed to work out some plan to eliminate delays in the unloading of trucks and to eliminate excessive unloading charges by swampers. The committee, consisting of representatives of the trucking industry, the union, and the Produce Dealers Association, proposed that a nonprofit corporation be organized to operate a hiring hall. The suggestion was adopted and a site midway between the two markets was selected. The union rounded up all the swampers at the hall and arrangements were made to have truck drivers drive by the hall on their way to the markets and pick up their swampers. The plan also provided that when the job was completed the truckers were to bring the swampers back to the hall where the swamper was to be given a statement of his earnings which statement would also show his name, address, Social Security number, his withholding tax status, and other information which might be required.

The plan was placed in operation for about three days, but finally had to be abandoned because of the difficulties encountered. The large number of trucks which had to be handled in a short period of time in one location had been seriously underestimated. Produce trucks were stalled for blocks around the hiring hall and residents of the locality complained to the police of the noise made by these trucks stopping and starting during the early morning hours. As a result of these complaints the police issued traffic tickets for numerous traffic violations. This blew up the plan of a hiring hall.

Trucker testimony also revealed that during the earlier days, when produce markets were open 24 hours a day and paid no overtime, the unloading of the trucks was done by the employees of the commission merchants.

The Secretary-Treasurer of Local No. 630, Produce Drivers Union, an affiliate of the American Federation of Labor, to which the swampers in the markets belong, testified at some length in presenting the union's side of the question. The union's jurisdiction covers the entire produce market operations in Los Angeles, including fruit, produce, and cold storage houses. The local has about 1,600 members of which about 150 are swampers.

He testified that the union is under what is called international receivership, which provides that, if conditions in a local union are deemed unsatisfactory by the international union, an international man may be installed as a receiver, resulting in the suspension of all by-laws of the local union and subsequent operation under the by-laws of the international.

The Secretary-Treasurer, under interrogation, agreed that this action had evidently been taken by the international because the swamper situation was not a healthy one.

During 1937, when the union was first organized, swampers received $1 per hour which rate had been established for the regular market employees by negotiation with the market association.

During 1941, as a result of the increased cost of living, further negotiations were undertaken with the market association and representatives of the truck operators to increase the hourly rate of pay. An increased rate of $1.50 an hour was established with a minimum per job per man of $2.

During the early part of 1942, the rates again became unstable because of the action of certain truck drivers in offering higher rates to selected swampers who would wait for their loads and who would do the work quicker or better than others. As a result of this competition for certain swampers among truck drivers, rates began to increase. In other cases it was alleged that certain unscrupulous truck drivers "knocked down" on their employers by presenting receipts signed by swampers showing that a larger amount had been paid out for swampers' services than had actually been paid. The swamper and truck driver split the difference, it was charged.

During 1943 and 1944 several meetings with representatives of government agencies, the Produce Dealers' Association and truckers were arranged in an effort to solve the increasing number of complaints being made by truckers and growers against the excessive rates charged by swampers.

At these meetings the union representative suggested the adoption of a contract which would be signed by the union and individual truckers or growers delivering to the markets. The contract would provide that, in case of violation, the contract would be null and void, and violating members of the union would be suspended.

Initial efforts to secure the signatures of truck operators and growers to such a contract were unsuccessful. Signatures, however, were finally obtained from two or three operators in the Santa Maria area which were later augmented by a number of others, the result being that in all 14 truckers signed. This original contract provided for an hourly rate of $1.50 for swampers. Some of the contracts were negotiated on a piece work or per package basis at the request of certain truckers.

Following the completion of these contracts, difficulties in swampers getting away from the stipulated rates were again encountered. As a result, the union began a series of weekly educational meetings for the swampers, designed to educate them in the provisions of the contract and to correct any inequities that existed between the swampers, truck drivers, receiving clerks in the commission houses, or ranchers, and in order to make and adopt the necessary by-laws.

The union officials stated that during the past few months 10 or 12 union members had been fined for accepting money in excess of the stipulated rates where the swampers were found to have been at fault. Two had been fined twice and should any be fined a third time they would be automatically suspended from the local.

The union representative also testified that their members had been instructed to give their true name and social security number to any employer who requested the information and that failure to do so would result in a fine. The union, however, would take no stand on whether or not it should instruct its members to pay the withholding tax and the social security tax for it felt that such a decision was strictly within the jurisdiction of the Bureau of Internal Revenue and that it had been the common practice over a period of years not to withhold anything from the swampers wages.

[illegible]

[illegible]

[illegible]

(d) *Because* of the practical difficulties involved in attempting to organize truckers and growers scattered throughout this State and other states into an organization capable of dealing directly with the unloading situation in the terminal produce markets in Los Angeles;

(e) *Because* the administering of this unloading operation could be more practically and responsibly handled by commission merchants who are continually on the markets;

(f) *Because* of the apparent economic necessity for the performance of the service of unloading by someone other than the truck driver who in the interests of sound working conditions and good public policy should not be required to perform this service after long hauls;

(g) *Because* the interest of "swampers and lumpers" performing this service might very properly be protected, particularly under conditions of a surplus labor market;

(h) *Because* of the necessity for providing some orderly means for the collection of State and Federal taxes on wages paid for the performance of this service;

(i) *Because* workers performing this service should have the complete protection afforded under the Workmen's Compensation Act;

(j) *Because* the Union should have some responsible organization with which to deal day in and day out, regarding the problems occurring in the performance of this service,

Legislation should be enacted which would require commission merchants and produce brokers to accept delivery of produce at the tail end of the truck and that the costs for the performance of this service be included in the ultimate cost of the product (or that these merchants be compensated for the performance of this service).

GEO. J. HATFIELD
BRADFORD S. CRITTENDEN
LLOYD W. LOWREY
HARVEY HASTAIN

P.S.—Assemblyman Lee Bashore died before the preparation of this report. The legislation recommended was his idea.

GEO. J. HATFIELD, Chairman

Exhibit 1 (Exhibit 2 in Hearing)

AGREEMENT

THIS AGREEMENT, made and entered into this _____day of_____ _____, 19____, by and between Produce Drivers and Employees Union Local No. 630, hereinafter referred to as the party of the first part, and _____party of the second part.

WITNESSETH:

WHEREAS, the party of the first part has established a service for the unloading of fruit and produce trucks at two central points in the Los Angeles Market Area, for the purpose of conserving tires, gasoline, truck equipment and manpower, and

WHEREAS, the party of the second part desires to utilize such service in the loading or unloading of trucks owned or operated by the party of the second part, it is hereby agreed:

I

Party of the second part agrees that all trucks owned or operated by him entering Los Angeles, Vernon and vicinity, shall be unloaded or loaded exclusively by members in good standing of Produce Drivers and Employees Union Local No. 630, and under the terms and conditions of this agreement.

It is mutually agreed that the unloading and loading of fruit and produce trucks shall be done on a contract basis as has been the practice in the past.

The contract rates shall be the following:

(A) On straight loads of flats or single layers the rate shall be three quarter cents (¾¢) per package. On mixed loads of flats or single layers the rate shall be one cent (1¢) per package. On lugs less than thirty-six (36) lbs., the rate shall be one and one-quarter cents (1¼¢).

(B) One and three-quarter cents (1¾¢) per package from thirty-six (36) lbs. to and inclusive of fifty-nine (59) lbs. Two and one-quarter cents (2¼¢) per package on wet merchandise in this classification and three and one-quarter cents (3¼¢) per package for ice pack.

(C) Two cents (2¢) per package from sixty (60) to seventy-five (75) lbs., assuming that all citrus weighs less than seventy-five (75) lbs. Two and three-quarter cents (2¾¢) per package on wet merchandise in this classification and three and one-quarter cents (3¼¢) per package for ice pack.

(D) Two and one-half cents (2½¢) per package from seventy-five (75) lbs. on up, with the exception of lettuce which will be two cents (2¢) on dry pack, three cents

(3¢) on wet merchandise and four cents (4¢) on ice pack. Latter two rates to be applied to any packages over seventy-five (75) lbs.

(E) Fifty cents (50c) per man shall be paid as a service charge on each truck entering the Market. Said service charge to include the untying of the ropes or the folding of the tarps or the tying down of the side gates or the opening of reefer doors.

(F) Watermelons and squash forty five cents (45c) per man per ton for straight unloading with the understanding that the stacker is to receive fifty-five cents (55¢) per ton. Re-loading of damaged melons or squash should be paid for at the rate of ninety cents (90¢) per ton.

(G) Pineapples and cocoanuts shall be unloaded on an hourly basis with a five-hour (5) guarantee. Bananas shall be unloaded on an hourly basis with a three-hour (3) guarantee.

(H) There shall be a minimum of two dollars ($2.00) per man for any unloading job.

(I) To expedite the unloading on a contract basis, any unloading done outside the confines of the three markets shall be additionally compensated for at the rate of one dollar ($1.00) per man.

(J) All trucks entering the Market Area shall go to one of two points to pick up their swapers, namely, the Seventh Street entrance of the Seventh Street Market and Ninth and San Pedro Streets of the Ninth Street Market in order to speed up the unloading of these trucks so that they may be released for other work.

(K) No trucks shall wait for any particular loader or unloader more than fifteen (15) minutes or the driver or truck operator shall be reported by the Business Agent for proper disciplinary action.

(L) Two (2) men are required on all ten-wheelers, semis, and truck and trailers and one (1) man on bobtails. On loads of one hundred (100) packages or less only one (1) man is required regardless of type of equipment.

(M) On "chop suey" loads fifty cents (50c) per man extra for any routed load if the per package rate figures less than five dollars ($5.00). If the load in this bracket is not routed it shall be one dollar ($1.00) per man extra. One dollar ($1.00) per man extra for any "chop suey" load if routed if the per package rate figures over five dollars ($5.00). Two dollars ($2.00) per man extra for any "chop suey" load not routed if the load rate figures over five dollars ($5.00).

Alternative Pay Rate. As an alternative pay rate, the sum of one dollar and fifty cents ($1.50) per hour, and seventy five cents (75c) to be paid for any additional one-half (½) hour periods, or any portion thereof, is agreed upon between the parties. A minimum rate of two dollars ($2.00) per man for any call is likewise agreed upon. It is the intent of the parties that the pay for services performed shall be the rate provided in this agreement which constitutes the highest pay figure.

II

It is further agreed that the party of the first part is acting merely in a service capacity. It assumes no liability for damage to equipment or products which are unloaded as a result of work performed under this agreement and that the party of the second part will hold the party of the first part harmless for any damage which may accrue in the loading or unloading of trucks under this service agreement. Reasonable care should be taken in unloading of all equipment.

III

In the event of any dispute between the party of the first part and the party of the second part as to the meaning or interpretation of any provisions of this agreement, or in the event of any alleged grievance arising thereunder, the parties thereto shall exercise every amicable means to settle or adjust such disputes or grievances. In the event of the failure to accomplish the settlement or adjustment thereof, such disputes or grievances shall be referred to a Board of three arbitrators and their majority decision shall be binding upon the parties involved.

The Board of Arbitration shall consist of one representative to be selected by the party of the first part and one representative to be selected by the party of the second part. The representatives so selected shall meet within three (3) days of their appointment and select a third member of the Board who, when so selected, will act as Chairman. Upon failure of the representatives so selected to agree upon the Chairman within a further three-day period, both parties agree that the Conciliation Service of the United States Department of Labor, Washington, D. C., shall be called upon to select a chairman within ten (10) days. The Board when selected shall meet within a further five-day period at which time both parties will present their cases, and unless a mutual agreement as to extension of time shall be agreed upon by both parties, it shall be mandatory upon the Board to render its findings and decision within five (5) days after conclusion of hearings.

The expense of the Board of Arbitration shall be borne equally by the parties hereto.

Any Union member failing to comply with the terms of this agreement shall be subject to immediate disciplinary action by the Union.

Upon notification by the party of the first part to the party of the second part that any person employed to unload equipment who is not in good standing with

Produce Drivers and Employees Union Local No. 630, party of the second part agrees that he will immediately discharge or not employ such person or persons.

IV

This agreement shall become effective_____19_____, and shall remain in effect until_____19_____, and shall continue in force thereafter from year to year unless either party shall have given thirty (30) days written notice to the other of its desire that the same terminate or be amended on_____succeeding such written notice.

PRODUCE DRIVERS & EMPLOYEES UNION LOCAL NO. 630

By _____
Party of the First Part

By _____
Party of the Second Part

Exhibit 2 (Exhibit 10 in Hearing)

AGREEMENT

EXHIBIT A

THIS AGREEMENT, Made at Los Angeles, California, this 31st day of October, 1942, between the Los Angeles Markets Arbitration Association, hereinafter referred to as the Employer, or Association, and the Produce Drivers and Employees Union, Local No. 630, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, affiliated with the American Federation of Labor, hereinafter referred to as the Union.

WITNESSETH

WHEREAS, It is mutually agreed by and between the parties hereto as follows:

1. The employer shall not discharge or otherwise discriminate against any of his employees because of Union affiliations. The employer shall have the right to discharge any employees for the infraction of company rules, drunkenness, insubordination and incompetence.

2. The employer does hereby recognize the representatives selected by the Union for the purpose of collective bargaining with respect to hours, wages and other terms and conditions of employment, or in the handling of individual grievances, as the exclusive representatives of all employees subject to this agreement; provided however that this agreement does not cover clerical or office workers, or janitors, or those employed in a supervisory capacity as defined in Section 541.1 of the Fair Labor Standards Act and provided further that upon joint consent of the Arbitration Committee of the employers and the executive Committee of the Union, any employee partially incapacitated by age or physical defects may be exempted from the provisions of this agreement.

3. It is agreed that all wholesale produce workers coming under the provisions of this agreement, who are eligible for membership in the Union, must be members thereof in good standing. It is agreed that the employer, whenever possible, will give preference to members of the Union, if the Union can furnish help satisfactory to the employer. In such employment the employer agrees to give preference to men who have been laid off due to slack business. It is further agreed that the employer is free to employ any qualified person to fill a vacancy, provided that if such new employee is not already a member of the Union the employer shall notify the Union within 48 hours of such employment. The Union agrees to accept such employee as a member unless barred from membership by their constitution. In the event the applicant is acceptable to the Employer and the Union he must become a member of the Union within 14 days from the date of employment. In the event the applicant is unable to fulfill this obligation the employer shall either discharge such employee or advance his initiation fee.

4. It is agreed that any member of the Union who shall enter into a partnership with any of the employers shall remain a member of the Union unless exempted from membership by the Board of Adjustment.

5. The opening hour of the market shall be at 6:00 a.m. for all employees, except that receiving clerks, swampers and truck drivers working under a permit issued jointly by the Association and the Union may begin work as allowed under such permit at an earlier hour. A drivers permit to haul from team tracks, cold storages and express offices shall not permit work earlier than 4:00 a.m. and shall require overtime pay for work performed before the opening hour. The permit for receiving clerks and swamper-helpers shall not provide for overtime other than the general overtime provisions of this agreement, except that swampers receiving less than $40.00 per week shall be paid overtime for work performed before the opening hour.

5a. All time worked in excess of forty hours in any week, or in excess of six days in any week shall be paid for at the rate of time and one-half. Provided that if the Federal Wage Hour Act shall establish a different work week or overtime rate pay, during the life of this agreement, then such changes shall become a part of this agree-

ment. Any work performed by any employee on any Sunday or on any of the following holidays shall be considered as overtime work and paid for at overtime rates: New Year's Day, Washington's Birthday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

5b. The representative of the Union shall have the express right at any time to call on the Secretary of the Association, or his representative, and with him may inspect time records of any party to this agreement. It is mutually agreed that each firm shall keep accurate time records for all employees.

6. Any employee regularly employed for twelve months shall receive during each calendar year, one weeks vacation at regular pay with the option to said employee that he may have an additional weeks vacation without pay. It is agreed that the employer will as far as possible give employees at least one week's notice in case of a lay-off due to a reduction in working force and that Union members will likewise whenever possible give a week's notice of quitting employment.

7. During the term of this Agreement the following minimum wages shall be paid by the employer to his employees.

a.	Salesmen	$47.50 per week
b.	Receiving Clerks	42.50 per week
c.	Truck Drivers	37.50 per week
d.	All other store employees	35.00 per week
	Temporary help, 90c per hour with a guarantee of two hours work.	
	Woman sorters	.65 per hour.

7a. It is agreed that any salesman with less than 24 weeks service with an employer may be paid at the rate of $45.00 per week, and that any salesman with less than 12 weeks service may be paid at the rate of $42.50 per week. It is agreed that any truck driver with less than 12 weeks of service with the employer may be paid at the rate of $35.00 per week. It is agreed that any swamper or other class d employee with less than 24 weeks service with the employer may be paid at the rate of $32.50 per week, and than any such employee with less than 12 weeks service may be paid at the rate of $30 per week.

7b. For the purposes of this agreement a truck driver shall be an employee who spends more than half of his working time per week driving a truck. Driving a truck between the wholesale markets, team tracks and storages shall not be considered in computing the time worked as a truck driver.

7c. Any employee working three hours or more daily for four days or more in any week shall be paid the minimum weekly wage.

7d. An employee may sell merchandise for not more than one hour each day while the salesman under whom he works is out of the store during his meal period. Such activity shall not change his classification.

7e. Any employee ordered to report for work at a certain hour shall be paid from that hour even though he may not actually start work until after that time.

7f. It is agreed that the schedule of wages in Section 7 shall become effective on November 2, 1942, provided the National War Labor Board shall give its approval to said schedule by December 1, 1942. If their approval is given at a later date, such schedule shall become effective four weeks prior to the date of such approval. If the Board refuses to approve such increases the schedule in Section 7 of that Agreement dated August 25, 1937, as amended to July 1, 1942 shall continue in force.

7g. It is agreed that the provisions of this paragraph 7g, shall apply only to employers and employees engaged in packing citrus fruit:

WAGE SCALE

Oranges		
Place Pack	288s and larger	7¢ per box
	344s and smaller	10¢ per box
Auction Pack	288s and larger	6¢ per box
	344s and smaller	9¢ per box
Wrap Pack	252s and larger	10¢ per box
	288s and smaller	15¢ per box
Grapefruit		
Auction Pack		4¢ per box
High Pack		5¢ per box
Wrapped Pack		7¢ per box
Lemons		
From Belt		20¢ per box
From Bin		25¢ per box
Lidders		80¢ per hour
Grading or Sorting		75¢ per hour
Extra Floor Help		90¢ per hour

Packers will not be compelled to dump fruit in bins. For hand stamping grapefruit 1¢ per box additional. 1¢ per box additional for placing on floor with high tops. Repacking, miscellaneous packing or picking out set backs $1.00 per hour.

7h. Provided that the provisions in Section 7c of this Agreement in regard to the minimum week shall not apply to packers, lidders, or graders employed under the provisions of this paragraph.

7i. The employer agrees that he will permit on his business premises at any time authorized representatives of the Union for the purpose of conducting Union business, provided, however, that there shall be no interference with or interruption of working operations.

8. Local trucks will not be compelled to hire swampers, but if one is needed, he must be a member in good standing in Local 630. Regular housemen, other than salesmen will be allowed to help unload trucks at their place of employment and may deliver to or in local trucks with a hand truck, but shall not handle merchandise in the truck. Line drivers of the employer shall not make any deliveries after coming in from their run.

9. Any employee now receiving more than the above minimum wage scale shall not have his wage reduced by reason of this agreement nor shall he be discharged and then rehired at a lower scale.

9a. The association agrees that any award of the Arbitration Committee in which the Union has any interest on its own behalf or on behalf of its members shall be presented to the Court for confirmation not more than ten (10) days after the Arbitration award has been served on the defendant, unless defendant has filed a petition for rehearing or notice of appeal.

10. A Board of Adjustment shall be established, composed of 3 representatives of each contracting party. Said Board shall have power to adjust any difference that may arise between the parties hereto, regarding the meaning and/or enforcement of this Agreement or any other condition that may arise not covered by this Agreement. Said Board shall meet for consideration of all matters that may be referred to it within three days subsequent to receipt of same. The boards decision shall be submitted to both contracting parties in writing, signed by a majority of the Board and their decision shall be binding on both parties and be effective from the date of submission of question of difference. If the Board can not agree on any question submitted to it within three days, they shall then select a seventh member, who shall have no connection with either contracting party, and the decision of a majority of the Board of seven shall be final and binding on both parties. Pending decision of any question referred to the Board, work shall be continued in accordance with the provisions of this Agreement. All decisions of the Board shall become supplementary to this Agreement.

11. The Union agrees that it will not make an agreement with any wholesaler of fruits and vegetables in the county of Los Angeles with terms more favorable to the employer than those contained herein, and if such agreement is made in violation of this provision, such more favorable terms become a part of this agreement. In case such agreement as prohibited herein be made, or in case the Union should terminate their affiliation with the American Federation of Labor, the Employer shall have the right to terminate this Agreement upon seven days written notice.

12. The Union is not in favor of sympathetic strikes and will make every possible effort to avoid them. Employers shall not insist on members of Local 630 going through legitimate picket lines which have been sanctioned by the joint council of Teamsters No. 42, of Los Angeles.

13. The Union recognizes that the operations of the Association are in the handling of perishable food stuffs, and many employers are operating in a trust capacity for growers or shippers, and that said Association has an obligation in feeding the general public and therefore agrees:

a. That there will be no sympathetic strikes called.
b. There will be no stoppage of work during negotiations of controversial matters that may arise.
c. That there will be no strikes or lockouts prior to or during such negotiations.
d. That there shall be no interference with the normal business of the employers in receiving, or delivering merchandise, nor with the transaction of business in connection therewith, regardless of the race or creed, political, fraternal or union affiliations of any persons attempting to do such business with the "Association."
e. That the farmer or his son, or a farm employee hauling exclusively for his employer from a farm in Los Angeles, Orange, Ventura, San Bernardino Counties and Riverside County west of Banning, may unload his own truck without interference. If additional help is needed it must be a swamper from local 630.

The provisions of this paragraph 13 shall not apply to any employer who shall refuse to comply with the award of the Board of Adjustment within 24 hours after receiving notice of such award, and shall not apply in situations covered by paragraph 12.

14. Sons of proprietors shall not be interferred with or molested or requested to join said Union during the time he may work for firms or corporations owned in whole

or part by the father, provided regularly employed Union members are not discharged or replaced by said sons.

15. This agreement shall be in full force and effect from date thereof until February 1, 1943 and shall continue thereafter in full force and effect unless either party shall give written notice on or before January 2, 1943 or on or before January 2 of any subsequent year of their intent to modify or terminate this Agreement. It is agreed that whenever the standard index of the cost of living, as tabulated by the U. S. Dept. of Labor, increases or decreases ten points from the October 1942 figure, either party to this agreement may reopen for adjustment of wages by giving thirty days written notice.

16. IN WITNESS WHEREOF, The parties hereto have executed this Agreement the day and year first above written.

LOS ANGELES MARKET ARBITRATION ASSOCIATION
By_____
By_____

PRODUCE DRIVERS & EMPLOYEES UNION, LOCAL No. 630
By_____
By_____

Approved by
INTERNATIONAL BROTHERHOOD OF TEAMSTERS
CHAUFFEURS, WAREHOUSEMEN AND HELPERS
By_____

Exhibit 3 (Exhibit 7 in Hearing)

MINUTES OF MEETING ON DELAYS IN UNLOADING PRODUCE IN LOS ANGELES WHOLESALE TERMINALS, JANUARY 27, 1944

A meeting to determine the causes of delays in unloading of produce in Los Angeles wholesale terminals and to attempt a solution was held at the Teamsters' Union Hall, 846 South Union, Los Angeles, on January 27, 1944.

The meeting was called to order at 2:30 p.m. by Mr. H. L. Krueger, Farm Vehicle Specialist of the Office of Defense Transportation.

Those present were:

George G. Grant, War Manpower Commission and Motor Truck Association of Southern California	Los Angeles
G. E. Boyce, Pacific Freight Lines	Los Angeles
Harold B. Boyle, Boyle & Son (Truck Line)	Escondido
H. H. Hendrix, Coast Line Truck Service	Los Angeles
D. C. Ramsey, Valley Truck Co.	Los Angeles
Homer A. Harris, Associated Produce Dealers & Brokers	Los Angeles
H. L. Woxberg, International Brotherhood of Teamsters, Secretary-Treasurer of Local 224	Los Angeles
Robert Allen, Teamsters Local 381	Santa Maria
J. P. Poteet, Teamsters Local 542	San Diego
Ken Weston, Produce Drivers' Union, Local 630	Los Angeles
S. N. Wilson, California State Railroad Commission	Los Angeles
L. B. Eifert, Bureau of Internal Revenue	Los Angeles
H. J. Lassalette, District Field Man, U. S. Department of Agriculture	Southern California
C. W. Twombley, U. S. D. A. War Board	San Francisco
R. A. Wertman, For-Hire Carrier Specialist, ODT	Los Angeles
E. T. Childerhose, For-Hire Carrier Dept. ODT	Los Angeles
H. L. Krueger, Farm Vehicle Specialist ODT	Los Angeles

Mr. Krueger outlined the purpose of the meeting:

"The reason we called you together is to try to work out some way to avoid delays. We have an increase in production in agriculture of approximately 25 per cent this year over last year, with a decrease in equipment. We recently had a gas shortage problem. We were faced with the spoilage of agricultural products in Imperial Valley for lack of gasoline. That problem has been solved, so the produce is going to be moved.

Now we come to the unloading end. In order to move the increase of crops with a decrease in equipment, we must have cooperation do away with delays, keep on schedule and keep the trucks moving. In order to take the delay out of the unloading operation, we have to go back to last year's experience and see if we can avoid it this year. As far as ODT is concerned we have nothing to do with scales, rates, etc., but we *are* interested in the movement of these vehicles. I don't know how we are going to remedy it; it will be up to you gentlemen to figure out a solution.

In order to get started, we will take what we met with last year. We will read several letters we have received, call on each of you individually, and then throw the

meeting open for discussion. The first letter is from our District Manager at Fresno, Mr. John R. Calvert. It is dated August 17, 1943, and reads as follows:

"To: WILLIAM C. KLEBENOW, District Manager, re Los Angeles Wholesale Market

Some 10 days ago I called your office regarding the conditions at the Los Angeles Wholesale Market, and received a very good explanation as to how the unloading of produce trucks at the market operates.

Several days later we received a report that the agreement between the union unloaders and the truck operators had been broken.

It has been called to our attention several times during the last few days that the charge for unloading packages at the market has been raised considerably—in some instances as high as two cents per package.

We are continually very much in the dark regarding the happenings at the Los Angeles market, and due to the fact that a large percentage of the produce entering the Los Angeles market comes from the San Joaquin Valley, we would like to ask you to keep us informed as to the conditions at the market.

Any information you might give us will be greatly appreciated."

Krueger: You will note that in every instance, the rates enter into the picture and ODT has no part of it, but from the delay standpoint we have to enter into it somewhat. The next letter is dated December 15, 1943, from Borgman Brothers Trucking Service, 232 South F Street, Exeter, California, reading as follows:

"Office of Defense Transportation
Los Angeles, California

GENTLEMEN: As we have been hauling fresh fruits and produce from the Exeter district, in Tulare county to the markets in the city of Los Angeles, for the past three years, and as we were ask by are customers if we would handle there tonnage this coming season, we were wondering if there could be a stop put to the unreasonable charges which the lumpers make for unloading our loads in said markets.

We have our prices set upon our hauling and we have records to show where we have paid in excess of $1.00 per ton for unloading. We have had loads unloaded in 45 minutes and they charge us $8.00 minimum, and we have paid up to $15.00 to unload a ten ton load. We use six-wheel trucks and are average load is 8 tons. We went through the 1943 season after taking quite a loss, but if this condition is not changed before the 1944 season starts in May, we will have to find other hauling to do. Our tonnage to the markets is about 2500 tons. Hoping to hear from you in regards to this matter,

We are as ever,

BORGAMN BROTHERS.
(Signed) ANTHONY BORGMAN"

Krueger: The next letter is dated January 3, 1944, and is from the Valley Truck Company, 2115 E. 25th Street, Los Angeles, and reads as follows:

"Office of Defense Transportation
1031 So. Broadway
Los Angeles, California

GENTLEMEN: Referring to telephone conversation this date regarding produce unloaded at the Los Angeles Market Area.

My truck #12 Driver, Evans attempted to secure swampers to assist in the unloading of 259 crates of Ice Packed lettuce and was unable to secure swampers until 9:30 A.M. this morning.

Driver, Evans attempted to deliver lettuce at the Victory Produce Co., located at the Ninth Street Market, but could not make delivery without the aid of swampers. The Owner of Victory Produce Co. explained that he had trouble with Local #630 in allowing Truck Operators to unload without the aid of this Local's swampers so therefore we would have to secure swampers before he would accept lettuce. Driver Evans, called the Union Hall and after some more delay two Mexicans by the name of Rudolph Sanchez and Lawerence Rodriquez showed up to unload truck. Both men refused to unload lettuce at the agreed Union rate of two cent per crate and demanded three cents for this work. The Office of Local #630 was advised and they sent a man to investigate but he told the Driver that three cents wasn't the rate but swampers would not work for less than three cents per crate so I was compelled to pay on that basis.

Mr. Sanchez and Mr. Rodriquez came to office to secure their unloading charges and it was necessary for me to make out check to Mr. Rodriquez for both he and Sanchez as Sanchez did not have a social security number.

The above two men were very uncomplimentary of this organization in their remarks and complained of the Federal deductions. The actual time used in unloading truck amounted to fifty-two minutes for which these two men collected $7.77 or about four dollars ($4.00) per hour.

Very truly yours,

VALLEY TRUCK CO.
(s) D. C. RAMSEY"

Krueger: Another letter is dated January 15, 1944, from Fred C. Wilson & Sons, Local and Long Distance Contract Hauling, 421 J Street, Chula Vista, and reads as follows:

> "In re our telephone conversation, we have found on examination that we have been consistently over charged for the unloading of our trucks at the L.A. markets. The amounts are small and not important in themselves, but the delays attendant *are* important.
>
> "There appears to be a conspiracy among the union stewards and the swamper personnel to delay our trucks and harass our drivers. To all appearances our loads with all union drivers are being treated as "hot cargoes". Under the circumstances this damaging to public welfare and the war effort as well as being distinctly unpleasant to us and embarrassing to our time scheduled movements.
>
> "We consider our trucks as being easily unloaded and it seldom takes two hours to complete unloading. We have tried to show every consideration to all helpers incident to unloading. We have paid, under protest at times, their charges however unreasonable, with an eye only to the welfare of the cargo.
>
> "We hope the situation is not incurable and trust that any help rendered us will be given in the knowledge that we are interested solely in the swift, efficient movement of perishables."

Krueger: The last is a note handed to Mr. Ramsey of Valley Truck Company by one of his drivers yesterday:

> "Stewart, you will have to unload this damn thing; I can't get anyone to work for Valley and come for their money later on; I'm broke. Bill."

Krueger: Those are the letters that have come to us so far and we felt that if this situation exists with the high increase in production and the decrease in equipment, we can not afford to have any delays. There is no use setting up an army if we can't feed them and no use putting in crops if we can't harvest and unload them.

I shall now call on Mr. Boyle. Mr. Boyle, what has been your experience?

Boyle: I have been at several of these meetings. Our position is a little different from the general run of them. We have our own swampers who belong to Local 630, hired on a weekly wage. I have always felt we are paying more than we should but we are getting our trucks unloaded. We have two men on weekly wages; one at $60 a week and one at $70. They work approximately six or seven hours a day. We average a little better than three trucks a night—some nights four; hardly ever more than four; sometimes only three.

As far as the delays—we are not having any trouble when we can get our trucks in by night and these two men do all our unloading. We did experience quite a little trouble when we tried to obtain swampers through the hiring hall. We were delayed getting them, our trucks were held up, and we paid $8 to $10 a truck for unloading. But for the past five or six months, we have had no trouble.

Grant: These two swampers live here?

Boyle: Yes, they live here in Los Angeles and are members of Local 630.

Grant: Do you have any other service at any other time except when they unload your trucks when they arrive here?

Boyle: No.

Mr. Krueger then called on Mr. Boyce of the Pacific Freight Lines.

Boyce: Our proposition down there is small in comparison to what most of them have because we have laid off hauling fruit and vegetables to the market as much as possible. Our arrival time isn't right for the early morning markets in most cases and in other cases it costs us too much to make the delivery.

In other words, we have a 208 Local man for swamper. We go into other markets and have to use a 630 swamper. We have a mixed load for delivery. It means we'd have to drop one swamper and pick up another. The driver has to pay the swamper off at the market and these drivers don't figure their Social Security and Withholding Tax worth a darn. We have had trouble there. But I figure our part of it has been small.

Krueger: You can get through without delay?

Boyce: We were recently delayed 2 hours in unloading 50 sacks of potatoes.

Woxberg: Who delayed you?

Boyce: The receiving clerk for the company.

Grant: How did they delay you?

Boyce: They demanded we have a 630 man to unload. We had to wait till they got one. We didn't have a 208 swamper because we'd been told they couldn't unload in the market.

Krueger: In case of emergency and you are forced to use a Pacific Freight Lines man, you can still take care of it?

Boyce: We can handle considerable, but the deadline time is hard on us.

Wortman: If the compulsion of return loading was insisted upon by ODT, could you regulate your return movement to meet that time?

Boyce: We have to get our Army merchandise out of here and make deliveries at Army camps at destinations, particularly Camp San Luis, Fort Ord, or wherever we are going and after you have made a delivery (probably you gentlemen know how

long it takes to make a delivery into an Army camp) and get out and deliver your produce, you are going to be too late to get to market.

Poteet: Is there a deadline on delivery of Army produce?

Boyce: By the time we get into Camp Cook, it's 1 p.m. We leave Los Angeles loaded direct for Camp Cook. The load is broken down in Santa Maria ready to be routed through the camp. We have anywhere from two to six truck loads per day. The first load gets there by 1.00 and is delivered through the camp. You can see when we will leave camp.

Wertman: If you could make one delivery at camp, could you make the market? You would be in position to handle considerable return vegetable and fruit movement?

Boyce: With the sugar and other merchandise coming out of that territory—beans, etc.—we would possibly be able with the same equipment we have now to bring 20 or 30 tons out of there a night.

Poteet: What are you hauling now?

Boyce: I don't have those figures here but it could be loaded heavier.

Wilson: You're a common carrier, aren't you? If you operated on a time schedule, you are not in position to adjust your operation to markets in the same manner a radial highway carrier would be, are you?

Boyce: No.

Wilson: You can't dispatch your trucks to make this market at 3.00 o'clock. You are open to all the public and handle general commodities. You won't be able to adjust your schedule just in order to protect your perishables.

Boyce: No.

Wertman: You have no schedule on your empties? If ODT regulations insisted that return vehicles must be loaded, would that remove the difficulty?

Grant: Whatever the ODT might say regarding use of vehicles, Boyce must keep his run or lose his license as common carrier.

Wilson: Do you have any vehicles coming back empty?

Boyce: Our man arrives at Santa Maria station, or any station on a long haul and we know that the driver will take eight hours off. We have that time to deliver his rig and figure that power unit will be back in Los Angeles in 15 hours from the time he arrives at Santa Maria. Our power units are short; we don't have enough of them and we have to double up and if we were tied up 12 hours in Santa Maria, we'd pay our driver 12 hours' layover time and jeopardize use of the truck in Los Angeles.

Wilson: He is different from a contract carrier.

Wertman: If you had empty equipment available and still maintained your schedule, then those vehicles could be diverted in to the movement of these products?

Boyce: Yes.

Krueger: That gives a lineup on what can be done with those vehicles if we have to use them.

Mr. Hendrix, we'll hear from you next.

Hendrix: Our operation is principally hauling produce between here and San Francisco. We have our own dock and our own labor. At times we have had more trucks than we could handle ourselves and tried to get men to help us. They refused because we won't give a flat sum. We pay on a straight hourly basis. We have eight or ten of our own men right on our own dock.

Krueger: Your delays are minor?

Hendrix: Yes. We try to pick up swampers and they want $8 flat. We refuse; we pay the regular scale. They want a small truck at a flat sum. We really haven't too much delay. Most of our stuff on the return comes from San Jose and Salinas to Los Angeles.

Grant: These swampers are from what union?

Hendrix: 208 and 630. When a line driver comes in with his truck and gets off, he may use two men, either from 208 or from 630.

Grant: All of your business is fruits and vegetables?

Hendrix: Practically. Mostly vegetables. We are common carriers. We use both 208 and 630; that is two from 208, or two from 630, from our regular men. When we pick up outside men, we get 630's. We are a certificated common carrier.

Krueger: Mr. Ramsey, you never have had any troubles or delays of any kind, have you?

Ramsey: I am a common carrier of fruits and produce out of Imperial Valley. My troubles would probably take up the rest of the afternoon. About two years ago when swamper help got to be a problem we had various and sundry meetings between Mr. Weston's predecessor, Mr. Chapman; Mr. Weston himself, Mr. Grant, and Mr. Harrison, but nothing seemed to ever come out of this thing but bad. We finally decided upon a price of 1¢ a package up to 50 pounds and 2¢ a package up to 100 pounds, for unloading, but the first morning we tried to put it into effect, it was something else again. Now, all of the delays that I have experienced, and I think it will run generally throughout the trucking organizations, have been based upon "How much are you going to pay?" When you are operating a number of trucks you have got to lay down a definite price. You can't give one driver $5.00 an hour and another the leeway of $1.50 per hour, etc. So we have tried to maintain the price at $1.50 per hour and 1¢ per package for two men under 50 pounds, and 2¢

per package for two men for packages over 50 pounds. I have unloaded 10% of my cargo at this rate. The rest has been at a general average of $4.00 per hour per man for the type of unloading we have been handling.

Now, as a certificated carrier, our lot is quite different from the contract carrier. The contract carrier seems to have the ability to raise and lower his rates without very much jurisdiction or very much opposition. And I might state for the sake of all concerned that the contract carrier can give a little better service than I can for certain types of business. The dry package man wants a truck out in his field in the early morning with empty crates to distribute through the fields. One who is involved in the handling of essential freight and using the produce business as it should be used for a return load or vice versa can't get a truck out into the field any morning like the P.F.L. can.

Now, as to the cause of our trucks not being unloaded: We attempt not to separate a truck for layover. So where I haul for a 25¢ rate per 100 pounds based on 75¢ minimum for a crate of lettuce, my immediate competitor, the radial highway carrier or contract carrier, hauls for 35¢ a crate. He is all hot to get back because he goes back empty making no attempt to secure a return load. He's anxious to get that next load of 300 crates at 35¢ a crate and come back into town. While he's having a cup of coffee with friends before he leaves and talks over the day's situation, it doesn't amount to a great deal to him, while it does amount to a great deal to me. Not only do I have to pay for two useless swampers but I have to pay my own driver who gets $1.15 per hour, while the swamper gets $4.00 an hour, disturbing my man no end—he wants to quit because the swamper makes as much in three days as my driver makes in ten days of hard strenuous work. This meeting is concerned with all rates; it all goes back to that.

There are three markets here in Los Angeles where we unload; one is on Seventh Street, one on Eighth, one on Ninth and San Pedro. You don't ask for these men. They swarm on you if they are not busy. The driver says, "What is the score?" The swampers ask, "How many crates?" Ice pack costs about $6.00 to unload; our dry pack $4.00 an hour. The swampers say, "We contract loads; the union don't have any jurisdiction over us. If we got the union price, it would be $1.50 an hour and 1¢ per package. We don't recognize the union. If you want to get out of here, give us a contract or else." The driver has usually fought bad truck conditions all the way in, probably blown two or three synthetic tires and is tired after driving better than twelve hours coming from the Valley. He usually gives in and pays the swampers and says he will pay the difference. I feel sorry for the driver and usually pay the difference myself, and that is the way we keep our drivers.

Saturday morning, New Year's Day, a truck got in at 1:00 a.m. The driver called two very responsible swampers and said, "Will you come over and deliver this Sunday night so it will be on the dock Sunday?" They said, "Yes." I saw the load of lettuce on the dock Sunday night because it couldn't be delivered New Year's day—there was nobody there. I asked the driver, "Are you going to come down and see that this is unloaded?" The driver said it was all arranged. I saw the lettuce still there Monday morning. The letter I wrote you is the result. These two fellows said Ramsey would pay only $2.00 for that when other more profitable loads were in, so they wouldn't unload. These fellows I paid more, because they were worth more. I asked them "Why didn't you unload that truck?" and they just said they found one that paid more money. I said, "Don't you know that puts me in a bad spot with my customer?" But that made no difference to him. You might as well forget it; if you don't pay off, you don't get unloaded, on time.

I might say that so far this season I have hauled eight loads of produce. That constituted not eight headaches, but sixteen headaches; and I will haul eight less next month if possible—and I am a certificated carrier with the California Railroad Commission to haul produce. I am hauling dead freight and will whenever I can put it on because I can't come out at $6.00 a load and pay the poorest of labor $15.00 for unloading it at this end after I rastle it around in Imperial Valley and if I'm over an hour getting it unloaded, somebody has to make an excuse.

So far as produce is concerned, I'm not interested. I'll haul all I'm compelled to load and that's all. Empty oil barrels are more profitable than produce at my rate and anybody who is a certificated hauler in Imperial Valley can tell you the same thing.

Krueger: Mr. Grant, let's hear from you.

Grant: I intended to go into very much the same line Dale and the other gentlemen have taken in regard to delays, etc. in the market, but will confine myself very briefly to one thing till I hear some more.

We have a Master Agreement dated March 1, 1943 with all of the unions involved in this territory. Paragraph 10 of that agreement reads as follows:

> "The control of cargo transported by members of the Association from point of rest at origin to point of rest at destination must be preserved and protected to the members of the Association, so that the handling of such cargo shall be, at all times, performed by employees of members of the Association, provided however, that such cargo may be loaded on equipment of members of the Association

by employees of the individuals, partnerships, corporations or other forms of enterprise from whom the cargo is received or unloaded from the equipment of members of the Association by employees of the individuals, partnerships, corporations or other forms of enterprise to whom the cargo is being delivered, provided no charge is made either against members of the Association or against the cargo being transported for such loading or unloading."

But after what I have just heard, I am going to insist that this paragraph be invoked. The record so far indicates, and P.F.L. has indicated that an agreement has been made between 208 and apparently 630 that no other members may be permitted to go into the market and unload. This is a direct violation of Paragraph 10 of our Master Agreement. That agreement is to be carried out and lived up to by the union—by 208 and 630 or by any other chapter. Employees are going to be given the privilege of unloading their produce in the market or to have it unloaded by members of the Association. We are definitely interested in the whole manpower situation. When a driver for any concern is required to sit on his truck and do nothing while others unload his truck for him, it would appear on the face of it that there is a loss of manpower.

Members of the Labor Management Committee will *have* to investigate this. They haven't up to now but I propose to see that they do. That is as far as I care to go at the present time till I hear some more.

Ramsey: What union does the American Railway Express come under?

Grant: The Railroad Brotherhood.

Ramsey: Why can they go into the market without the assistance of the swampers?

Grant: They undoubtedly have the same terms in their contract as we have in our Agreement.

Ramsey: The difference between me and the American Railway Express is nothing.

Grant: You are both common carriers.

Ramsey: The ordinary common carrier is being taken advantage of by Local 630 in our local market.

Grant: This Master Agreement was effective March 1, 1943, and a previous agreement contained the same clause.

Krueger: How about Mr. Allen?

Woxberg: May I say a few words? It looks as if, listening to the remarks around here, that we are the people who are causing all the trouble. Einar Mohn had to be in Washington today and I am going to leave most of the talking to representatives of the Market Union. In the past this problem has been a headache to us as much as to the operators. We have even gone to the United States Government—to the F.B.I., Selective Service, and everybody else trying to enforce Government regulations on these individuals who are charging more than the union rate. The outcome? Nothing done.

We went to the Market Association and asked the Market Association itself to set up some kind of a system within their own organization to employ the swampers direct themselves and those trucks coming in to be unloaded pay the Market Association a certain payment per package or a certain per diem basis and in turn the Market Association pay the swampers and eliminate the swampers' running wild. The Market Association has not seen fit to adopt such a plan. We are not protecting any members of our Teamsters' Union for getting more than our going rate. We want to solve the problem as much as anyone else.

As far as Mr. Grant reading Paragraph 10 out of our Master Agreement, I'm afraid it doesn't apply, and is not to be discussed here. It is to be discussed between us and the Motor Truck Association alone.

Krueger: We let rates come in for this reason: if rates are the cause of the delay, it will be a problem for the union themselves. We are interested here for the unions to take hold and that a solution may be gotten before we are through. We are primarily interested in the facts of the case—try to get some remedy to do away with the delay. If delays are caused from disagreements down there, go further to get the records from everyone here. We can't just go down there and ask, "What is causing delays?" We have to get the answers here. When we hit the peak season with the equipment we have on hand, we will just have to move this produce some way. We must start a month ahead, rather than wait till the peak season is here.

I would still like to hear from the local union representatives if they have anything to add. We will call on a few others to state what they want to enter on the record, then throw the meeting open to discussion. Mr. Weston, of Local 630.

Weston: Shall I talk all afternoon?

Krueger: No.

Weston: I am not as familiar with Paragraph 10 as I should be; I have not seen it before. I don't see that we have violated it as it says men must be employees of the Motor Truck Association members. Men are essentially employed for each truck.

Something will have to be ironed out in the future. I do take exception to two remarks—we have been derelict in our duties, etc. Possible we have, but not because we weren't trying. As far as the swampers paying no heed to the jurisdiction of the local union, heretofore we have never been given the power to actually go ahead

and assess these boys any direct fines for actual violations, but the latter part of last month, we got a motion from the floor whereby if any truck owner who could prove violation for gross overcharge, fines and assessments can now be made and the overcharge rebated to the operator. We had one case where a man was properly fined for violation. The money has not been returned to the truck owner yet, but it will be. I won't say there have been no violations since that time, but the condition has eased off considerable.

As far as the Valley Truck Line is concerned, we sat down here some time ago and tried to establish some workable basis. We had the hourly basis already established. We pointed out then that with a lot of these "chop suey" loads, if boys work on an hourly basis, they go back and forth until they have the load all delivered. However, if they work on a per package basis, the boys would take it on themselves to dig down into the load and get the merchandise out for their house; that is how the per package basis happened to enter into the thing. We thought we were all set; then the violations started again. Was it our fault? The employers are in for their share of the blame too.

Employers were being the violators—not the drivers. Employer after employer came in for his own truck, didn't want to wait or bother to clear through the hall as we had agreed upon, would take swampers outside and say they'd give the swamper $5.00 extra to unload their truck. How are we going to combat that kind of thing? About being held up waiting for swampers through the hall, in Boyce's case, we had a man there within five minutes after the driver called our office. If we don't have a business agent in the office, there is always a janitor who will go out and pick up a swamper and take him to where he is needed.

There is nothing in any agreement we have that says these union swampers may not become regular employees, as they have for Boyle and Hendrix.

Naturally you will have trouble securing swampers on Sundays. I think Hendrix is a little in error when he feels abused because the boys don't want to take a load for regular pay on Sunday afternoon.

Dale Ramsey has tried to hold the line on this unloading by the price he pays out. If all operators had held the line at the wage bracket we established, I think all this would have cleared up. Some late unloading might have to be done by a house man. However, where Dale makes his mistake, and several others do too, Dale had two men who were unloading him right along. He had apparently given the drivers instructions to use just those two swampers. I don't think they were charging any $10 or $15 per load, because I know both of them personally. However, if one of them happened to be sick, those fellows weren't there and the driver would go to other swampers and want them to work the job and they wouldn't do it because they usually couldn't get his loads, because Ramsey was using his regular swampers. Curly and Sandy wanted to take dry loads and have the other swampers take the wet loads. Regarding iced lettuce, we drew up an agreement and had quite a discussion over that one item. I believe you will recall you signed an agreement saying you'd pay 2c per package from 50 to 100 pounds but there was nothing in the contract establishing what would be paid per package over 100 pounds. If not in the contract, I wanted a better figure than that. One association hauling in here pays 5c per package.

Woxberg: I think we should discuss what we have done to eliminate delay in unloading trucks instead of the overcharging, which we don't control at all.

Grant: One question to clear the record. That contract you refer to expired December 1, 1943. It no longer exists.

Weston: Yes, it was a more or less friendly agreement drawn up to see if it had any workable value.

Grant: The reason expiration date was made December 1 was simply because we expected the end of this iced produce problem, which was a problem of its own.

Weston: We have made every attempt known, I guess, to have this situation remedied. Meetings were held with Homer Harris, the F. B. I., the Los Angeles Police Commissioner's office, the District Attorney's office, Social Security, ODT, and the Bureau of Internal Revenue trying to figure out some way of curbing this thing. We have even gone so far, and at no slight expense to our own local union, as to try to straighten it out through a hiring hall set up here, which has been unsatisfactory so far. We have suggested the Market Association or the truck operators, through cooperation with these two groups, take this thing on. They don't like men doing nothing all night long, neither do we want our men overcharging, but it is almost impossible to go down there and catch every violator. It's the same trouble Harris has with his men trying to keep them from opening before 6 o'clock. We have the same thing with the swampers.

If the truck operators would all go together with the Market Association, it would relieve all of us from a terrible headache.

Krueger: You think that between now and March 1, when we expect that the heavy unloading will start you boys can get together and figure out some solution of the delays? Whatever is causing the delays is going to be your baby. We are not going to get into the thing. Between you boys, I would suggest that you make a definite stab at getting the thing into such shape that everybody is concerned not so much with the angle of what we are going to get out of this thing, but so far as the war effort is concerned. Let's get this thing down so we can all get a job done. Maybe last year

took care of the whole thing and I hope it did, but if we are going to be faced with delays in unloading, we are going to be in a jam to take care of it this year. However, I think you boys can iron it out without the help of anybody else.

Woxberg: We disagree. It has been attempted to be worked between our organization and people involved, but it doesn't get anywhere. We think our plan was sound. The Government seems to step in in other cases like this and we don't see why they can't step in in this case—not for wages and hours but for the delays involved. These operators are contending that the swampers are the main source of evil in hindrance. We recognize they might be, but our union is no party to it and we want it solved. We say that leaving out the question of wages and working conditions, if the Market Association or those operators involved would get together amongst themselves and hire the swampers on a regular pay roll of some kind and unload every truck coming through that market and pay them by some centrally located secretary, you will eliminate 90 per cent of the trouble. It *can* be done. Why they *don't* do that, I don't know. They criticize, but offer no solution. We maintain it is a problem. Even the Internal Revenue and Social Security and Income Tax deductions are not being made. This should be brought to the attention of those people to investigate. Ramsey pointed out that one swamper didn't have a Social Security card. How do we know that man wasn't a draft dodger?

Krueger: On the solution of this deal, whom would you suggest that we put on a committee to follow this through? You are better acquainted with the people involved. Who do you think should get together on a small committee to bring this in and work it out?

Woxberg: Representatives of the ODT, the War Manpower Commission, the Market Association, the Motor Truck Association, and our own union.

Krueger: Anybody else?

Weston: Is there any other interested truck association?

Woxberg: Not that we recognize.

Grant: None that I know of.

Krueger: Would you suggest that Grant take hold again? He is acquainted with all angles and might be the proper man to take it in hand.

Woxberg: I think the Government should take a forward position in this question.

Wertman: The ODT is interested only in seeing that the trucks *move*. Labor Management, War Manpower, and Internal Revenue can get in. ODT can't get in and regulate wages.

Woxberg: We can sit down and argue with the operators all day long but get no solution. Somebody will have to sit in and wield a stick. You will have to do something besides criticize and tell the union to do something else. We are willing to agree to almost any means to solve this problem. Why can't somebody put it into effect?

Krueger: It may go so far that we will have to dispatch each truck, to where it is most vitally needed.

Grant: It will happen without the slightest question of a doubt if and when ODT takes over the Joint Information Office.

Krueger: Yes.

Woxberg: When this is brought to the attention of the Internal Revenue Bureau where employers are paying men wages and not living up to income tax law, there should be something done; also when men are found working without social security cards. War Manpower is interested because of the distribution of manpower. ODT is interested in the moving of equipment.

Ramsey: Would the unions be willing to give permission to any operator who had employees in 208 or 630 to operate in the market without swampers?

(No answer)

Ramsey: You want to pass it to somebody else; give it to us. We will go in and make our own deliveries. If a man wants to come in and he has one of his drivers working on a commission of 25% to haul the load and wants to give two swampers $15 for unloading, let him do it. It's up to him. If we can say to the swampers, "You either unload or we'll unload ourselves," that naturally would be a breakdown of 630, which I don't think they want.

Grant: Might I ask you this question? Wasn't there an agreement between 630 and 208 that 208 wouldn't go into the market?

Weston: We permit one 208 man to bring the shipment in but insist on one Local 630 man going with him. The line driver is not allowed to unload because he has already done a day's work and is tired already. We turn it over to one or two local men and they unload. I think Hendrix has the best solution—maintaining his own dock. I don't see why the whole deal couldn't be worked out on a similar basis.

Grant: Assume they take three or four swampers from 630 and put them on their payroll at $60 or $70 per week. Working alongside men from 208 who are not getting the same wages. Then you will get right into a fight. There may be times when they won't have use for 630 swampers when they can use them for something else. If we do as P.F.L. or Southern California Freight you will start trouble.

Ramsey: I tried that. I had three men and kept them just five days and paid them $60 apiece. I'd say they were run out of the market. They were intimidated by conversations such as, "Why should you work for $60 a week when we make that

for three days and take the other three days off? Very disagreeable to work under those conditions.

Westman: That solution still won't answer the problem for dozens of individual operators who come in.

Krueger: I believe in one of our meetings we had a discussion came up about the individual hauler—the farmer who comes in with his own load. Will you enlarge on that so we will know what they agreed to do, Mr. Weston?

Weston: If he comes in with his own merchandise within a radius of Los Angeles, Ventura, Orange, Riverside, and San Bernardino Counties west of Banning, there is no necessity of employing anyone else unless he so desires.

Krueger: Wasn't that about a 90-mile area?

Weston: Approximately. It was set up to eliminate doubt. Some might maintain Riverside was 90 miles, when we know it is not that far.

Krueger: You said where he grows his own vegetables. Since the Japanese have been evacuated from this area, the question came up in a meeting on May 31, 1943, with the Chairmen of the various County Farm Transportation Committees in this district as to the use of the farmer's truck hauling a neighbor's produce when a common carrier is not available in order to keep the produce from spoiling. When checking into this we found that we were able to use such trucks in this movement and that these trucks are exempted from the 3% Federal tax imposed under the Internal Revenue Act of 1942, and that there is an exemption in the Transportation License Tax Act as in effect July 1, 1941. The California Railroad Commission has also viewed this operation with favor. In a letter written by Ray L. Riley, Commissioner, to Dave Davis at Chairman of the USDA War Board at Berkeley on June 24, 1942, it was stated that the use of the farmer's trucks should be encouraged during this emergency without conflicting in any way with the rulings of the California Railroad Commission. Insurance companies have also granted riders with the truck insurance to cover such an operation. In view of these facts it would seem that your organization in the market would grant the farmer permission to unload his own load without having swampers unless he himself deems it necessary.

Weston: As far as I am personally concerned, it won't make a great deal of difference. We must see the regulation is not abused.

Krueger: We have to control this movement for all Government agencies that are involved on that deal. They have given us leeway in an emergency only to use these trucks. Perhaps you could give concession. It is hard to say who grew the load. It still belongs to that farmer when he brings it in.

Weston: The truck operator is more interested in that than I am.

General Discussion.

Grant: What is the position of the C.R.C. in Dale Ramsey's case? He comes in the market with a 28¢ rate required to pick up two swampers. Is he assessed an accessorial charge in addition to his rate?

Wilson: Who is the service performed for? The carrier or the consignee? The shipper, or the owner of the goods? One point that is not clear here is who is responsible for these charges. The conversation all seems to run to the carrier. Dale is a common carrier; Boyce is a contract carrier. Dale runs in and says, "Mr. Harris, here's your load of stuff." We stands ready to unload it, but he gets it there to the door and can't unload. He says, "I'M ready to put your goods on your deck." Mr. Weston says, "You can't," who are the Weston men working for, Dale or Harris? Who is responsible? Does Harris pay it, or Dale? That is the only feature we are interested in. A lot of shippers are complaining about these charges being billed to them.

Westman: Are the rates predicated on store door delivery—delivered *at* the tail gate or *off* the tail gate?

Voices: Off.

Wilson: Ramsey says he is ready to unload at the dock. But Weston's men won't let him unload. Make whoever is responsible pay those men right there. Who are they working for?

Poteet: Is the man with his two hands able to contract a deal as well as Mr. Harris with a book and pencil? They are both contracting, but not doing a thing to grow or produce the article to be unloaded.

Grant: That same truck comes up from the same point with dry freight and the swamper comes up and lays it on the dock at the tail gate. He can perform the same service with produce as he can with dry freight. But for produce, the trucker pays $10 to $15 above dry freight out of his own pocket. Is that the accessorial service that he might charge the consignee?

Poteet: Let the operator set the goods on the walk and leave it.

Harris: That's the way they do — set it on the sidewalk at the market at the tail gate.

Ramsey: You can't do that; Kenny's man has to come and do it.

Wilson: When you arrive at the solution of who is responsible for paying these swampers, you will know whom to look to and make your deal with.

Ramsey: Why not use the same solution used at the Harbor area during the depression when nobody had a job? The truckers came to some likely looking lad and offered him a buck to unload a truck. So after while all these lads formed themselves into a union. At Long Beach they used to charge us 1¢ a sack to unload spuds. We

had to go to the hiring hall. That was proven unconstitutional. The stevedores themselves said they had no jurisdiction over a situation of that kind and threw it out completely.

The trucker takes his ropes off and his tarpaulins and says, "There is your freight." It has been transported to the man receiving the freight. It has been transported to the man receiving the merchandise. Do you think a railroad company would send a carload down there and then send someone down there to help unload? This is just a racket. When we were all competing for business, we helped establish that racket ourselves.

If you can compare delivering produce with delivering freight at a man's door in the same breath, it doesn't make sense. For freight, the consignee has somebody there and takes the stuff off the trucks and that is any time between the hours of reason that he is open for business — and now they are open for business at unreasonable hours. If you have a hot load and say you have to get the truck out, he will moan, but he will send a man down to unload. Why should there be an excessive charge on a cheap commodity that is a perishable item compared to another item that is not and they both take the same rate?

Harris: As far as I can read tariffs in this State, they seem to include loading and unloading. It was put in at the time when they were competing with the railroads. "We will pick it up at the store door, and put it down at *your* store door." Prior to 1934, the Wholesale Produce Market was operated 24 hours a day and trucks arrived throughout all hours of the day and night. Generally speaking, the truck driver unloaded his own truck or he might pick up some fellow standing around to help. The house might unload. In 1934 we reduced the trading hours from 24 to 12, then about 1937, made a contract for unloading, with 630 covering the operation. At the same time 208 was extensively organizing the over-the-road truck drivers. With the shortening down of our operations, more trucks began arriving after the market opened; then there were any amount of these swampers in the markets. It was found out that the C.I.O. was in the market organizing these swampers, who previously were just standing around. So A.F.L. proceeded to organize and take into 630 these swampers, and I think it a good thing that non-friendly union didn't get a foothold.

Then our troubles developed after a couple of years in that these swampers were working at night without supervision. We had many complaints. The union put on two stewards in each market to keep the swampers lined up and regulate charges, insist that on the trucks coming in the line driver should not unload the truck and that it must be unloaded by a swamper. This whole operation is outside of our control or jurisdiction. We can't contract a swamper.

The contract with 630 affected other employees. The farmer with an old-time employee does not have to have a swamper to unload produce. If a farmer wants a swamper, the swamper must be a member of Local 630. This provision was put in against by better judgment, but other people saw no harm in it. *I* still think it has no place in our agreement.

A few years ago when various changes came about, these two business agents for 630 were laid off and the swampers since then have been without any definite control or jurisdiction and have pretty much gotten out of hand.

We do permit a house that handles a lot of vegetables to have one or more swampers and a supervisor an hour or so before opening time to sort merchandise for size, etc., and put it into the house ready for business. There has been evidence in the past year that these employees of ours will not unload a truck. As far as our contract provides, there is nothing to prevent a house from unloading a truck. We have never conceded to denial of that privilege. We could unload these trucks if we had the manpower available and cared to shoulder that expense. We have not assumed that expense and I have heard of certain instances where we were asked to unload but the truck driver said he would get a swamper. We could not blame him for trying to protect another union member by getting a job for him.

Grant: Regarding tariffs, rates and regulations surrounding these men were established by the California Railroad Commission. They took jurisdiction on their own motion. On a State-wide haul, they established the fact that these rates did include loading and unloading except cases where a man in addition is required.

Harris: When the C.R.C. came into the picture and put out regulations, they took recognition of what was actually being done at the time.

Grant: Not by carriers of all commodities.

Wilson: Generally speaking the rates of 10,000 pounds or less, as prescribed by the C.R.C. include loading into or unloading from the equipment. Shipments of 10,000 pounds or more include the service of the driver only, and if it requires more than 20 minutes per ton to unload that truck, then the additional charge runs against the shipper. If you pull in with over 10,000 pounds, it wipes out the regulations as far as the carrier is concerned.

Ramsey: If our driver has to hire unnecessary labor, it is up to us to say whether it is necessary; it is not up to the consignee—that is on loads under 10,000 pounds.

Wilson: I am just interested in who should pay these charges; if you can't unload it, who is responsible for the charge? It seems to be the thought that it should be performed by the carriers. We are trying to find out whether the carrier should.

Harris: If Dale Ramsey has a load of 9,000 pounds and the driver is not able to unload as contemplated in the tariff, from the point of view of the tariff only, he is not liable. But if his signed agreement is his line driver can't unload, then he is liable to have another driver or helper.

Wilson: In other words, he is supposed to unload the truck up to a certain point.

Ramsey: The original contract stated "a man who had not been on duty over 12 hours was permitted to unload." If he has been on duty over the 12-hour period, he is no longer obligated to pick up or deliver at any terminal en route. None of mine are on duty more than 8 or 9 hours coming here.

Krueger: How about the Internal Revenue Department? We haven't heard from them yet. Mr. Eifert, have you anything to add?

Eifert: I have nothing particular to add either personally or from the standpoint of the Department of Revenue. We are concerned only with a direct tax matter as such. What has to be straightened out at the terminals is not strictly a tax matter. Taxes are involved after the trouble happens, not while it is going on.

We are concerned primarily with the employer, not the employee. Both are involved with the Social Security. But with the Excise Tax and Withholding Tax, our deal is with the employer entirely. If he doesn't make deductions from his employees' wager, the deductions are collectible and assessable against him.

Boyce: Does a man, who works out of a hiring hall, have to have an Availability Certificate?

Woxberg: No. There is some kind of a waiver.

Grant: It is an Extended Certificate.

Woxberg: These swampers never had a steady job, the same as longshoremen.

Boyce & Grant: They have to have a slip.

Grant: If you send somebody to do 12 hours' work, he has to have an availability slip issued from the hiring hall. The USES made arrangements six or seven months ago for an extended certificate to casual labor. They can be issued after 5:00 PM at the hall to help the USES.

Boyce: That's the time to get their Social Security number.

Eifert: Our deal is with the employer. He is responsible to get the Social Security number and may be assessed $5.00 per missing number. This is done to protect the worker when reaches 65.

The Withholding Tax is taken from the employee; the employer is the trustee. We are in very little sense a means of leveling out a situation that we are not touched with.

Grant: The reason you arrived in the picture is because these market employees were refusing to allow anyone to make any deductions of any kind.

Eifert: It should not be difficult to tag every truck rolling into the markets and examine their books for wages paid, taxes withheld, etc. and say "Here it is." The regulations also say the Department of Internal Revenue may take the return and set up a return on an estimated basis and the employer has to file claim for abatement or otherwise. It is your problem here; it is all before we enter the picture. It would probably have a remedial effect if we took all the employers and saw that they make all of their deductions, but we doubt if we could act as a spearhead force. We have a system this year whereby all deductions for each employee by all employers will be shown. We can check up what each employee says he paid in withholding tax to each employer and if each of these employers doesn't have a slip to correspond, we will be knocking on Ramsey's door and asking, "Where is that withholding tax?"

Harris: The fellows doing the most objecting are not making returns.

Eifert: Some put it in petty cash or say it is expense for a trip.

Ramsey: How many of those people checked at the market were paying Social Security, etc.?

Eifert: The majority of them were not. They were either absorbing it or the resistance to collection was too great.

Ramsey: That condition exists more now than in the past.

Grant: It is mandatory that the employer collect. If he doesn't he has the responsibility of payment. The law itself means—if you don't collect, you're stuck with it. If an employer seeks to absorb it coming out of his funds, whether he has an allowable deduction on his income tax return, I don't know.

Krueger: Gentlemen, it is getting late. Let us set up our committee, who can then take over.

After a short discussion, it was agreed the committee should be made up of the following:

George Grant, for War Manpower Commission and Motor Truck Association
Homer Harris, Market Association
S. H. Wilson, California Railroad Commission
L. B. Eifert, Bureau of Internal Revenue
H. L. Woxberg, Teamsters' Union 224
Kenny Weston, Produce Drivers' Union Local 630
R. A. Wertman, For-Hire Carrier Specialist, ODT

Lassalette and Twombley contended the USDA War Boards had no part in this and should not be represented on the committee.

Krueger: This committee should have a meeting within the next few days. We have to get it settled now; no use fooling around. Scales and rates are up to the union.

It was agreed that this being the case, the meeting should be held next Monday, January 31, at 10:00 a.m. in the conference room on the third floor, 1031 South Broadway, Los Angeles. Further reports as to progress should come from Mr. Wertman.

Meeting was adjourned at 4:30 p.m.

Exhibit 4 (Summarized Testimony of Hearing)

A SUMMARY OF GROWERS' AND TRUCKERS' TESTIMONY BEFORE THE JOINT LEGISLATIVE FACT FINDING COMMITTEE ON AGRICULTURAL AND INDUSTRIAL LABOR APPOINTED BY THE CALIFORNIA LEGISLATURE.

The first hearing was held in the State building, Los Angeles, Wednesday, August 30, 1944.

Present were:

SENATOR GEORGE HATFIELD, Chairman
SENATOR BRADFORD S. CRITTENDEN
ASSEMBLYMAN HARVEY E. HASTAIN
ASSEMBLYMAN LEE BASHORE
ASSEMBLYMAN LLOYD W. LOWREY
L. G. ALLYN, Deputy Legislative Counsel

Witnesses on August 30 included the following:

August Witte, Grower, Packer, Shipper.....Reedley, Calif.
Allen Remy, Truck Driver.....Sanger, Calif.
D. C. Ramsey, Highway transportation.....2115 E. 25th St., Los Angeles, Calif.
Edgar E. Cox, Rancher, 24 years, dried beans, hay, vegetables.....Irvine, Calif.
C. J. Cogan, Rancher, Salesmanger, 27 years for Irvine Co.....Santa Ana, Calif.
Kenneth Weston, Secretary-treasurer, Local 630, Produce Drivers' Union, 3 years.....Los Angeles, Calif.
John Stevinson, Attorney for the Joint Council Teamsters in Southern California.....846 S. Union Ave., Los Angeles, Calif.

Summarized Testimony of August Witte, Grower, Packer, Shipper of Reedley, California

Opening the hearing, the chairman stated the purpose of the investigation was to learn the facts regarding the handling of produce from farms, especially in relation to the charges and practices of lumpers and swampers.

Chairman Hatfield: "* * * There have been quite a number of complaints * * * by farmers and truckers * * * in relation to alleged abuses. In order to ascertain what the situation is the committee has decided to have these meetings."

The first witness was August Witte, a grower, packer, and shipper of Reedley, California. He stated that he had been operating trucks for the delivery of farm oduce to the Los Angeles Terminal Market for about 15 or 16 years; that, at the present, he was operating three of his own trucks and that he had employed other truckers, in all he had about eight trucks. He hauled mostly tree fruit, nectarines, plums, peaches; packed his own fruit and he also bought fruit from other growers, loaded all of his own fruit in the packing shed between about 2 o'clock in the afternoon, working as late as 10 or 11 o'clock at night. Some of his trucks started leaving at 5 o'clock, some at 6, some at 7, some at 8, and some at 9 o'clock in the evening. The driver took about 9 hours to reach the Los Angeles Terminal Market.

He said that when his drivers arrived at the market they had to hire two men, known as swampers, who charged 1¼ cents a box to take them from the platform and place them on the dock and $1 was charged for loosening the ropes. This operation consisted of unloading the truck onto the sidewalk.

Mr. Witte was asked to explain the relationship between charges made at the present time, Wednesday, August 30, 1944, and those made a year ago. He stated: "A year ago they charged $1.25 an hour * * * and then they wasn't satisfied and then they charged by the truckloads. I think it was $2, $2 and $3 last year and some charged even $4 a load, and now it costs me a 1¼¢ a box. It cost me about, * * * in round figures, sometimes they have a couple of boxes, more or less, around $8 to $8.25 for each truckload." Mr. Witte said that the swampers were all union men and belonged to Local 630 as he understood it. He stated that when the truck arrived at the market these men jumped on the trucks.

Mr. Witte said that while he did not go to the market himself, he knew that the charges were greater than they were last year, over twice as much. "The drivers tell me that they unload the truck in between 30 and 40 minutes, and some swampers make

between $30 and $40, to $45 in 5 or 6 hours. They unload 5 or 6 truckloads in that time."

Mr. Witte stated that last year he had shipped more than 300,000 lugs of fruit into the Los Angeles Market, but that he quit already this year. He was asked why he had quit and stated: "I don't want to pay those prices. That is too much. I cannot afford it. I will leave my fruit hanging on the trees and rot before I will bring it in."

The chairman asked the witness if these excessive charges were the reason he was failing to bring his fruit into the Los Angeles Market and he replied: "Yes, that is the main reason." He was then asked if he had had any difficulty with the swampers or lumpers in relation to withholding tax, and he replied: "Yes. That is what we can never get." Asked to explain, he said that he couldn't get the names but lately, they gave the Social Security numbers. "I have the forms printed now. I have the swamper sign his name and the Social Security number and then we fix these up."

The chairman then asked the question: "As I understand it, your statement is to the effect that these lumpers or swampers will not permit you to withhold the withholding tax?" He stated that he pays the Federal Government the withholding tax because the Collector of Internal Revenue ruled that they are employees and that he had to pay the taxes.

The chairman asked Mr. Witte if it was true that in addition to the increase in rates which he said had amounted to about 100 per cent that he also had to pay the withholding tax and the Social Security tax. Mr. Witte replied that was the fact that in addition, they had trouble in relation to their Social Security numbers. He stated: "* * * We have a lot of slips. The girl at the office always throws them away until we found out through the revenue officer that we got to get the numbers and finally we got them. Now, lately, we insist on the drivers not coming back unless they get the Social Security number."

The chairman stated that he had a list of the charges Mr. Witte had given the investigator for the committee, setting forth the payments made by him to the lumpers, and asked Mr. Witte: "That is a list of charges, day by day on deliveries of fruit in June and July of this year to the swampers?" Mr. Witte said that was true and that generally the charges were about 100 per cent increase over the payment that he was making last year.

(The document referred to was marked Exhibit No. 1.)

Senator Crittenden then asked the witness where he delivered his fruit and he replied to the Seventh Street Market in one house and the Ninth Street Markets, that they were not private markets, but wholesale markets and that he sold his fruit to them.

Senator Crittenden: "Who unloads, you or the market?"

The Witness: "The Union man and the driver."

Senator Crittenden: "Who do they work for, you or the market?"

The Witness: "They work for me."

Senator Crittenden: "You must unload your fruit at the market?"

The Witness: "Yes."

Senator Crittenden: "Before the market will take it?"

The Witness: "Yes, that is it."

Senator Crittenden: "Then, again, where do you hire these men?"

The Witness: "When the trucks come over the street, close to the market, the Union men, they jump right on the trucks. They know my trucks and they go with the truck."

Senator Crittenden: "Are there any agreements made between you or the driver or with the Union or anything?"

The Witness: "No, not that I know of."

Senator Crittenden: "You don't know the men that climb on the truck?"

The Witness: "The drivers tell me every night they have different swampers on the truck. * * * Sometimes, we will say today is Monday, the same boys will come Tuesday, then they disappear and somebody else comes. You see, my driver, when the truck is unloaded, they count the boxes and sees on the bill of lading so many boxes and the driver pays them with cash. When the driver comes home, he gets his pay check for the expenses on the load."

Senator Crittenden: "There is no agreement made between anybody as to how many men it is going to require?"

The Witness: "No."

Senator Crittenden: "Or how much time?"

The Witness: "No."

Senator Crittenden: "Or the price?"

The Witness: "No."

Senator Crittenden: "Your driver and no one else knows who these men are? You don't even know whether the fruit will be accepted by the markets before it is unloaded?"

The Witness: "Oh yes, we know every night that they expect so many thousand lugs of peaches or whatever we have."

At this point Assemblyman Hastain took over the questioning and asked Mr. Witte if it were true that when the driver goes into the market, it is up to the driver to contact whoever unloads the fruit, and Mr. Witte replied that was the case but that

the driver does not have anything to say about how many men are required for the unloading. "They just come and unload and he pays them what they ask for, and I give strict orders not to pay more than 1¼ cents."

Assemblyman Hastain asked him if his driver had anything to say about the number of men, and the witness replied: "I think there is some kind of union rules, the bigger trucks more money and the smaller trucks a little bit less." Mr. Witte said that the charges were by the box. "Last year, the first part of the season, we paid by the hour and a couple of trips we have to pay by the truckload. It was $2 and $3 for a truckload, later on it was $4. Now it is over $8, more or less. My trucks usually haul 580, sometimes 70, sometimes 90, sometimes 600."

Assemblyman Hastain asked if he had ever had his own men unload his trucks, and he stated that it could not be done.

Chairman Hatfield asked: "Why."

The witness replied: "They have to belong to the union. The swampers have to unload the truck."

The chairman asked the witness if he meant that the union wouldn't permit it and he said: "No." The chairman then asked him if his own men did unload the fruit, would the commission houses take it and he said: "Oh yes, sure they would take it."

Summarized Testimony of Allen Remy, Truck Driver of Sanger, California

The next witness was Allen Remy, truck driver for Mr. Witte, living in Sanger. He stated that he was not a member of the union, but that he owned and operated his own truck, hauling for Mr. Witte.

Chairman Hatfield asked him to explain the situation in the market and he replied: "Well, as you enter the market, turning off of Alameda on Seventh Street or Ninth Street, or whichever market we happen to go to, the fellows (swampers) will be out in the street and they will jump on your truck." * * * and escort you to the market and unload your fruit * * *" Asked if he had any choice of selection, he stated: "If there is more than the amount you need, why, you can pick out the men you want and take them with you." He stated he did not have any negotiations with them before about what they would charge, except just the agreement that the union had; that he had no union contract, had not signed it, but had seen it when brought out for settling arguments; however, had never signed any contract and had never had a contract offered to him to sign. He stated the basis of charges 1½c a lug up to 39 pounds; after that 1¾c plus 50c a man for the ropes.

Asked what a "chop suey" load was, Mr. Remy replied: "A load that is distributed all over the market." If the load contained more than one kind of produce or was delivered to more than one place in the market, he stated, there was no extra charge for a chop suey load going within three markets if you could bluff them out of it, but they would try to charge you extra. He stated he was operating a 10 ton Chevrolet hauling peaches about 700 lugs and the heaviest stuff was less, anywhere from 500 to 700. He then stated he paid the swampers about $10 for unloading.

Asked how long it would take them to unload 700 lugs of peaches, he stated: "* * * from 30 to 45 minutes; maybe an hour at sometimes." He didn't believe it ever took longer than an hour including untying of the ropes. He stated they made a charge of 50c per man for untying the ropes. Asked if he ever attempted untying his own ropes, he replied: "It doesn't make any difference whether you untie them or they, it is still 50c per man. It is either for untying the rope or service charge, whichever way you want it."

The witness was asked if he felt that he could unload the peaches himself and he said: "Yes." Asked why he hadn't done that, he said: "Well, they will tell you in a polite way that you had better not do it." Asked what he meant by that, the witness said: "Well the union is supposed to unload them, they say and that is it." The witness was then asked: "When you say they tell you in a 'polite way,' tell me anything that has happened down there that you know of." The witness said:

"For example, one morning, why, we were going to the C. A. Glass Co. and pick up a swamper at Seventh Street. All right, then we had to wait about 30 minutes for that market to open. We were early, so the swamper left. In the meantime, instead of walking back up to Seventh to get a swamper, why, we started to unload ourselves and here come the union steward and jumped all over us, and he couldn't do anything because we had taken the swamper down there, but he said if we hadn't taken a swamper down there he would make us pay anyway whether we unloaded it or they unloaded it, but being as we had then taken a swamper that we were in the clear."

Asked if he was satisfied with the situation or did he criticize and what was his reaction, he stated that he would criticize it and testified:

"Well, if a man owns his own truck and drives it, why can't he do with it as he wants to do?"

Asked why he didn't unload his own truck himself, he replied, "On account of the union."

He was asked: "Do you mean you are in fear of physical violence or what do you mean by that?" The witness replied: "I imagine it would come to that, yes."

The chairman asked if that was the thing he had on his mind and he replied: "Yes."

The chairman asked the witness what he paid his driver to deliver 700 lugs of peaches from Reedley to the market and returning with his truck to Reedley. The witness replied that he would get about $20 and it took around 16 or 17 hours; the driver loaded the truck at Reedley, and two men would unload the 700 lugs of peaches in something under an hour.

Asked if the swampers showed any credentials when they took charge of your truck for unloading, Mr. Remy said: "Yes, they do if they are asked to, yes. They show you credentials showing them to be a member of some union." He stated there was no talk about the price to be charged when they get on the truck "because when you read the contract, why, you know what it is anyway." He stated it was 1¼c per lug plus 50c per man for the ropes which prevailed since the first of that season so far as he knew.

Asked if he ever attempted to unload his own truck, he stated he had, and, asked what happened, he replied: "The union steward was up there right astraddle my neck." The witness said he did not know his name, but was asked where his 630 helper was. He said: "I brought one down there but he had left."

Asked if there had ever been any violence over the unloading of the trucks, he stated none that he knew of.

Assemblyman Hastain asked Mr. Remy if he had had any split loads in the market and he said: "Occasionally," that he was never charged over and above the stipulated price for unloading split loads. Mr. Remy stated the contract allowed $1 per stop per man for anything going out of the Seventh, Eighth or Ninth Street Market, but that he personally had not paid those extra charges.

Assemblyman Lowrey asked what happened following discussion regarding the 630 man. Mr. Remy said he let him go ahead and unload because since he had taken a man down there "he couldn't force us to hire a swamper or pay the charges."

Senator Crittenden asked him who the parties were to the contract and he stated he didn't pay any attention to the signatures, and that if there are any farmers' signatures he didn't know of them. "It comes from the Union hall. The Union stewards carry it around with them," he added.

Chairman Hatfield asked him if he would recognize the contract if he saw it and he said he believed he would, then was handed a document and asked if that was the contract, and he said it looked like it. The chairman asked him if that was what was produced every time any dispute came up. Remy said: "Yes."

(The document referred to was marked Exhibit No. 2)

Assemblyman Hastain asked the witness if he was requested to sign it and he said: "No, sir."

The chairman asked him if during all this time these things happened to him when he would take a look at the contract, were during the time he was working for Mr. Witte and he said: "Yes."

The chairman noted that he had already testified that he never signed the contract, never had the contract presented to him.

Senator Crittenden then asked him: "In other words, trucks can't be unloaded unless this contract is either signed up with the union and the truck driver, or the owner, or the party who is delivering the fruit, or even if the contract is not signed, it has got to be complied with; is that right?"

The Witness: "They tell us it has to be complied with, and nobody has ever asked for a signature or anything that I know of."

Summarized testimony of D. C. Ramsey, engaged in highway transportation, common carrier for 15 years, 2115 E. 25th Street, Los Angeles, California.

The next witness was D. C. Ramsey, 2115 E. 25th Street, Los Angeles, engaged in highway transportation, common carrier for 15 years in the Los Angeles area between Los Angeles and Imperial Valley. He stated he delivered to the Los Angeles market at the present time operating five line trucks, engaged strictly in over the-road transportation, and hauled all types, particularly lettuce, carrots, canteloupes, cabbage, pears. He stated his story went back a little farther than the present day operations and the chairman asked him if he would give the committee a history of the whole thing. He made the following statements for the record:

"Originally the swampers gathering, or group started out in the following fashion: A number of operators in the transportation of produce haul one way only, that is to bring a load to town, and pick up the empty boxes and go back. A driver would attempt and did the biggest part of the time make a round trip in one day. That is, between Los Angeles and Imperial Valley. That is a distance of about 220 miles round figures. So, these drivers would pay out of their own pocket to somebody to help them unload so they could get unloaded in a hurry and get their empties on and return so they could consumate this trip in a one-day period so they could get in and get out that night. Well, that proceeded along. These fellows used to work for oh, they would unload a load for a $1. After a period of time it was incorporated—these fellows were all gathered together and incorporated under Local 630. Now, Local 630 comprises a union which has supervision over the two market areas of Ninth and Seventh Street. * * * I don't know exactly what their trade name is, but it is the Produce Handlers and Workers. It is a local of the Teamsters International. This Local 630 has jurisdiction over the salesmen, over the market help

plus the swampers. In the last three years the rates for unloading have increased about 100 per cent, with no authority that I have been able to find from the War Labor Board or any regulatory bodies. Their rate after they became established was $1 an hour for one man per truck. Your own driver was permitted to assist in the unloading. Then they had another meeting and it was a $1 an hour per man, 2 men to a truck. Then the next step was $1.50 an hour per man, 2 men to a truck with a minimum of $2 an hour. Then the next step was the contract rates that we are all operated under but very few have signed, which is 1¼ cents on merchandise in lugs."

"* * * (they had) a meeting within theirselves. They could call a meeting of the swampers and agree that they were going to handle the merchandise in this fashion and then we would just appear on the market one morning and here would be a new rate without any advice of what had been going on. While it was on the per hour basis, per man, none of these swampers would work for that figure. There is no centralized location where you pick up your swampers in the market, but you will soon find them if you attempt to unload without their help. They collect at different points. So after a while you know where you must go to find them, but they are not always there. I have had trucks delayed as high as four and five hours waiting for a swamper or swampers to unload my trucks. They are mostly made up of the colored boys and Mexicans and a very combative type of man, too. That has always been true. Years ago there was a number of white fellows who worked over there, but the colored and Mexicans have practically eliminated the white fellows. They run the deal just about the way they want to do it among themselves. The 9th Street Market is almost strictly colored and the 7th Street Market is almost all Mexicans. That is my experience. I can't state positively that they have the divisions in that fashion, but that is the way I have found it. I might say there are two or three very fine fellows, good, hard working men that really earn their money that are still swampers."

"Well," Mr. Ramsey continued, "your driver would appear at the point of centralization where the swampers were supposed to be located and a couple of these boys would amble out and take a look at the load and say: 'I will unload you for $18.' Rate of pay is $1.50 an hour for 300 packages of lettuce, we will say. * * * about 90 pounds * * * if they are unloading at a house that has a platform, a raised platform, 2 men can take 300 packages off in an hour and a half. * * * (receiving) $18. That is, $9 a piece. I might say the general average for unloading for the past two years has been $5 an hour or greater. They wouldn't work for less than that. I am paying on a per package basis (which works out at) about $5 an hour. I have the figures here of the past week's work, and I will go into it later to substantiate that. (To give the broad picture first) * * * your driver has instructions from me not to pay over $1.50 an hour and he would say: 'No. I won't do it.' So he would sit there. Finally after he got tired of cooling his heels he would call me either at my house or at the office. I would call the union. The union would go down and say: 'These boys won't work for that kind of money. They say they are contracting these loads and have got to have more money.' Well, in desperation—here you have got a load of merchandise on your truck that the market wants to sell. You get a bad reputation if you don't deliver the merchandise on time—so in desperation you pay. Then my next move would be to get a hold of one of the reigning heads of Local 630 and we talk the matter over, and he would say it would never happen again."

The chairman asked Mr. Ramsey who he got hold of and he replied: "Recently it has been Ken Weston, before that it was Chapman, and before that it was various and sundry other fellows. 'Well, it won't happen again.' The next day it repeated itself. For the loads that we got unloaded for $1.50 an hour, it wouldn't constitute one-fifteenth of the business coming in. A year ago now, I was operating 22 trucks. I couldn't make any money hauling produce so I reduced my operations to five line haul trucks and give produce a wide berth any time and place that I can. I can't refuse to take it because I am a common carrier but I certainly can load the trucks with other merchandise and not have any space available.

The witness was then asked if it were true that the reason he was seeking to avoid the produce was on account of the swamper situation, and he said: "(Yes) that situation and my prevailing rates." He said that he was regulated by the Railroad Commission and the Office of Defense Transportation, and the OPA and that he could not operate at a profit on account of the excessive swamper charges.

Continuing, Mr. Ramsey said: "We will take, for instance, 300 crates of lettuce constituting a load of lettuce for my trucks. Well, that will weigh, say 24,000 pounds, for which I get 26c a hundred. You take your swamper fees out of there, your driver's fees, your picking up and assembling it at Imperial Valley, and you have got nothing left for anything that even looks like an operating profit. Eliminating the swamper situation, your rates don't compensate just ordinary expense of handling. Then put the swamper situation on top and all you can look at is red

ink in the face. Well, to proceed along, we are up to where the swamper gets on the truck. Well lots of times drivers will get tired of waiting. They will proceed over to a place where they are to unload. Sometimes the market houses will permit them to unload without swampers. Well, the business agent will watch your truck until it is about two-thirds unloaded, and then he will swoop down on you with two men and you are compelled to hire these two men to finish your load and you pay them for the full unloading."

Assemblyman Lowrey asked: "Supposing you don't, what happens?" Mr. Ramsey replied: "You would look funny without any teeth."

Assemblyman Lowrey asked him if that had happened. He replied: "Many times. There have been more fights in that market than there has been anything else. There is not so much more any more because everybody has quit. They know they can't win, but you get a lot of these boys like I have, drivers from Texas and Oklahoma and Arkansas and some colored lad comes up there and tells him what to do, there is trouble right now. I have had them beat to where I couldn't recognize them and I never was in the habit of hiring drivers as pugilists. I wanted truck drivers. Once in a while you can get one that will do both but very seldom."

He was asked if he had ever made any complaints to the authorities, the district attorney's office, or the police, in relation to it. He replied: "Yes. They are too busy to appear. If they see the fight they go up to the next corner until it is over. We had a meeting here about a year ago, the ODT, the OPA, a representative from Mr. Howser's office, from the sheriff department, the local police, the Internal Revenue, Social Security—well, practically everybody I can think of and they were all down in the market and walked around and looked at conditions. They are all very, very surprised that such things could happen. They are still happening."

Asked what happened, Mr. Ramsey continued: "Nothing (happened). They just looked and proceeded quietly on their way and didn't come back. A big percentage of these swampers refused to pay Social Security. I know they don't pay any income tax. They say they are contractors. Now, the Internal Revenue looks down my neck to collect that tax. Well, if you can't collect it, what are you going to do."

The witness was asked if he paid the withholding tax and he replied: "On all of those that I can catch and get to come in my office, but a lot of them will say, 'No, I won't go over there, that Ramsey will deduct Social Security and Withholding tax.' They will tell the driver, 'You pay me here'."

He was asked if he meant that he had to pay the Collector of Internal Revenue the withholding tax in addition to the extra charges made by the swampers. He replied that he hadn't yet but, "I have been looking forward to that day and when that happens I don't know what I am going to do, but I don't think I am going to pay any withholding tax or any Social Security. Under these conditions if they want me to go out of business they should have told me a couple of years ago."

"In other words," he was asked: "You still have that liability, that problem to face?" He said: "Always." He was then asked: "Up to this time has the Collector of Internal Revenue of this District indicated to you whether he considers them independent contractors, or whether he considers them as employees?" He replied: "All he has told me is 'Until a decision is made, you collect it.' Now, I make every effort, but it comes around to the point where it is killing a driver or getting him badly beaten up, and getting him into hospital to keep from paying it, I let the driver go ahead and pay them. I can't do anything else. The same thing applies (to the Social Security tax)."

"I attempt to get all these swampers to come to my office to get their checks. I will pay them immediately upon arrival when they turn in their time slip for their unloading package amounts." He stated about 75 per cent of them come in for their checks on which he withheld both the Social Security and the Withholding tax, and there still were 25 per cent paid in cash, the driver paying and turning in the slip to him. "In the market contract," Ramsey continued, "that the Ninth and Seventh Street Markets have with Local 630, there is a clause in there that says that they can at any time that they so desire assist in the loading or unloading without the assistance of swampers." * * * "that is the contract between the Market Association and Local 630. The reason these produce houses will not assist, they like the deal, I am paying their labor. Now, a common carrier has a tariff which is his bible and he promises to do a job of transportation as per the terms of that tariff, which is virtually a contract. If I do any more, I violate it. If I do any less, I violate it. My personal opinion is I am violating my common carrier's permit because all I am doing is rebating $17 per truck in every market house I deliver to. I stand ready, willing and able at all times to deliver my load 25 feet from the end of the truck, which is the terms of my tariff with my own driver, or with my own help, which I am not permitted to use. So doing this work with them I am just out and will probably end up by being in difficulty with the California Railroad Commission for being accused of rebating. That is the other bad feature."

The witness was then asked: "From the standpoint of the farmer or grower, the produce house wouldn't take that stuff until it is on the sidewalk or on the loading platform." He replied: "That was correct, and they want you to stack

and sort it, which I pay for also." * * * "that all goes into this 1¼ cents per package. Sometimes I am able to collect from the consignee for this stacking and sorting. Over 16,000 pounds I can. If I hire two men I can charge $1.03 an hour for their time." He stated he was permitted to charge for that under the terms of his tariff on file with the California Railroad Commission, if the load consisted of one shipment over 16,667 pounds. He continued: "I will be paying $1 an hour or $5 an hour per man. As a common carrier my rules and regulations are somewhat different than the contract carrier, having been both at one time I know a few of the terms of the contract carrier. They take and raise the rates to meet these unloading conditions, which eventually the farmer pays. That is, the contract hauler. I attempted to do the same thing and put it on my tariff on the basis that these were not my employees—and I still contend they are not my employees—and by a decision of the California Railroad Commission was forced to refund these unloading charges, which I am doing." He took the position and the Railroad Commission ruled against him and required him to make a refund of that amount. The official ruling by the Railroad Commission was made June 6th and he promised to furnish the committee with a copy of it.

Mr. Ramsey continued: "The reason that I contend that these swampers are not employees of mine, is I don't have a contract with the union, with Local 630. They are parasites, so far as I am concerned. I have my own men who are capable of doing their own loading with the assistance of the consignee as per the terms of the tariff and could do it in a faster or more efficient manner with one tenth of the cost. As it is now I pay my driver $1.15 an hour to sit there and do nothing. He can't even untie his ropes. He can't fold his tarps. Our losses are tremendous by the swampers handling our unloading because they get this man's merchandise over here, and this fellow is short four here and this fellow over here is over four and before it is over you never find them because I think they take it home. I couldn't go on record as proving that but I never find them and I know they are checked out of the El Centro Terminal by three checkers and I know they are almost correct."

"My market losses this year will probably end up being $800 or $900 which I have to pay. * * * (for) "short, (crates) damaged—probably there isn't 50 per cent of those lumpers over there who know how to handle a crate. The rest of them just have strong backs and find out how much these boys are making and quit war time jobs to go into parasite business."

Senator Crittenden asked Mr. Ramsey if the swampers got regular employment. The witness replied that they work so regular that he would say their yearly employment, based on an eight-hour day, would average at least 10 months of the year.

He was asked to state how many hours a day they worked while they are employed at that kind of work. He stated he couldn't make any positive statement, but that their general average was about eight hours a day. He explained that the trucks came often enough so that there was employment for this type of work approximately eight hours a day during those 10 months; they not only unloaded the trucks, after they finished the unloading, they loaded them back on the same basis of pay. * * * "The contention of the union is that they don't work regularly, that they work two hours, then they loaf two hours. If they loaf two hours it is because they are loafing on their own free will and accord, because there isn't enough swampers in season to take care of the business, so the only thing happens they back up the truck. I have known as many as 35 and 40 trucks waiting to get swampers to unload."

Senator Crittenden asked the rate set by the California State Railroad Commission for his hauling. He stated that for the line haul it cost 5 cents a package. Explaining, he said: "Well, I am a little different in my operations than the average produce hauler. I don't come to Los Angeles with a load of produce and put on a load of empty crates and go on back. I haul freight back. My freight is at least five to one better revenue than produce, and I don't stand to lose anything on my freight because a case of bolts and nuts is not going to spoil or a harrow is not going to spoil or a package of * * * paper isn't going to spoil." He admitted he was making his money on other freight and lost 5 cents per unit hauling agricultural products. He added: "We pick up loads or we pick up and assemble shipments, of which we get as high as 53 cents a hundred pounds, or around 12 cents a package for, but on straight loads which I speak of, of which we get a great volume in season, that is the operating cost of it." (This discussion continued for some time.)

Mr. Ramsey continued: "* * * The Railroad Commission, I might say, is very favorable toward raising the rates. The OPA is very unfavorable."

Chairman Hatfield asked: "Didn't you have the strange anomaly of the Farm Bureau Federation coming before the OPA asking for an increase in rates to the common carrier on the hauling of grain and things of that kind last year?"

The witness stated that was correct. The Chairman asked: "In other words, the Farm Bureau, which has always fought increases of revenue came in and supported the increase of rates because of the very situation you pointed out?"

The witness replied that was correct. "That was on grains because it was laying in the field."

Senator Crittenden asked if he had ever taken up the issue of charges with the Union under this agreement which provided for the appointment of an arbitrator, and introduced a contract inquiring if the witness had signed with the Union, and the witness replied: "No."

Senator Crittenden continued: "And so I presume that you have never taken up any of your complaints in regard to charges for swampers with the Union, have you?" The witness replied that it had been taken up by their outlet which was the California Motor Truck Association, to which the majority of them belonged. Mr. Anthony was at the head. He continued: "At one time I was appointed by the Produce Haulers in this Southern District to act and speak for them in their absence. So we have had at least 10 meetings with the Market Association, Mr. Harris and the President of the Market Association, Mr. Hooker, and Mr. Weston of the Union, Mr. Grant of the Motor Truck Association, and myself. Each and every time we have had one of these meetings in a few days the conditions were worse than they were before and where there was a big meeting held it resulted in an increase in our unloading charges."

The witness stated that there had been one definite attempt to arbitrate with formal arbitrators; that the Union appointed one, that Mr. Grant and Mr. Harris and Mr. Weston appointed, but that they did not come to any conclusion or file a report, nor had they made any definite rulings that they turned over to him. He was asked why they didn't and replied: "Well, these things, after a while, to individuals lose interest, and after four years of fighting the condition I have lost interest. I know positively in my own mind, through my own efforts, I can't beat it. All I am going to do is to get myself probably knocked around, which has happened and could happen again, of which I have no fear but you just get so worn out and beat up, although you can see this money being beat out of your pockets, that you give up and say, * * * 'if that is the situation we have got to contend with, I have either got to do that or get out of business.'"

Assemblyman Hastain asked the witness if it was correct that following these meetings the rates were ordinarily increased and he replied: "Three times." He was then asked if he could give any reason why those rates were increased. He said: * * * "because we were fighting it. * * * I agreed to one raise and that was the $1.50 an hour. That stayed in effect five minutes after the agreement. Then they went out to contracting. They said: 'We won't work for $1.50 an hour, we can't make our $30 or $40 a day.' * * * This thing has been carried from Local 630 up to Mr. Mohn's office, who is the International man, and he just will tell you point blank that he can't do anything with the Union or these fellows. They are bad boys and they don't know any way that they can do anything about it." The witness explained that Einer Mohn was the International man of Southern California for the Teamsters' Union.

Chairman Hatfield asked: "When did he have this conversation with you?"

The witness: "Not only with me, before a group representing the ODT, Mr. Harris of the Marketing Association, a representative from the California Railroad Commission, I think Mr. Wilson * * * in the fall of last year." The witness was told they were bad boys and he (Mohn) could not handle them and that he was at a loss to know what to do with them. He was referring to the swampers and lumpers members of 630.

Senator Crittenden asked the witness what the voluntary board had determined was the proper charge and he replied: "$1.50 an hour." (The witness discussed rates for 10-wheel trucks, bob-tailed trucks, and semi-, and trailers.)

Chairman Hatfield asked if it was correct that no man could earn less than $2. The witness replied: "That is correct. If he works 10 minutes or if he works 55 minutes or an hour."

Senator Crittenden asked the witness what he considered under present conditions a proper charge for unloading these trucks by swampers.

The witness declared that swampers were not needed, but, assuming they were needed, he pointed out they worked more than eight hours. "They work right through their eight hours or their 10 or their 12, so long as they want to work there is work around there for them. The Union scale for line drivers is $1.15 an hour. He spends one night away from home. He fights an old, dilapidated piece of equipment over the highway with bum tires, bum parts, bum everything. I am not speaking of my own equipment; I am speaking of everybody's. There isn't any good equipment left any more and any driver has those things to fight. He gets $1.15 an hour. He pays his own expenses on the highway. Here are fellows in that market who are home every night. They eat one meal away from home, probably, and they wouldn't have to eat any more than that. I would say $1 an hour would be a big price."

The witness was asked what the Railroad Commission allowed and he stated $1.03. He was also asked what other governmental agencies allowed and he made no comment. He was asked the Federal rate and he said they didn't set anything. "They don't say it is too high or don't say it is too low. The ODT, their limitation is this, they haven't anything to say about how much a man makes or how little he makes. What they are interested in is the obstruction of transportation when it is so vitally needed." He added that they are interested in getting the maximum of service out of the equipment available and keeping it moving.

The chairman then asked Mr. Ramsey if it were not true that sometime this year there was not a meeting called of representatives of the Railroad Commission, the OPA, Social Security, and other governmental agencies, and a general letter was sent out to all the truck owners and operators, commercial haulers, etc., for the purpose of a conference on the situation. The witness replied: "Yes."

The chairman asked him if it were not also true that they had the meeting and all the representatives were present and there were about four or five truck owners and he replied: "Yes." He stated he was at the meeting and continued; stating the meeting was held at Mr. Mohn's office, that Mr. Mohn had business in Seattle or San Francisco, so he turned the meeting over to the attorney for the International. He said the meeting was handled by a man named Walksburg who was the secretary, or president of Local 224. Local 224, he said, was the union handling only the line drivers, line haul drivers, the men who work between terminals—men who conduct the long distance transportation. His own drivers belonged to the union in El Centro, Local 898. The witness stated that he believed that the general letter came from Mr. Krueger's office (ODT). Before this meeting, he said, there was a preliminary survey made of the market. The witness continued: "We went to both markets, saw the money change hands from a truck driver to a swamper without any deduction of Social Security or any withholding tax, and the driver was asked why. The driver said: 'Well, ask this lad here.' So this colored boy said: 'We'uns do not pay any of these things. We'uns are contractors, and we'uns carry on along that line'."

"The meeting * * * was attended by four or five truck operators," the witness continued, "a representative from the Social Security, the Old Age, * * * and the Department of Internal Revenue. * * * Also by a Secretary of the Teamsters' Union at Santa Maria, and a Secretary of the Teamsters' Union at El Centro were present." The witness was asked why the Secretary of the two unions, one from Santa Maria and one from El Centro, were present, and he stated they were protesting the market situation because of the complaints of their individual members who were driving and were running up against the situation, but, he added, "they had no opportunity to express themselves or make any statements."

Asked by Chairman Hatfield to tell what transpired, he said: "Well, the first thing I was called upon—I have been more or less the instigator of a lot of these meetings, so I was called upon to state my case. I did it along the lines I have here today, bringing out all the bad features and what good ones I could think of which were very few. They then were discussed pro and con. The delay in securing swampers was threshed out. The contracting rates against the prevailing hourly rates was threshed out ond a committee of Mr. Grant of the Motor Truck Association, Homer Harris of the Market Association, and Mr. Weston of Local No. 630 * * * were appointed on a committee thresh this thing out. Two meetings, I believe, were held, and that is all. In the meantime this contract appeared. Nobody was ever told that this contract was going to be put into effect. It wasn't agreed upon by Mr. Grant or Mr. Harris, I am sure."

Chairman Hatfield asked: "The appearance of this contract was at the time that you had the meeting where there was a complaint based on the $1.50 per hour rate, that they weren't abiding by that, but were getting up to a $5 rate?" The Witness replied: "Yes."

Chairman Hatfield inquired: "Then they put this contract on a piece basis?"

The Witness: "Yes, which don't look so bad until you come to paying off."

Chairman: "Didn't you have a situation there at one time in which they established a hiring hall and to which you were supposed to go and pick up the men? In other words, there was a complaint about the fact that these fellows wouldn't take the $1.50 an hour and were out wanting an independent contract on every load?"

The Witness: "That is correct."

Chairman: "And they would tell you what to pay and you either paid it or you didn't get unloaded?"

The Witness: "That is correct."

Chairman: "So there was a complaint and they established a hiring hall that ran for about 48 hours?"

The Witness: "That is correct."

Chairman: "Tell us about that situation, what happened?"

Explaining the hiring hall situation, Mr. Ramsey continued: "After one of these meetings, which was attended by Mr. Harris and Mr. Weston and myself and Mr. Grant to work out something where the Union had better control over the men under their jurisdiction, in other words, the lumpers and the swampers, and where we could find them without driving from the Ninth Street Market to the Seventh Street Market and from the Seventh Street Market to the Ninth Street Market trying to find swampers to unload, which takes time, effort, and expense, the hiring hall was designated over on Standford Avenue at the Local 630's Union hall. All trucks were advised to make their appearance at that hall."

Chairman Hatfield: "In other words, the theory of that would be that a Union official would designate the two men that would go on that load and unload it?"

The Witness: "Yes."

Chairman: "At about $1.50 an hour?"

The Witness: "And come back after competion of the load."

Chairman: "And get paid off?"

The Witness: "Get paid off and be reassigned to the other truck."

Chairman: "That was to have the control so they would only get $1.50 an hour?"

The Witness: "That is correct."

The Witness was asked: "So what happened?"

Witness: "Well, the first night the union never had any idea of the volume of trucks coming in here, never had any conception, so the first night they completely filled Standford Avenue and backed them up all over town to where the police department had to send a patrol down there to take care of them."

Question: "They sent a ptarol down there and they arrested a lot of the truck drivers for obstructing traffic, didn't they?"

Witness: "They were going to write a lot of tickets until they found out what was happening, so what was really the background of that, the swamper would go out, well, if he wasn't going to get $15 for unloading the truck he would kill enough time in unloading it to build his hours up to $15, so the available supply of swampers reduced their efforts 80 per cent and went on a sit-down strike, you might say, and these trucks backed up and backed up until we had the town flooded and then the police department came."

Question: "Wasn't that the basis upon which they changed the rate from an hourly rate to a piece rate?"

Witness: "It didn't happen immediately after that, but I think,—well, my own opinion would be that they called the swampers in, the swampers, they run the meetings, nobody else runs them, if a fellow gets up and he wants to talk sense they holler and whistle him down until some of their men get up and express their side. So a secretary of the union has very little control. He is a paid employee by the members, they can throw him out on his ear any day they take a good notion to. So on this basis, if I was the secretary of a union and the union members were paying my salary and I liked my job and I didn't want to lose it, I wouldn't be too arbitrary about telling those boys what to do and what not to do. The president of a union can do that, because the president is paid by the International."

Question: "Has this local got a president?"

Witness: "No. This is in the hands of the receiver. Whenever they want to take the president out and make the secretary the reigning lord, why, they can do it."

Question: "Actually they haven't got a president?"

Witness: "No, no president. Einor Mohn is the president. He is the only president."

Question: "What happened the second night of this?"

Witness: "Well, the police just came down and said: 'Break it up, we can't have this,' and then the trucks disappeared over in the market and everything went along serenely. They paid $15 or $16 to get unloaded."

Question: "As a result the hall was broken up (by) police department here in Los Angeles?"

Witness: "It was broken up not by the police department but by the men themselves. The men didn't want to go over there because they had to work for $1.50 an hour. It was too far to go over there in the first place because they have their locality down there where they can hop in and get their glass of wine or their cup of coffee or this and that and the other thing that they want, and it was too far away from activity."

At this point Senator Crittenden asked this question: "You made the remark awhile ago that the swampers, as a separate union, were not necessary, or something to that effect." Explaining what he meant by that, the witness said:

"Under the laws of transportation if you pick up a shipment at a point of origin, you ordinarily get assistance from a shipper in the loading of that truck in this fashion: It all goes back to the railroad car business; if you order a car in at your platform, the railroad doesn't come down and take it off your platform and put it in the car, you have got to do that yourself. The truck goes a little farther. They loan

one man to assist in loading. When they get to the destination my tariff says that I must deliver merchandise up to 16,667 pounds, or 10,000 pounds minimum, or 18,000 will be top, I am supposed to lay that man's merchandise in front of his building or on his platform not to exceed 25 feet from the end of my truck. The consignee is then supposed, or is compelled to pick that merchandise up and keep it moving out of my truck driver's way. Over here in this market if they would furnish their own checkers to move the merchandise out of the way as we take it off the trucks, we will put it 25 feet from the end of the tail gate and the driver on the truck will do that."

In response to questions, Witness Ramsey said that the driver could do it fast enough to accommodate within the time approximately that it was being done and added: "Where we have to deliver at street level we will furnish our own men whose prevailing price is $1 an hour for 40 hours a week and time and a half over that," and added, "* * * we were all union operators."

The witness was asked if he ever knew of the union inviting the farmers or haulers in to discuss the terms of the contract and he said he understood that: "they went to the California Vegetable Association and interviewed them and they agreed to that, but the California Vegetable Association, or the Vegetable Growers or something along that line, haul their own merchandise. They are not in the highway transportation business."

Assemblyman Hastain pointed out that it was apparently the truck drivers' association and the common carrier, etc., that had been attempting to get out from under this added burden and he wanted to know if there were any other organizations or associations helping them or had they ever helped in trying to relieve the situation, and the answer was, "No."

Asked if the marketing association or the dealers had helped, the witness made the following statement:

"Well, the Market Association consists of a secretary, whom I have spoken of a number of times as Homer Harris. Now, Homer Harris works for the Market Association. He doesn't work for me and if anything is done to help me, it throws an additional expense upon the market houses, which he doesn't want. So he is of no help whatsoever. So long as these things are as they are now, as I say, I am saving those market houses at least, well, it would take three swampers a day to handle the merchandise coming in and a market swamper that works in a house, I believe, gets $50 a week. So I am saving them $150 a week."

The witness was then asked, "In other words, with your driver and possibly a man or two with the houses over there this whole deal could be handled entirely without any additional labor whatsoever." And he answered: "That was correct."

Chairman Hatfield suggested it might mean that the market houses would have to employ additional men and the witness stated: "That is correct, yes, or the men that they already have there that do nothing, they just stand around and look at my men work."

Assemblyman Hastain suggested: "They have to have someone to handle those crates after they are dumped on their platforms, don't they?" And the witness replied: "That is right. They have to lock them up."

Chairman Hatfield then asked if they had anything to do until the crates were dumped on their platform, and the reply was "That is correct."

Assemblyman Hastain reminded the witness he had stated that the sheriff's office, the district attorney's office, the chief of police, had their representatives come down and see the situation, and asked them if he had ever talked to any of that group following their investigation and if anything came out of their investigation. The witness stated he had not done so personally but that he thought Mr. Grant of the Motor Truck Association did, but that they showed no further interest after that. He stated they said the conditions were deplorable; that they were bad, but that nothing was done in regard to it.

Question: "Where do you folks turn for protection up here?"

Witness: "If it comes down to the point where you have got to fight, you get in and you get yourself a jack handle and do the best you can until the fight is over or you are in the hospital."

The witness was reminded he had made the statement that his transportation rates had been increased at one time 3 per cent and another time 6 per cent. He said: "No, the rates have been increased one time * * * and it was 6 per cent and all merchandise up to 18,000 pounds; 3 per cent on merchandise of 18,000 pounds and up." He was then asked if he could give any estimate on the percentage that his labor cost had increased during this period of time in comparison to the increase in rates which he received. He stated he didn't have labor cost compiled but that they had increased 38 per cent. Asked if his labor cost has increased 38 per cent against an increase of 3 per cent and 6 per cent, he replied: "A general average of 4½ per cent."

Assemblyman Lowrey asked the witness to state again definitely what happened if he started to unload his load without the swampers. The following reply was made:

"After a period of time after you have had a couple of those fights or wrestles, or whatever it is, you just don't do it, but if you do go out and attempt to unload it, the business agent will see you and he will let you get, with your own man, or your own men, two-thirds of it off; then he swoops down on you and brings two men and you pay these two men the full amount for unloading the load."

Question: "If you don't, then there is violence?"

Witness: "That is correct."

Question: "What has been the additional rate of expense or cost to the farmer?"

Witness: "Well, the farmer probably has had, oh, a 40 per cent increase in his rates by a contract carrier."

Question: "But no increase by common carriers?"

Witness: "No."

At this point, the witness asked Senator Hatfield if he might read into the records a market labor figure that he had paid out for one week's work.

The chairman gave him permission and he stated that it amounted to $1,019.01.

Asked if that had been paid to swampers, he replied: "To swampers for one week from August 19th and August 25th. One man was paid $243.37, another one $205.42, one $221.91, another one $248.67. The others were smaller amounts."

Asked if he had the names and if tabulated, he stated that the first one was for $243.37 Sharpe, that he was a member of the local and was a swamper. The second one, he stated, was for $205.42. All the name he had was Sandstrom. He was asked at that point if that check was for the individual man's work or if it included any other individual and he replied that it was for his own work for one week. The next check was for $221.91, Davis, and the next check was for $248.67 to Mendoza.

Senator Crittenden asked if these men were considered more technical men than the drivers. The witness replied: "No. The driver by far exceeds, not only does he know how to load produce, but he knows how to drive, repair, change tires, and get a truck over the highway."

Summarized testimony of E. E. Cox, rancher 24 years, of Irvine, California

The next witness was E. E. Cox. Before he was called, Senator Crittenden asked that a witness be produced from the Railroad Commission to show how they arrived at rates set forth on the transportation of agricultural crops with carriers. Mr. Bryant who was called stated he was there as an observer for the Railroad Commission. Senator Crittenden remarked that he didn't want an observer; he wanted someone to testify. Chairman Hatfield requested that Mr. Bryant take it up with whoever was responsible and to procure the information Senator Crittenden had requested.

The next witness was Edgar E. Cox of Irvine, California, a rancher for 4 years producing dried beans, hay, vegetables at Irvine; alfalfa and vegetables in Los Angeles County. He stated he did all of his own hauling into the Los Angeles market in his own trucks. He stated the last that he hauled in was a crop of bell peppers. This fall he had to haul in a crop of peas and a lot of times he hauled green peas, whatever crops he happened to have. He stated he did not employ contract haulers. He did all his own hauling. He was asked to review the situation. He stated he could tell what happened when they first tried to organize in the Los Angeles markets.

"I was hauling in there with a rather small truck, about five tons to a load, * * * about 1937. This trouble started along about 1940, I believe it was, the winter of '40. It might have been the winter of '39 but it was along about that time. And owing to the fact that during those times we were not getting enough for our vegetables to any more than pay the cost, we tried to do everything ourselves that we could to save every penny that we could to meet expenses. When I would come into the market these swampers would want to help me unload my load and I said: 'No, I can't afford to hire you to unload my load because I can do it myself in 20 minutes and why should I give a $1 to you. The $1 means a lot to me and I need it and I am not going to give a dollar to you.' * * * That went along for two or three nights, finally one of these fellows came to me and he said: 'You had better let me unload that load or there is going to be trouble.' I said: 'Maybe so, but I am not going to let you unload it.' So I started to unloading and in about 10 minutes, why, here came a big automobile, a man got out and stood near the front of my truck. He first looked the truck over and wanted to know where my license plates were, what my name was, and I said: 'Well, before I answer you any questions, I want to know who you are.' He said: 'I am from the labor union.' I said: 'Well, so what? That doesn't mean anything to me.' He said: 'Where are the license plates that are off of your truck?' I said: 'That is none of your business unless you have got an officer's badge.' I said: 'I am not giving you any information.' He said: 'What is your name?' I said: 'That is some more of your business, isn't it?' He said: 'Well, I am going to get it.' I said: 'Go ahead.' He stands out in front, he has a

couple of fellows standing behind him with their overcoats on and their hands in their hip pockets, I don't know what that meant, but I wasn't very badly worried because I had a man in the cab with a six-shooter on them, so if they started anything, why I would be ready for them, so I talked pretty brave. So he said: 'Well, what business have you got to unload this load in here?' I said: 'It is my property I brought in to sell,' and I said I was going to unload it on the sidewalk. He said: 'This isn't your property.' I said: 'Who owns it?' He said: 'The minute you crossed Indiana Street down there that load becomes part of the union property and is handled entirely by the union and you have got nothing to do with it.' I said: 'What kind of a damn law do you operate under?' He said: 'We make our own laws.' * * * I don't know what his name was. He just said he was the union representative. He said: 'Well, don't bring any more produce into this market or you are going to get into serious trouble,' and he tried to find the name off my truck. I didn't have any license numbers on it because at that time I was changing over from the BE (Bd. of Equalization) license to PC (Public Conveyance) license and I had to send the plates in and I also had to send the white slip in. It just happened that I didn't have either the white slip or the license plates on the truck. All I had was the red card on the windshield, which you couldn't read by his flashlight. So he couldn't find out who I was or where I was from or what I was doing or any of my business, because I didn't think it was any of his business to start with. * * * It was either '39 or '40 I don't recall which. It has been four or five years ago."

"So I went ahead and finished unloading my load, started out of town and just as you turn around Ninth there was two men in a Ford coupe started following me. Well, they followed me clear out, pretty near to where Telegraph Road intersects Ninth and I did not like the looks of them, so I switched down the side road and back through an alley and got around behind them and I followed them and where they went to, I don't know, but, anyhow I got suspicious I didn't haul any more stuff on my trucks during that season. I sent it in by common carrier. The next night they looked that market all over trying to locate my produce."

"In the meantime they had found out, they went to the man who handled it, and found out what my name was and they tried to locate my produce, said they wanted to dump it on the street, but I outsmarted them a little bit, because I sent it in under another name by common carrier and they didn't locate it. So I was just about to finish up the season and I sent in the rest of the season's crop under those conditions and since then I haven't had any particular trouble."

"It was shortly after that that the union did agree to let the person who owned the truck and owned the produce unload their own loads, although I have been approached several times by these swampers wanting to help me and I tell them 'No, it is my truck and I am going to put it out where I want it. That is my business.' They haven't bothered me particularly since then. I haven't hauled in there since February."

In answer to questions, he added he had no trouble this year, had done his own unloading without any interference or difficulties during 1943, '42, and '41. "I didn't have any trouble after that first ruckus that I had, any particular trouble. I didn't have much after that excepting these fellows come around make a few threats wanting to unload and saying, 'We will see that we do get to unload it.'"

The witness was asked whether he knew of any other farmers in his locality who were hauling in with their own trucks, and he said he knew that there were several. Asked if they were able to unload their trucks without any difficulties, he said: "No. They hire swampers." He added: "I am the only one I know of that doesn't hire swampers, and I just refused to do it."

At this point Chairman Hatfield stated that he was going to ask the representative of the union this question: "I have been advised that the farmers who are hauling in on their own trucks and their own produce are requested to join the union and pay monthly dues, I believe, of $2. Do you know anything of that?"

Mr. Cox said he did not and that he had never been asked to do that.

Summarized testimony of C. J. Cogan, rancher and salesmanager 27 years for the Irvine Company, Santa Ana, California.

The next witness was C. J. Cogan, a rancher and salesmanager for the Irvine Company, Santa Ana, a position he had held for 27 years. Asked to state his experience with the shipping of produce into the Los Angeles market, he testified as follows:

"Various tenants on the ranch produce vegetables on a crop share basis, and it is their duty either to deliver the merchandise to an accepted house in Los Angeles, either at the Seventh or the Ninth Street Market subject to our instructions, or to any place that they desire to have their merchandise handled and sometimes they dispose of their merchandise through the channels which are best suited to them, and we dispose of ours through our own channels in Los Angeles."

"We have experiences that have been very distasteful to us, extending over a period of approximately four years and we have never been able to get to the bottom of just

why these activities existed. We have endeavored to constructively get to the bottom to find out just why they existed and for what purpose and why we were subjected to certain charges and impositions that we felt were not right and reasonable."

"Sometimes our tenants haul their merchandise on their trucks in to Los Angeles. It is their own produce on their own trucks. And we used to deliver all of our merchandise to the receiver's doors, unload it, and with the assistance of the receiving clerk there put our merchandise in such a place where we had it going, either by automobile or on a consignment basis."

"We have had to adopt a different system of hauling this last year for two reasons: First because several of our tenants found it necessary to stay away from the markets. These reports came to me that they just didn't like to get into the arguments with the gentlemen who were in the market and demanded the privilege of unloading the merchandise, and they thought it necessary to let either contract haulers or men who were in that business take the responsibility and get the merchandise there the best they could."

"It has got to a point right now where we are seriously considering the reduction of our vegetable acreage and staying out of the vegetable business entirely because after all we don't want to antagonize people, we don't like to get into antagonizing fights and we, before we pay out what we figure is tribute and imposition, would like to know the source and the reason and if it is legal and if it is a justified charge against our commodities."

"A few years ago we unloaded one of our own trucks on the ranch with flax, and contracted to Spencer-Kellogg here at Terminal Island, * * * produced on the ranch. It was loaded on our own truck. It was our own property, driven by one of our own employees and he proceeded to the Spencer-Kellogg organization at Terminal Island and was met at the gate and told: 'You can't enter this gate unless we take charge of this truck and there is a swamper on this truck to unload.' The man didn't phone and ask me or I would have immediately returned the truck back home with the load intact until I found out just what the charge was for. He brought back a little card and it wasn't a union card, it was just a card with 'Received $2 for unloading flax,' and the man's name was unintelligible. I thought that was a peculiar thing for a union to allow a piece of paper like that to go out as a fee for unloading a truck."

"Nevertheless the man paid that tribute for unloading and returned to the ranch and he was severely criticised for so doing because it was his duty to phone me that this imposition had been made, and the tribute demanded."

"Apparently, that was the start then of many such instances until we got into the Los Angeles Market. One afternoon about 2 o'clock I couldn't understand why a truck hadn't returned to the ranch empty. He had taken a load of peas up in the morning. This is in the pea season of 1942 and entering into 1943. This call came from a well-known house on the Ninth Street Market and he said: 'Mr. Cogan, I can't unload the peas.' I said: 'For what reason?' He said: 'We have a man picketing us out here and he won't allow these peas to be unloaded.' He said: 'For what reason?' He said: 'You have got to pay swampers to unload this truck.' And I said: 'Well, I don't know just what these swampers are or what it is all about, but I am not going to pay anything for unloading that truck until I know definitely what it is for and who imposed the law and whether it is legal or not.' I said: 'I would like to talk to the gentleman who is carrying the picket sign.' So he got on the line and he said: 'Well, brother——.' I said: 'Cut out the brother stuff. Let's get down to facts.' He said: 'Before you get this truck load of peas unloaded we have got to have so and so and so on for swampers.' It had to be paid, so much for unloading, see. * * * It wasn't indicated (how much) over the phone, but whatever the regular rate was for that particular work, that had to be paid. * * * I said: 'Before I pay any tribute for unloading those peas I will bring the sheriff's office over or the police over to the market. That merchandise is for the soldiers that need that food and it was guaranteed to be delivered to this organization at Los Angeles for the purpose of getting it to the Army Quartermaster's Department.'"

"'Well,' he said, 'you try and get it unloaded.' He said: 'Who are you, anyway?' I said: 'I just happen to be the representative of the producer of these peas. I am not going to argue with you and I am going to act in good faith, but I don't think that it warrants any objection on your part to get that merchandise unloaded until I find out the reason for paying this tribute.' He said: 'You try and get it off.' I said: 'All right, if you give me the line for just about five minutes, if you don't mind, and you stay and I will call you back.'"

"I called the sheriff's office in Los Angeles and apparently they weren't in a position to do anything. I then called the police."

Questioned who he called at the sheriff's office, he replied: "I asked for Biscailuz, but I didn't get him, but I got some department officer there. I probably could trace the call if I referred back to my records. Then I phoned the police and the police did send some representatives over there and in the meantime this man who had been picketing deserted the place over there and beat it away. The final result was that

we unloaded our peas and that was the last we heard of anything for sometime. Several of our growers then wrote reports to me that they didn't like hauling the merchandise into Los Angeles because they finally had to get swampers to unload, and we couldn't understand it. We had no notification that the unions were making these demands. We had no letters or submission of contracts that they wanted these men to unload our trucks, and we finally hired a contract hauler at Los Angeles. He used to haul in 10 to 12 tons of peas a night, 10 to 12 tons of tomatoes, depending on the crop that were ready for market and it finally got to the point where this man came to us and said that he couldn't do any more hauling. He said that it was a question that he wasn't making any money. He wasn't satisfied to sit around and wait in the market at night * * * he was operating in '41 and '42 * * * his name was the Takeway Truck Company. He is entirely out of the trucking business, and he told us it was a matter of impossibility for him to do any more business for us because of the lost time that he suffered in these markets. Some nights he would get up there as early as 9 o'clock to unload peas and they wouldn't be unloaded until 3 o'clock in the morning due to the fact he had to hire these swampers and it was impossible to get the men to get the load off, not being enough of these swampers to hire, or not being on the job in the market yet. So he was forced to leave his load alone, he couldn't touch the load at all. We just took it on the nose and couldn't understand why the union was operating in this manner without notifying the producers or the farmers. This evidence was coming down to us by phone and brought to us by the growers and the straw broke last year when we received an account sales from one of the producing houses in Los Angeles making a deduction for union charges and we couldn't understand them at all, so we demanded a reason for taking it off. So this organization simply stated: 'Well, if you want us to handle your merchandise that is the only way the merchandise can get into this store, because if we don't pay the union's dues for unloading this truck, we are picketed, and it drives our trade away from the doors.' Well, we gave emphatic notice to this organization, and likewise the organization that was handling the peas, that under no consideration would we tolerate any deduction whatever for tribute or union activities until we were assured that it was law and that it was recognized by the State heads, or whatever department this came under. But nevertheless there is one sales slip on which it distinctly states 'Union dues to unload truck $2 for 200 units of tomatoes.' "

(The document referred to was marked as Exhibit No. 3)

The witness was asked what a unit was and replied: "A lug," and that it would be a cent a lug and that 200 lugs could probably be unloaded by his truck driver and himself in about three-quarters of an hour, also properly stacked ready to sell at the commission house door. He continued: "You will notice on that account sales there are several different sizes of tomatoes in those various lugs. The unfortunate part about this unloading is that after the merchandise is put on the ground by these swampers it then has to be resorted into the various sizes, because you can only sell them together. It is very annoying when you have to double handle them and it doesn't do the tomatoes or the lugs any good."

Asked who did the sorting, the witness continued: "It is either done by the commission houses or we have to get off the trucks afterwards and do the sorting ourselves. Now, I submit as evidence again, on November 18, 1943, a charge for unloading, 103 units, of $4 by the same house, a union charge (for tomatoes)."

(The document referred to was marked as Exhibit No. 4)

Chairman Hatfield asked: "How long would it take to unload 100 lugs?"

The witness replied: "20 minutes," and continued, "The money was deducted from our account sales, and we have permitted that to stand because at that time we were taking this matter under advisement and under consideration in Orange County with the idea to see if eventually this might come to a head. We wanted to have sufficient evidence in hand to prove that these deductions had been made."

Asked if these were the only two deductions made, he said: "I don't know just how many deductions there are until I would go through the records, but if it is necessary for you I will do so."

Asked if he still permitted deductions, he stated: "No, we are not," and continued: "For the simple reason that we are staying out of the market, and we have just simply said we are growers, 'If you want this merchandise in you will have to get it in the best way you can.' * * * We are not going to ship into the market under these conditions at all and any merchandise that moves today during the season, if we are to move any tomatoes this season, they will be moved on our trucks with our own drivers and we are not going to tolerate any interference in the unloading of those trucks. We are going to unload our merchandise at the very door of the commission house where that merchandise is going to be received, and we are going to put it there at any risk."

Asked when the last time he delivered to the market, he replied: " * * * by a contract hauler, June the 9th * * * I would have to verify this, around February, 1944, February, March, April and May, up to June, 1944 * * * and

the contract hauler informed me that inasmuch as I prevented him from making an assessment against us for any tribute paid for unloading the merchandise, he said that he was caused to pay out of his own pocket, which I believe, because I have checked him and followed him through, but that would be his own evidence, that he has had to pay the swampers out of his own pocket for unloading this merchandise. But there have been occasions when he has come to me and stated that due to the fact he had to wait three to four hours up here and two to three hours, and delayed sometimes longer than that, he said, 'I think I should be reimbursed for the delay caused by waiting for the fellows to come along and unload my trucks.' We fought it bitterly for two reasons: because there had been no notice served on us that this was the law, and we didn't know who were the parties creating these laws and making these demands or the unloading fees against us."

Asked if he had actually stopped making deliveries, he stated: "The Irvine Company has absolutely stopped making deliveries, yes," and added: "We are still growing produce * * * we allow our rentals to come up on the tenant's trucks."

Asked if they had to pay the swampers, he replied: "I can't speak for those tenants."

Asked if any of his produce was hauled by contract haulers or by other haulers, he said: "The contract hauler and tenants, yes," and added: "* * * (hauled) from the Irvine Ranch at Tustin, Orange County, California, up to Los Angeles. Of course, our haul is so diversified down there that we have hay, grain, sheep, cattle contract hauling right now. We are switching right over to contract hauling for the simple reason that we don't want to get into any of these arguments until it is demonstrated to us that it is the law, and it is a fair and reasonable charge, and we do want to go on record at this meeting that we prefer to go back to the old style of delivering our merchandise and unloading it with the assistance of the commission houses, which was a satisfactory way of handling the merchandise for years and years until this racket started."

Asked what the rates of contract haulers were, he replied: "For hauling tomatoes from the ranch into the City of Los Angeles it is 10¢ per lug. * * * That is about 38 miles and the tenants must have those tomatoes at roadside ready to put on the truck."

Chairman Hatfield: "Can you tell me what the contract price was prior to Pearl Harbor?" The witness stated: "We have had tomatoes hauled into Los Angeles for as low as 6¢ a lug."

Assemblyman Lowrey inquired: "Do you know what union is involved in this * * * even by intimation? Do you in your own personal mind have any idea what union it is?" The witness replied: "Only what I have heard as evidence in this meeting this morning and, of course, I have never followed the union activities at all only along the line of my testimony here."

Chairman Hatfield inquired if he had extensive holdings and kind and amount of shipping in 1943, and the witness stated: "Yes. * * * Well, last year, '43, I would say we shipped 17 to 20 thousand lugs of tomatoes into the Los Angeles markets, * * * depending entirely upon the crop and the demand here for the tomatoes. It was a particularly good year last year for tomatoes in Los Angeles. * * * We are very large shippers and very important factors in so far as the delivering of produce into the City of Los Angeles is concerned. Just to give one instance, we put in 100 railroad cars of celery into Los Angeles in one season, * * * and we ship a lot of cabbage into Los Angeles. I have just delivered into the City of Los Angeles 400,000 pounds of avocados."

Asked if he got into any trouble with the swampers, he replied: "No, because we deliver the avocados to La Habra, then it is the handler at La Habra, that is his difficulty then from La Habra into Los Angeles. We stay out of the Los Angeles market. We deliver our merchandise to the La Habra people rather than send our employees through into the markets."

Senator Crittenden asked him if he knew anything about the proposed contract mentioned in the testimony, supposed to be put out by the labor unions, and the witness replied: "I didn't know anything about it, sir. I have never seen it."

Asked if he received an invitation from the labor unions to confer with them concerning necessity of having swampers to unload, price, and if it was reasonable, he replied: "No."

Asked if he had ever had any violence result from refusal to use swampers, he stated: "No. We have never had any violence. I have heard of it."

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 319—An act to add Article 5, comprising Sections 540 to 542, inclusive, to Chapter 1 of Part 2 of Division 1 of the Health and Safety Code, relating to the registration and examination of sanitarians employed full time in State and local departments of public health.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 375—An act to amend Section 10607 of the Health and Safety Code, pertaining to proceedings to establish record of birth, death, or marriage.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 586—An act to add Division 23, comprising Sections 32000 to 32313, inclusive, to the Health and Safety Code, relating to the establishment, organization, government and powers of hospital districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 2, line 13, of the printed bill, strike out "the"; and strike out lines 14 and 15, and insert "a majority of the registered voters residing in the proposed district."

Amendment No. 2

On page 2 of the printed bill, between lines 15 and 16, insert

"In respect to an election held to determine whether or not a local hospital district shall be formed, the precincts shall be established, the election conducted, and the returns canvassed in such a manner that the results may be declared, and they shall be declared, separately as to each county supervisorial district in which is situated any of the land proposed to the voters for inclusion in the hospital district. If in any such supervisorial district a majority of the votes cast be in favor of organization, the supervising authority shall declare the hospital district duly organized and shall define its boundaries, including therein all of the lands that were proposed to the voters for inclusion in the hospital district and that are situate in any supervisorial district in which a majority of the votes cast are in favor of organization. If a majority of the votes cast in any supervisorial district be against organization, none of the land in that supervisorial district shall be included in the hospital district.

32004. A petition for annexation of land to a local hospital district shall be signed by registered voters residing within the territory proposed for annexation, equal in number to at least 15 per cent of the number of votes cast in that territory for the office of Governor at the last preceding election at which a Governor was elected. If, upon the hearing held pursuant to the provisions of Division 3 of the act cited in Section 32002, the governing body deems it for the best interests of the district that said territory, or part thereof, be annexed, it shall call and hold an election to decide whether or not the proposed annexation shall take place. If a majority of the votes cast at such election, in the district and in said territory respectively, be in favor of annexation, the district governing body shall by resolution declare the territory annexed and shall describe the altered boundaries of the district."

Amendment No. 3

On page 2 of said bill, in lines 25 to 27, inclusive, strike out "elected at the election at which the formation of the district is approved by the electors. Upon their election, the first board so elected", and insert "appointed, upon the formation of the district, by the board of supervisors of the county in which the land or a greater part of the land in the district is situated. Upon their appointment, the first board so appointed".

Amendment No. 4

On page 2 of said bill, strike out line 44, and insert "the performance of official business of the district as approved by the board."

Amendment No. 5

On page 4, line 9, of said bill, after "basis.", insert "The board may establish different rates for residents of the district and for persons who do not reside within the district."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 109—An act to amend Section 4010 of the Natural Resources Code, relating to forest fire protection.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 51—An act to amend Sections 65, 66, 75a, 79, 83, 83b, 84, 86, 88, 90, 92, and 93 of, to repeal Section 100b of, and to add Section 100b to, the State Employees' Retirement Act, and to amend Sections 20601, 20605, 20610, 20951, 20953, 21028, 21031, 21253, 21254, 21255, 21258, 21290, 21291, 21296, 21298 and 21300 of, to repeal Section 21297 of, and to add Section 21367.5 to, the Government Code, relating to the State Employees' Retirement System, revising bases of rates of contribution thereto and benefits payable therefrom, reducing the ages for normal and optional retirement, and providing for payment of benefits upon death of retired persons.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 55—An act to add Section 4a to, and to amend Section 67 of, the State Employees' Retirement Act, and to add Sections 20307 and 20681.5 to, and to amend Section 20684 of, the Government Code, relating to the State Employees' Retirement System, and providing for the inclusion therein of certain State employees whose compensation is paid other than by the State, and for contributions by members and by the State.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 57—An act to amend Section 95 of the State Employees' Retirement Act and Section 21331 of the Government Code, relating to the State Employees' Retirement System, and providing for the election of optional benefits in lieu of retirement allowances.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 550—An act to add Article IIa to Chapter 5 of Title 2 of Part 4 of the Political Code consisting of Sections 4100a to 4100e, both inclusive, relating to the duties and powers of the Controller.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1188—An act to add Section 717 to the Political Code, relating to the State Capitol Building, the management thereof, and the assignment and reassignment of space therein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 747—An act to amend Sections 3d and 28b of the State Employees' Retirement Act, relating to the State Employees' Retirement System in respect to employees of bridge and highway districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "amend Sections 3d and 28b of the State Employees' Retirement Act", and insert "add Section 20954 to the Government Code".

Amendment No. 2

In the title of said bill, strike out lines 3 and 4, and insert "ment System."

Amendment No. 3

On page 1 of said bill, strike out lines 1 and 2, and insert

"SECTION 1. Section 20954 is added to the Government Code, to read:

20954. A local miscellaneous member shall be retired for service upon his written application to the board if the following conditions exist:

(a) He is separated from State service because of a curtailment of or a change in the manner of performing such service, and not because of resignation or dismissal under charges.

(b) He has attained age 50 and is entitled to be credited with 15 or more years of State service.

(c) The board determines that his separation is of an extended and uncertain duration, and not the separation normally experienced by members in positions known at the time of employment to be of limited duration or on a seasonal or intermittent basis."

Amendment No. 4

On page 1 of said bill, strike out lines 3 to 25, inclusive; and on page 2 of said bill, strike out lines 1 to 20, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1251—An act to amend Sections 20012, 20020, 20021, 20125, 20127, 20231, 20303, 20334, 20361, 20522, 20532, 20563, 20654, 20755, 21001, 21026, 21027, 21028, 21367, and 21453 of, and to add Sections 20009.1, 20463, 20806.1, and 20894.1 to, the Government Code, relating to the State Employees' Retirement System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In the title of the printed bill, strike out line 2, and insert "20231, 20303, 20334, 20360, 20361, 20458, 20461, 20522, 20532, 20563, 20654,".

Amendment No. 2

In line 3 of the title of said bill, after "20755," insert "20836,".

Amendment No. 3

On page 1, line 10, of said bill, after "university", insert a comma.

Amendment No. 4

One page 2 of said bill, between lines 22 and 23, insert

"SEC. 5.5. Section 20360 of said code is amended to read:

20360. A person directly appointed by the Governor, without the nomination of any officer or board, is excluded from membership in this system unless he files with the board an election in writing to become a member. *He may so elect at any time, and has the option of making contributions to this system in the amount which he would have contributed had he not been so excluded. If he affirmatively exercises the option:*

(a) He shall receive credit for prior service in the same manner as if he had not been excluded, and

(b) The contributions of the State, or contracting agency because of his membership, shall be the same as they would have been had he not been excluded, and

(c) His rate of contribution shall be based on the nearest age at the time he first was excluded."

Amendment No. 5

On page 3, line 7, of said bill, after "excess of", insert "the difference between".

Amendment No. 6

On page 3, line 13, of said bill, strike out the period and insert ", and the accumulated contributions held by the system as having been made by such persons."

Amendment No. 7

On page 3 of said bill, between lines 13 and 14, insert:

"SEC. 9.3. Section 20458 of said code is amended to read:

20458. The governing body shall not include in this system any of the three groups, a majority of whose members voted to disapprove the proposed plan. *If there are no members of any group when the election is held, the governing body may include the group in this system, and members subsequently entering the group shall become members of the system under the provisions of this part.*

SEC. 9.5. Section 20461 of said code is amended to read:

20461. Errors in any contract may be corrected through amendments approved by the adoption of suitable resolutions by the contracting parties. Excluded employees may be included by groups through amendments approved in the manner prescribed for the approval of the contracts. *except that if there were no members of an excluded group when the contract was entered into, an election among the employees is not required.* Additional benefits for prior service provided in this part but not included in a contract, may be included through amendments so approved except that an election among employees is not required."

Amendment No. 8

On page 3 of said bill, between lines 21 and 22, insert:

"SEC. 10.5. Section 20836 of said code is amended to read:

20836. Such percentages shall not exceed the analogous percentage applicable to members employed by the State, and shall be uniform for all local safety members, according to age at entry into the service of the contracting agency, *if the member is entitled to credit for prior service, or age at entry into this system, if the member is not so entitled*, and uniform for all local miscellaneous members regardless of age at entry."

Amendment No. 9

On page 4, line 40, of said bill, strike out "1945", and insert "1947".

Amendment No. 10

On page 4, line 47, of said bill, after "board", insert a comma.

Amendment No. 11

On page 5, line 25, of said bill, strike out "21025.", and insert "20125.".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 265—An act to authorize the Director of Finance to sell and convey certain real property in the County of Sacramento, and making an appropriation of a portion of the proceeds thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "in the County of Sacramento".

Amendment No. 2

On page 2, line 2, of said bill, as amended, strike out "The balance of the proceeds shall be remitted to the".

Amendment No. 3

On page 2 of said bill, as amended, strike out line 3.

Amendment No. 4

On page 2, line 12, of said bill, as amended, strike out "Any moneys received by the State", and insert "After payment of expenses as provided by Section 2 of this act the balance of the money received".

Amendment No. 5

On page 2, line 15, of said bill, as amended, strike "received", and insert "remaining".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 421—An act to amend Sections 1237, 1246, 1251, 1252, 1253, 1254, 1255, 1256, 1260 and 1263 of the Civil Code relating to homesteads.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 40, of the printed bill, strike out ", plus one thousand dollars ($1,000) in actual"; and strike out lines 41 to 43, inclusive, and insert a period.

Amendment No. 2

On page 2, line 51, of said bill, strike out "and, if any person or persons of the classes named"; and strike out line 52; and on page 3, strike out line 1, and in line 2, strike out "person to the one making the declaration; and" and insert "or".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 504—An act to amend Section 193 of the Penal Code, relating to punishment of manslaughter.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section", and insert "Sections 192 and".

Amendment No. 2

In line 2 of the title of said bill, strike out "punishment of manslaughter", and insert "manslaughter and the punishment thereof".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, before line 1 insert

"SECTION 1. Section 192 of the Penal Code is hereby amended to read as follows:

192. Manslaughter is the unlawful killing of a human being, without malice. It is of [two] *three* kinds:

1. Voluntary—upon a sudden quarrel or heat of passion.

2. Involuntary—in the commission of an unlawful act, not amounting to felony; or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection [.] *; provided that this subdivision shall not apply to acts committed in the driving of a vehicle.*

3. In the driving of a vehicle—

(a) In the commission of an unlawful act, not amounting to felony, with gross negligence; or in the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence.

(b) In the commission of an unlawful act, not amounting to felony, without gross negligence; or in the commission of a lawful act which might produce death, in an unlawful manner, but without gross negligence."

Amendment No. 4

On page 1, line 1, of said bill, strike out "SECTION 1.", and insert "SECTION 2."

Amendment No. 5

On page 1, line 5, of said bill, strike out "Subdivision 2 of Section 192 of this code resulting from the", and insert "Subsection 3 of Section 192 of this code is punishable as follows: In the case of a violation of subdivision (a) of said Subsection 3 the punishment shall be either by imprisonment in the".

Amendment No. 6

On page 1, line 6, of said bill, strike out "operation of a vehicle is punishable by imprisonment in the".

Amendment No. 7

On page 1, line 12, of said bill, strike out the period and "If such recommendation is", and insert "; in the case of a violation of subdivision (b) of said Subsection 3, the punishment shall be by imprisonment in the county jail for not more than one year. In cases where, as authorized in this section, the jury recommends by their verdict that the punishment shall be by imprisonment in the county jail,".

Amendment No. 8

On page 1, line 13, of said bill, strike out "made".

Amendments read and adopted.

Bill ordered printed and re-referred to Committee on Judiciary.

Senate Bill No. 622—An act to amend Section 1192a of the Penal Code, relating to the procedure prior to the pronouncement of judgment in criminal cases.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In the title of the printed bill, strike out line 1, and insert "An act to amend Section 1191, 1192a, and 1203c of, and to add Section 1192b to the Penal Code, relating to".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of the printed bill, after the enacting clause, insert

"Section 1191 of the Penal Code is amended to read:

1191. After a plea or verdict of guilty, or after a verdict against the defendant on a plea of a former conviction or acquittal, or once in jeopardy, the court must appoint a time for pronouncing judgment, which must be [not less than two,] *within 20* [nor more than five] days after the verdict or plea of guilty, *during which time the court shall refer the case to the probation officer for a report pursuant to 1203c of this code;* provided, however, that the court may extend the time not more than 10 days for the purpose of hearing or determining any motion for a new trial, or in arrest of judgment, *or of receiving the probation officer's report made pursuant to section 1203c of this code.* If in the opinion of the court there is a reasonable ground of believing a defendant insane, the court may extend the time for pronouncing sentence until the question of insanity has been heard and determined, as provided in Chapter VI, Title X, Part II of this code and furthermore may extend the time until any proceedings under Section 1203 of this code have been disposed of."

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "Section 1.", and insert "SEC. 2.".

Amendment No. 4

On page 1 of said bill, strike out lines 5 to 24, inclusive; and on page 2 strike out lines 1 to 24, inclusive, and insert "prison, it shall be the duty of the court to receive and consider the report of the probation officer, filed pursuant to Section 1203c of the code. Whenever any person is sentenced to a State prison, time served in the county jail after a plea or verdict of guilty while awaiting the report of the probation officer pursuant to Section 1203c of this code shall be credited as a part of his term of imprisonment."

Amendment No. 5

On page 2 of the printed bill, after line 24, insert

"SEC. 3. Section 1192b is added to the Penal Code, to read:

1192b. It shall be the duty of the judge before whom the convicted person was tried and of the district attorney conducting the prosecution to file with the clerk of the court within 10 days following the pronouncement of judgment for imprisonment in a State prison, a statement and report according to forms provided by the Adult Authority or according to an outline provided by it. The aforesaid report shall relate the section or sections of the law or code under which the person was convicted; shall specify the offense; shall relate the circumstances of the offense including date(s), amounts of money or value of other losses, nature of injuries sustained and by whom; shall give the names of crime partners and codefendants and list the disposition of their cases; shall describe the weapons used in the commission of offense or at the time of arrest; shall relate whether the weapon was plead or proved as provided by Section 969 of this code; shall show disposition of any charges pending at time of conviction; shall state the views of the court and district attorney as to the cause or motive of the criminal acts and as to the future prospects of the person convicted as to rehabilitation and parole. The clerk of the court shall, within five days upon the filing of such statement, mail a certified copy thereof, with postage prepaid thereon, to the Adult Authority at the State prison or institution designated by the Director of Corrections as a place for the receipt of persons convicted of felonies."

"SEC. 4. Section 1203c of the Penal Code is amended to read:

1203c. Notwithstanding any other provisions of law whenever any person [is sentenced to State prison] *has pleaded or been found guilty of a crime punishable by imprisonment in a State prison*, whether probation has been applied for or not, or granted and revoked, it shall be the duty of the probation officer of the county [from] *in* which the person is [committed] *convicted* to file with the [clerk of the State Board of Prison Directors] *court in which the person was tried* such report upon the circumstances surrounding the crime and the prior record and history of the defendant and such other information as the court may require. These reports shall be made within [sixty] *20* days after the defendant has been [committed to prison] *found or plead guilty, unless the time is extended by the court as provided in Section 1191 of this code. When the person is committed to a State prison or the Youth Authority, a copy of the probation officer's report shall be delivered to the prison or the Youth Authority, as the case may be, with the commitment.*"

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 176—An act to amend Section 1160 of the Civil Code, relating to the recording of transfers of real property.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "and".

Amendment No. 2

On page 1, line 8, of the printed bill, strike out "authenticated pur-" and insert "copies of interdepartmental letters of the Department of the Interior or the Department of Navy approving surrenders of, or canceling, such leases, when such interdepartmental letters are certified by the officer or employee of the United States Government having the custody thereof".

Amendment No. 3

On page 1, line 9, of the printed bill, strike out "suant to existing law".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 1236—An act to amend Section 1161 of the Code of Civil Procedure, relating to unlawful detainer proceedings.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 766—An act to amend Sections 1700, 1705, 1730, 1732, and 1733 of, add Sections 1732.5, 1732.6, and 1732.7 to, and repeal Sections 1710 and 1731 of the Harbors and Navigation Code, relating to officers and employees of the Board of State Harbor Commissioners for San Francisco Harbor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 2, line 30, of the printed bill, as amended, after "manager", insert "and, subject to civil service laws".

Amendment No. 2

On page 2, line 33, of said bill, after "employ", insert ", subject to civil service laws,".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 778—An act to amend Section 2071 of the Harbors and Navigation Code, relating to the lease of seawall lots and other property.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, after "of", insert ", and to add Sections 1773.2, 1773.3 and 1773.4 to,".

Amendment No. 2

On page 1, line 8, of said bill, strike out "thirty-one, thirty-two,".

Amendment No. 3

On page 2 of said bill, after line 18, insert

"SEC. 2. Section 1773.2 is added to the Harbors and Navigation Code, to read:

1773.2. Seawall lot number twenty seven is all that certain lot, piece or parcel of land situate, lying and being in the City of San Francisco, State of California, and particularly described as follows:

Beginning at a point on the easterly line of Third Street located 70' feet southerly from the intersection of the said line with the southerly line of Channel Street; running thence easterly at right angles with the said line of Third Street to a point on the inner line of the seawall and thoroughfare established by act of the Legislature March 15, 1878; thence southerly along said inner line of the thoroughfare to the northeasterly line of Fourth Street; thence northwesterly along the northeasterly line of Fourth Street to the easterly line of Third Street; thence northerly along the easterly line of Third Street to the point of beginning.

SEC. 3. Section 1773.3 is added to said code, to read:

1773.3. Seawall lot number twenty nine is all that certain lot, piece or parcel of land situate, lying and being in the City of San Francisco, State of California, and particularly described as follows:

The area bounded on the south by the northerly line of Alameda Street, on the west by the easterly line of Georgia Street, on the northeast by the southwesterly line of Fourth Street and on the east by the inner line of the seawall and thoroughfare established by act of the Legislature March 15, 1878.

SEC. 4. Section 1773.4 is added to said code, to read:

1773.4. Seawall lot number thirty is all that certain lot, piece or parcel of land situate, lying and being in the City of San Francisco, State of California, and particularly described as follows:

Beginning at the intersection of the easterly line of Illinois Street with the southerly line of Eldorado Street; running thence easterly along said line of Eldorado Street a distance of 610 feet; thence southerly parallel to Illinois Street a distance of 400 feet; thence westerly parallel to Eldorado Street a distance of 610 feet to the easterly line of

Illinois Street; thence northerly along the easterly line of Illinois Street to the point of beginning."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 781—An act to amend Section 3204 of the Harbors and Navigation Code, relating to the appointment of special policemen.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "persons", and insert "employees of the Board of State Harbor Commissioners".

Amendment No. 2

On page 1, line 5, of said bill, strike out "of State Harbor Commissioners".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 756—An act to add Chapter 2.5, comprising Sections 619 to 648, inclusive, to Division 1 of the Streets and Highways Code, providing for a system of limited access urban-rural highways in this State and allocating and directing the expenditure of funds for the acquisition, construction, maintenance and improvement of such system of limited access highways.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 21 to 40, inclusive, and insert

"622. Design of Limited Access Highway.

(a) A limited access highway shall be so designed and constructed as to incorporate such basic engineering features and facilities as will best serve the traffic for which the highway is intended and which will effectuate the purposes declared in Section 620.

(b) The department, in determining the design of a limited access highway and having regard to the location thereof and the traffic conditions then existing or anticipated, shall give consideration to the following basic features any or all of which may be incorporated as appropriate to accomplish the purposes of this chapter.

(1) One or more roadways for vehicular traffic so designed and constructed that vehicular traffic may enter or leave only at entrances and exits regularly established by public authority.

(2) Grade separation structures to eliminate crossings at grade of State and county highways and city streets.

(3) Physical barriers to separate opposing traffic and to prevent left turns across opposing traffic.

(4) Entrance and exit facilities which are appropriate to permit vehicles to enter and leave the highway with the least interference with through traffic.

(5) Such physical barriers as are appropriate to protect the traveled way against lateral interference and encroachments.

(6) Such other physical features and facilities as may be developed to increase traffic safety and to facilitate traffic movement."

Amendment No. 2

On page 2, line 41, of said bill, strike out "d", and insert "c".

Amendment No. 3

On page 3 of said bill, strike out lines 1 to 4 and insert
"623. The department shall acquire rights of way which are adequate to permit the ultimate development of traveled ways as described herein and roadside plantings."

Amendment No. 4

On page 3, line 5, of said bill, strike out "622", and insert "624".

Amendment No. 5

On page 4, line 11, of said bill, strike out "local master street plan", and insert "master street plan or plans adopted by the planning commission or commissions of each county and city within the district affected".

Amendment No. 6

On page 4, line 11, of said bill, after "as", and before "practicable" insert "the commission finds to be".

Amendment No. 7

On page 4, line 13, of said bill, after the word "plan", and before the period insert "or plans".

Amendment No. 8

On page 5, line 20, of said bill, strike out the comma following "system", and insert "and".

Amendment No. 9

On page 5, line 21, of said bill, strike out "and the ratio"; and strike out lines 22 and 23 and insert "in order that such limited access highway routes".

Amendment No. 10

On page 5, line 26, of said bill, strike out "Section 621", and insert "Sections 621 and 622".

Amendment No. 11

On page 5 of said bill, strike out lines 29 to 37, inclusive, and insert
"The department shall give preference to projects on the limited access highway system in designating projects for Federal aid so far as is consistent with Federal law and regulations and with traffic needs on the entire State Highway System."

Amendment No. 12

On page 5, line 38, strike out "637", and insert "636".

Amendment No. 13

On page 5 of the printed bill, after line 43, insert
"637. The provisions of this article exclusively govern the allocation and expenditure of the limited access highway funds."

Amendment No. 14

On page 6, line 16, of said bill, strike out "Section 621", and insert "Sections 621 and 622".

Amendment No. 15

On page 6, line 23, of said bill, following the word "at", insert "or near".

Amendment No. 16

On page 6, line 24, of said bill, strike out ", and after the com-"; and strike out lines 25 to 27 inclusive; and in line 28, strike out "the same at grade".

Amendment No. 17

On page 6, line 32, of said bill, following "commission", and before the period, insert "and after the completion of any portion of a limited access highway route to the full standards specified in Sections 621 and 622 no highway or street which is not a part of a limited access facility shall intersect the same at grade".

Amendment No. 18

On page 7, line 18, of said bill, strike out "Section 621", and insert "Sections 621 and 622".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 770—An act to amend Section 1902, and to repeal Section 1903, of the Harbors and Navigation Code, both relating to the insuring of property under the jurisdiction and control of the State Board of Harbor Commissioners for San Francisco Harbor.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 771—An act to add Section 1912 to the Harbors and Navigation Code, relating to regulation of traffic upon property and thoroughfares under the control and jurisdiction of the Board of State Harbor Commissioners for San Francisco Harbor and making an appropriation, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 772—An act to add Section 1913 to the Harbors and Navigation Code, relating to refunds for erroneous charges in connection with activities under the jurisdiction and control of the Board of State Harbor Commissioners for San Francisco Harbor.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 773—An act to amend Sections 1970 and 1971 of the Harbors and Navigation Code, relating to the powers of the Board of State Harbor Commissioners for San Francisco Harbor with respect to property, under the control and jurisdiction of said board, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 774—An act to add Section 1971.1 to the Harbors and Navigation Code, relating to leasing to the United States of America, or any department thereof, of certain described property by the Board of State Harbor Commissioners for San Francisco Harbor, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 775—An act to amend Section 1990 of the Harbors and Navigation Code, relating to the signing and countersigning of contracts of the Board of State Harbor Commissioners for San Francisco Harbor.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 776—An act to amend Sections 2007 and 2052 of the Harbors and Navigation Code, relating to proposals and contracts for construction work and the form for accompanying checks.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 777—An act to amend Sections 2050, 2072 and 2402 of the Harbors and Navigation Code, relating to publication of notices in connection with construction work or leasing of property.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 779—An act to amend Section 3081, and to repeal Sections 3083 and 3085, of the Harbors and Navigation Code, relating to certain tolls and charges.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 780—An act to add Section 3202 to the Harbors and Navigation Code, relating to injury to property under the jurisdiction and control of the Board of State Harbor Commissioners for San Francisco Harbor.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 148—An act to amend Section 572 of the Military and Veterans Code, relating to the pay, privileges, allowances, and rights of the California State Guard.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

In line 3 of the title of the printed bill, strike out the period and insert ", making an appropriation for the support of the State Guard, declaring the urgency hereof, and providing that this act shall take effect immediately."

Amendment No. 2

On page 2, after line 4, of said bill, insert

"SEC. 2. The sum of one million sixty-seven thousand five hundred twenty dollars ($1,067,520) or so much thereof as may be necessary is hereby appropriated out of the unexpended balance of the money appropriated by "An act making an appropriation for the support of the California State Guard," approved May 25, 1943, to be expended during the Ninety-Seventh and Ninety-Eighth Fiscal Years by The Adjutant General for the support of the California State Guard.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: Until such time as the wars in which the United States is engaged terminate, and the National Guard is reorganized, it is necessary for the State to maintain an adequate and efficient State Guard. The current appropriation for support of the State Guard will lapse at the end of this fiscal year, and it is necessary that this act take effect immediately in order that the present organization will not be disrupted and so that funds will be continuously available for the support of this State agency."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 875—An act to add a new article heading to Chapter 1, Part 1, Division 12 of the Health and Safety Code, to amend Sections 13101, 13104, 13107, 13108, 13109, 13111, 13316 and 13654 thereof, and to add Sections 13100.1, 13111.1 and 13111.2, and Article 2, comprising Sections 13140 to 13146, inclusive, to Chapter 1, Part 2, Division 12 thereof, relating to the State Fire Marshal.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 20—An act to amend Section 737ww of the Political Code, relating to salaries of judges of the superior court in and for the County of Sonoma.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 2139—An act to add Section 5016 to the Public Resources Code, relating to the exchange by the State Park Commission of lands patented to the State by the Federal Government for privately owned lands situated within the boundaries of the Anza Desert State Park Project.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2118—An act to provide for the receiving as evidence in any court, office or other place in this State, official findings, records, reports, or certified copies thereof, of death, presumed death,

missing or other status, issued by the Secretaries of War and Navy and other Federal officers and employees, declaring the urgency hereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 458—An act to amend Section 4314 of the Political Code and Section 1181 of the Civil Code, relating to the powers of clerks of justices' courts of class A.

Bill read second time, and ordered to third reading.

Assembly Bill No. 99—An act to add Section 105a to the Code of Civil Procedure, relating to traveling expenses of a substitute justice or city judge.

Bill read second time, and ordered to third reading.

Assembly Bill No. 998—An act to amend Section 630 of the Probate Code, relating to summary probate proceedings.

Bill read second time, and ordered to third reading.

Assembly Bill No. 676—An act to amend Section 372 of the Vehicle Code, relating to weight fees for commercial vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1620—An act to add Chapter 7, consisting of Sections 880 and 881, to Division 1 of the Streets and Highways Code, relating to the acquisition, by the State, of shore line property adjoining State highways.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 1201—An act to add Section 6307 to and amend Sections 6890, 6891, 6894, and 6895 of the Public Resources Code, relating to applications for erection of structures on tidelands or submerged lands or for depositing or removal of material therefrom.

Bill read third time.

Motion to Amend

Senator Jespersen moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended, between lines 10 and 11, insert "All such applications shall also be submitted by the commission to the Attorney General for approval."

Amendment No. 2

On page 2, line 3, of said bill, after the period insert "No such permit or lease shall be issued by the commission until after it has been submitted to and approved by the Attorney General."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

President of the Senate Presiding

At 2 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

Senate Bill No. 257—An act to amend Section 491 of the Fish and Game Code, relating to gaff and other such appliances.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 925—An act to amend Sections 13307, 13409, 13554, 13671, 13722, 13841, 13984, 13989, 14101, 14191, 14326, 14361, 14511, 14553, and to amend the heading of Chapter 4 of Part 8, to repeal Section 14515, to amend and renumber Section 14516, and to add Article 6 to Chapter 11 of Part 8 of the Revenue and Taxation Code, relating to inheritance taxes, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 78—An act to add Section 13988.1 to the Revenue and Taxation Code, relating to inheritance taxes, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 844—An act to amend Section 830 of the Agricultural Code, relating to by-products and waste disposal.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 401—An act to amend Section 122 of the Agricultural Code, relating to nursery stock certificates.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 591—An act to amend Section 150 of the Agricultural Code, relating to pest control operators.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 843—An act to amend Section 798 of the Agricultural Code, relating to dates and date products.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 981—An act to amend Sections 10000 and 10001 of the Water Code, relating to the State Water Plan.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1261—An act to amend Section 8 of the Ventura County Flood Control Act, relating to salaries of district supervisors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1258—An act to amend Section 25(a) of the California Water Storage District Act, relating to the formation, organization and powers of water storage districts, to assessments levied against lands in such districts, and to actions to determine validity of such assessments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 466—An act to amend Section 20003 of and to repeal Chapter 2 of Division 10 of the Water Code, relating to the financial supervision of irrigation and other public districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 391—An act to amend Section 28.5 of the Agricultural Code, relating to refunds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, and Weybret—29.
NOES—Senators Gordon and Sutton—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 660—An act to add Section 126 to the Government Code, relating to the acquisition of land in this State by the United States and the consent of the Legislature to such acquisition upon the conditions and subject to the reservations in this act prescribed.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 705—An act to add Chapter 5, comprising Sections 11500 to 11528, inclusive, to Part 1 of Division 3 of Title 2 of the Government Code, relating to administrative procedure.

Bill read third time.

Motion to Amend

Senator Keating moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 41, of the printed bill, as amended, insert "State Board of Equalization."

Amendment read.

Roll Call Demanded

Senators Carter, DeLap and Rich demanded a roll call.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Parkman, Powers, Quinn, Rich, Shelley, Slater, Ward, and Weybret—24.
NOES—Senators DeLap, Dillinger, Dilworth, Dorsey, Hatfield, Hulse, Kuchel, Salsman, Seawell, Sutton, Swing, and Tenney—12.

FURTHER AMENDMENTS TO SENATE BILL NO. 705

Motion to Amend

Senator Carter moved the adoption of the following amendment:

Amendment No. 1

On page 7, of the printed bill, as amended, strike out lines 29 to 42, inclusive, and insert

"(c) The rules of evidence in civil and criminal actions are applicable to proceedings hereunder."

Amendment read.

Previous Question

Senator Seawell moved the previous question.

Motion carried.

The question being on the adoption of the amendment by Senator Carter.

Roll Call Demanded

Senators Carter, Sutton, and Deuel demanded a roll call.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Biggar, Carter, Collier, Cunningham, Desmond, Dorsey, Gordon, Judah, Keating, and Rich—10.
NOES—Senators Crittenden, DeLap, Deuel, Dillinger, Dilworth, Fletcher, Jespersen, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—23.

Senate Bill No. 705 ordered printed, re-engrossed, and to third reading.

MOTION TO EXCUSE COMMITTEE

At 5.10 p.m. Senator Seawell moved that any committee that wished to hold a committee meeting at this time be excused.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 217
Assembly Bill No. 387
Assembly Bill No. 523
Assembly Bill No. 614
Assembly Bill No. 1131
Assembly Bill No. 1437
Assembly Bill No. 1717

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 217—An act to amend Section 1730 and 1771 of the Code of Civil Procedure, relating to children's courts of conciliation.

Referred to Committee on Judiciary.

Assembly Bill No. 387—An act to add Section 826.5 to the Welfare and Institutions Code, relating to juveniles charged with misdemeanors.

Referred to Committee on Judiciary.

Assembly Bill No. 523—An act amending Section 8 of, and adding Sections 8.5 and 18 to, an act entitled, "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, relating to weapons.

Referred to Committee on Judiciary.

Assembly Bill No. 614—An act to add Section 2222.5 to the Welfare and Institutions Code, relating to aid to the aged, and imposing limitations upon the cancellation, suspension, or revocation of aid granted.

Referred to Committee on Social Welfare.

Assembly Bill No. 1131—An act to amend Section 18631 and Section 18633 of the Education Code, relating to the leasing of land owned

by a school district for the extraction and taking of oil, gas, and other hydrocarbon substances.

Referred to Committee on Education.

Assembly Bill No. 1437—An act to amend Section 10204 of the Government Code, relating to the salary of the Legislative Counsel.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1717—An act to add Section 2189.5 to the Revenue and Taxation Code, relating to tax on personalty as lien on gas and oil leasehold estate.

Referred to Committee on Revenue and Taxation.

REPORTS OF STANDING COMMITTEES

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, April 11, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 545

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

McBRIDE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 11, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 1068
Senate Bill No. 1069
Assembly Bill No. 693

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

McBRIDE, Chairman

Above reported bills ordered to second reading.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Constitutional Amendment No. 16: By Senator Fletcher—Proposed amendment to Article IX of the Constitution, by adding Section 3.3 thereto, relating to county superintendents of schools.

Referred to Committee on Education.

ADJOURNMENT

At 5.14 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m. Thursday, April 12, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FORTY-FIFTH LEGISLATIVE DAY

NINETY-FIFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Thursday, April 12, 1945

The Senate met at 1.30 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Swing, on motion of Senator Seawell, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles G. McGoldrick, District Attorney of Sonoma County; Lloyd Cullen, Chairman, Board of Supervisors of Sonoma County; and Frank W. Luttrell, former Assemblyman; all of Santa Rosa.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. A. K. Wilson of Portland, Oregon; Robert Apitz, Secretary, Chamber of Commerce of San Diego, and Mrs. Apitz; Mr. and Mrs. E. W. Settles of Escondido; and Ken Bitter of San Diego, Vice President, State Federation of Labor.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George Bahos, President, San Francisco Employers' Council, and Employer Member, 10th Regional War Labor Board.

On request of Senators Tenney and Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Mildred Hutchison of Los Angeles, President of the California Business Women's Council.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Pete Gosser of Napa, President, Napa Chamber of Commerce.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 11, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 51
Senate Bill No. 55
Senate Bill No. 57
Senate Bill No. 109
Senate Bill No. 319
Senate Bill No. 375
Senate Bill No. 550
Senate Bill No. 770
Senate Bill No. 771
Senate Bill No. 772
Senate Bill No. 773
Senate Bill No. 774
Senate Bill No. 775
Senate Bill No. 776
Senate Bill No. 777
Senate Bill No. 779
Senate Bill No. 780
Senate Bill No. 1188
Senate Bill No. 1236

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 11, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 176
Senate Bill No. 586
Senate Bill No. 747
Senate Bill No. 766
Senate Bill No. 778
Senate Bill No. 781

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 11, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1201
Senate Bill No. 705

And reports the same correctly re-engrossed.

SEAWELL, Chairman

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 5

Has had the same under consideration, and reports the same back with amendments with the recommendation: Do pass, as amended, and be re-referred to Committee on Finance.

Committee membership 12; committee vote: Ayes 11; absent 1.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 706

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 11; absent 1.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 829

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; noes 4; absent 1.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 151
Assembly Bill No. 153

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 11; absent 1.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 420

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; noes 1; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1696

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 10; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1712

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

KEATING, Chairman

Above reported bill ordered to second reading.

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 1809

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 1538

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 5.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 1093

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; noes 1.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 1096

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported bill ordered to second reading.

Committee on Institutions

SENATE CHAMBER, SACRAMENTO, April 11, 1945

MR. PRESIDENT: Your Committee on Institutions, to which were referred:

Assembly Bill No. 1201
Assembly Bill No. 1202
Assembly Bill No. 1204

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

McBRIDE, Chairman pro tempore

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 11, 1945

MR. PRESIDENT: Your Committee on Institutions, to which was referred:

Assembly Bill No. 1203

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

McBRIDE, Chairman pro tempore

Above reported bill ordered to second reading.

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 268

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; noes 2; absent 2.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 895

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; noes 1; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Joint Resolution No. 33

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which were referred:

Senate Bill No. 762
Assembly Bill No. 62
Assembly Bill No. 70

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 883

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 962
Assembly Bill No. 1221
Assembly Bill No. 1222
Assembly Bill No. 1223
Assembly Bill No. 1224

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7, absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 1374

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bill ordered to second reading.

MOTION TO PRINT REPORT

Senator Collier moved that the Report of the Senate Interim Committee, Investigating Motor Vehicles, be printed in the Journal of Monday, April 16, 1945.

Motion carried.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 630—An act to add Article 6, comprising Sections 5070 to 5076, inclusive, to Chapter 1 of Division 5 of the Public Resources Code, authorizing the State Park Commission and the Department of Natural Resources to make investigations, reports, recommendations and plans for the location and development of a State Trails System and to establish an Advisory Committee for that purpose; and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

Amendment No. 1

In line 3 of the title of the printed bill, as amended, strike out "5076", and insert "5077".

Amendment No. 2

On page 1, line 1, of said bill, strike out "5076", and insert "5077".

Amendment No. 3

On page 3, of said bill, between lines 12 and 13, insert

"5077. The right of eminent domain may not be exercised to acquire property, any interest in property, or use of any property for the trails contemplated pursuant to this article."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 1030—An act relating to forestry, to provide for the purchase of forest practice demonstration areas in the pine and redwood regions, for compensating the counties in which such areas are situated for loss of taxes, for reforestation and management of such areas, for demonstrating forest practices, for making surveys and appraisals, and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

Amendment No. 1

On page 1 of the printed bill, strike out lines 19 to 22 inclusive; and on page 2, strike out lines 1 to 12, inclusive.

Amendment No. 2

On page 2, strike out line 15 and insert

"SEC. 3. The sum of five hundred thousand dollars".

Amendment No. 3

On page 2, line 16, strike out "dollars ($750,000)", and insert "($500,000)".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 759—An act to amend Section 875.5 of the Fish and Game Code, relating to nets.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 332—An act to amend Sections 306 and 312 of the Agricultural Code, and making an appropriation for carrying out the provisions of said code, relating to meat inspection.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "and".

Amendment No. 2

In line 3 of the title of the printed bill, as amended, following "Code", insert "and declaring the effective date of this act".

Amendment No. 3

On page 2 of the printed bill, as amended, following line 43, insert

"SEC. 4. This act shall become effective October 1, 1945.

Any unencumbered moneys remaining in the Department of Agriculture fund which have been deposited therein for use in carrying out the provisions of Article 1, Chapter 1, of Division 3 of the Agricultural Code shall be withdrawn therefrom after all charges against same have been determined and paid and the balance shall be deposited in the State Treasury to the credit of the General Fund.

Any moneys which have been deposited as inspection fees and held in trust by the director as required by Section 312, as enacted by Chapter 779, Statutes of 1933, and not required for unpaid inspection fees, due prior to the effective date of this act, shall be refunded to the person or establishment having paid such deposited moneys to the director."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 293—An act to amend Section 647 of the Agricultural Code, relating to conveyances for the hauling of milk.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 359—An act to amend Sections 643 and 644 of the Agricultural Code, relating to sterilization on dairies and in milk plants.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 835—An act to amend Section 736.3 and to repeal Chapter 11, consisting of Sections 740, 741, 743 to 750, inclusive, and 750.5, of Division 4, and to add Chapter 11 to Division 4, of the Agricultural Code, relating to milk and milk products, including provisions for the investigation of the use of milk and milk products, programs for stimulating the use of milk and milk products by educational and advertising programs, providing for a California Dairy Industry Advisory Board, prescribing its powers and duties and the duties of the Director of Agriculture under this act, and providing for the financing of the provisions of this act.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 7, line 37, of the printed bill, as amended, strike out "55", and insert "65".

Amendment No. 2

On page 7, line 39, of said bill, strike out "act", and insert "chapter".

Amendment No. 3

On page 8, line 13, of said bill, strike out "55", and insert "65".

Amendment No. 4

On page 8, line 14, of said bill, strike out "55", and insert "65".

Amendment No. 5

On page 8, line 39, of said bill, strike out "55", and insert "65".

Amendment No. 6

On page 8, line 40, of said bill, strike out "55", and insert "65".

Amendment No. 7

On page 12 of the printed bill, as amended, between lines 19 and 20, insert "In each fiscal year the sum of at least fifty thousand dollars ($50,000) of the money received under this chapter shall be expended or allocated for research in the discovery and development of uses for milk, milk products, and by-products of milk. The Dean of the College of Agriculture of the University of California and the board shall cooperate in selecting the research project or projects to be carried on from time to time. Insofar as practicable such projects shall be carried out by said College of Agriculture, but if the dean of said college and the board determine that the college has no facilities for a particular project or that some other research agency has better facilities therefor, the project may be carried out by such other research agency."

Amendment No. 8

On page 12, line 44, of said bill, after "are", strike out "or".

Amendment No. 9

On page 16, line 17, of said bill, strike out "742.2", and insert "747.2".

Amendment No. 10

On page 17, line 1, of said bill, strike out "act", and insert "chapter".

Amendment No. 11

On page 17, line 3, of said bill, strike out "act", and insert "chapter".

Amendment No. 12

On page 17, between lines 8 and 9, of said bill, insert "750.1. This chapter shall be known and may be cited as the California Dairy Industry Advisory Board Act."

Amendment No. 13

On page 17, line 9, of said bill, strike out "750.1", and insert "750.2".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 382—An act to amend Section 736.15 of the Agricultural Code, relating to local control boards for marketing areas for fluid milk and cream.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 736.15", and insert "Sections 735.3, 736.1, 736.2, 736.11, 736.14, 736.15, 737.5 and 737.6".

Amendment No. 2

In the title of the printed bill, strike out line 2 and insert "relating to the marketing of".

PRINTER'S NOTE: There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of the printed bill, strike out lines 1 to 33, inclusive, and insert "SECTION 1. Section 735.3 of the Agricultural Code is amended to read:

735.3. As used in this chapter:

(a) "Board" means any local control board created as herein authorized.

(b) "Fluid milk" means any and all whole milk that is produced in conformity with applicable health regulations for market milk of the place where such milk is consumed and for the purpose of this chapter fluid milk may be classified as follows:

Class 1. Any such milk that is supplied to consumers in the form of whole milk, which shall include "raw milk"; "pasteurized milk"; "homogenized milk"; "condensed milk," "evaporated milk," and "modified milk," that is prepared from whole fluid milk and which is not packaged in hermetically sealed containers; fluid milk containing added vitamins or flavoring; that portion of fluid milk used [as whole milk] in any combination of fluid milk and fluid cream containing a milk-fat content in excess of the minimum statutory requirements for fluid milk and less than the minimum statutory requirement for "cream," and includes milk-fat used in the standardization of Class 1 fluid milk;

Class 2. Any such milk or the cream derived therefrom that is sold or disposed of by distributors for consumption as cream, as cream is defined in this code, including cream in any combination of fluid milk and fluid cream containing a milk-fat content in excess of 6.0 per cent and less than the minimum statutory requirements for cream;

Class 3. Any such milk or the cream derived therefrom, as cream is defined in this code, that is sold or disposed of by distributors in any form not included in Classes 1, 2 or 4;

Class 4. Any such milk or the cream derived therefrom, as cream is defined in this code, that is used by distributors in the manufacture of butter and cheese other than cottage cheese.

In designating and prescribing or providing methods for designating and prescribing minimum prices to be paid by distributors to producers for Classes 2, 3 or 4 fluid milk, the director may take into consideration the market price of all milk which may be used for the same purposes set forth in such respective classes.

(c) "Fluid cream" means any and all cream defined in this code as cream *including all combinations of milk and cream or products of cream sold under any trade name whatsoever which cream contains more than 6.0 per cent milk-fat* and which conforms to the health and sanitary regulations of the place where such cream is to be sold or disposed of for human consumption as cream [;] . [provided, however, that the cream derived from the separation of Class 2 fluid milk shall not be considered as fluid cream except that such cream when packaged as cream shall be subject to all of the terms and provisions of orders of the director establishing minimum wholesale and minimum retail prices for fluid cream.]

(d) "Dairy products" includes any product manufactured from milk or any derivative or product of milk.

(e) "Producer" means any person who produces fluid milk [or fluid cream] from five or more cows or goats in conformity with the applicable health regulations of the place in which it is sold, and whose fluid milk or fluid cream is received or handled by any distributor. "Producer" includes any association of producers.

(f) "Distributor" means any person, whether or not such person is a producer or an association of producers, who purchases or handles fluid milk or fluid cream for sale, including brokers, agents, copartnerships, cooperative corporations and incorporated and unincorporated associations. The definition of "distributor" shall not include any of the following: (1) Any retail store that is not engaged in processing and packaging fluid milk or fluid cream, (2) any establishment where fluid milk or fluid cream is sold only for consumption on the premises, that is not engaged in processing and packaging fluid milk or fluid cream, (3) any person owned or controlled by one or more retail stores, or owned or controlled by one or more establishments where fluid milk or fluid cream is sold for consumption on the premises which person is not actively and directly engaged in the processing and packaging of fluid milk or fluid cream, (4) any producer who delivers fluid milk or fluid cream only to a distributor.

(ff) "Producer-distributor" means any person who is both a producer and a distributor of fluid milk or fluid cream. For the purposes of this chapter a producer-distributor shall be deemed to be a producer in any transaction involving the delivery of fluid milk or fluid cream produced by him to a distributor, and shall be deemed to be a distributor in any transaction involving the delivery of fluid milk or fluid cream to a person who is not a distributor as defined in this section.

(g) "Retail store" means any person or persons owning or operating a retail grocery store, restaurant, confectionery, or other similar business, where fluid milk or fluid cream is sold to the general public for consumption off the premises.

(h) "Marketing area" is any area within this State declared to be such in the manner prescribed in this chapter.

(i) "Stabilization and marketing plan" means any plan formulated and made effective by the director within the legislative standards provided by this chapter and shall include, among other things, the establishing of prices to be paid by distributors for any or all of the various classes of fluid milk or fluid cream.

(j) "Consumer" means any person who purchases fluid milk, fluid cream or dairy products for consumption.

(k) "Person" means any individual, firm, corporation, association or any other business unit.

SEC. 2. Section 736.1 of the Agricultural Code is amended to read:

736.1. The director shall, prior to the formulation of a stabilization and marketing plan for fluid milk for any marketing area, conduct a public hearing in said area for the purpose of determining whether or not producers whose major interest in the fluid milk business is in the production of fluid milk for the marketing area and who represent not less than 65 per cent of the total number of producers whose major interest in the fluid milk business is in the production of fluid milk for the marketing area, and who produce not less than 65 per cent of the total volume of the fluid milk produced for said marketing area by all such producers, desire that a stabilization and marketing plan for fluid milk be formulated for said area; but if a petition is presented to the director by the producers whose major interest in the fluid milk business is in the production of fluid milk for the marketing area, and who represent not less than 65 per cent of the total number of producers whose major interest in the fluid milk business is in the production of fluid milk for the marketing area, and who produce not less than 65 per cent of the total volume of the fluid milk produced for said marketing area by all such producers, it shall not be necessary that such hearing be held.

The director shall, prior to the formulation of a stabilization and marketing plan for fluid cream for any marketing area, conduct a public hearing in said area for the purpose of determining whether or not producers whose major interest in the fluid cream business is in the production of *fluid milk for* fluid cream for said marketing area and who represent not less than 65 per cent of the total number of producers whose major interest in the fluid cream business is in the production of *fluid milk for* fluid cream for said marketing area and who produce not less than 65 per cent of the total volume of *fluid milk for* fluid cream produced for said marketing area by all such producers, desire that a stabilization and marketing plan for fluid cream be formulated for said area; but if a petition is presented to the director by producers whose major interest in the fluid cream business is in the production of *fluid milk for* fluid cream for said marketing area and who represent not less than 65 per cent of the total number of producers whose major interest in the fluid cream business is in the production of *fluid milk for* fluid cream for the marketing area and who produce not less than 65 per cent of the total volume of *fluid milk for* fluid cream produced for said marketing area by all such producers, it shall not be necessary that such hearing be held.

If the director finds that a stabilization and marketing plan is necessary to accomplish the purposes of this chapter, he shall formulate a stabilization and marketing plan for fluid milk or fluid cream or both for such area and issue a notice of public hearing upon the plan formulated to all producers and distributors of record with the Department of Agriculture who may be subject [ed] to the provisions of such plan. The notice of hearing may be effected by mail, or by publication for five successive days in a newspaper of general circulation in the area designated and shall specify the time and place of such hearing, which shall not be held prior to 10 days from the mailing, or from the final publication of such notice; provided, however, that if no daily newspaper of general circulation is published in the area designated, publication of notice for two successive weeks in a weekly newspaper of general circulation in the area will be considered proper publication of notice. At the hearing, interested parties shall be heard and records kept of the proceedings of such hearing for determination by the director whether the plan proposed will accomplish the purposes of this chapter. If, after public hearing the director determines that the proposed plan will tend to accomplish the purposes of this chapter within the standards herein prescribed, he shall issue an order to all producers and distributors of record with the director, and subject to the provisions of such plan, declaring such plan in effect within 30 days from the date of such hearing.

SEC. 3. Section 736.2 of the Agricultural Code is amended to read:

736.2. The director may appoint local control boards for the marketing areas established as prescribed herein to assist and advise him in matters pertaining to the production and marketing of fluid milk or fluid cream or both or to the operation of a stabilization and marketing plan. The board shall consist of seven members who shall be producers who supply fluid milk or *fluid milk for* fluid cream to the particular marketing area. The term of office of each such member shall be two years, unless the plan is terminated before said term expires. Said local board [shall] *may* meet in regular session each month, and each member shall be allowed ten dollars ($10) per diem and mileage at the rate of five cents (0.05) per mile for attending such regular meetings. The board, or any member thereof, may be allowed actual and necessary expenses incurred in attending any meeting or conference called or authorized by the director within or outside of the boundaries of the State of California. Said board with the previous approval of the director may employ such personnel as may be necessary in the performance of its duties and shall adopt rules and regulations for its conduct. The board shall submit a budget of its expenses to the director for his approval. The funds to be used for the maintenance of the board shall be paid from the proceeds of assessments and licenses paid to the director under the plan upon verified claims presented by the board to the director. The board shall not incur any expenses other than those for per diem and mileage, unless approved by the director.

SEC. 4. Section 736.11 of the Agricultural Code is amended to read:

736.11. The director shall, as soon as possible after the effective date hereof, in all marketing areas wherein a stabilization and marketing plan *for fluid milk or fluid cream* is in effect under the provisions of this chapter, designate and prescribe or provide methods for designating and prescribing, *minimum wholesale and minimum retail prices for fluid milk or fluid cream.*

(a) Minimum wholesale prices [which], as used herein, shall mean prices at which fluid milk or fluid cream, or both, shall be sold by distributors to retail stores including the prices at which fluid milk or fluid cream shall be sold by distributors to retail stores, restaurants, confectioneries and other places for consumption on the premises but excluding, however, the prices at which fluid milk or fluid cream, or both, shall be sold by distributors to retail stores owned or operated by such distributor [;] . [and]

(b) Minimum retail prices [which] , herein, shall mean prices at which fluid milk or fluid cream, or both, shall be sold by distributors and retail stores to consumers.

At the time any stabilization and marketing plan is hereafter established under the provisions of this chapter, the director shall designate and prescribe, or provide methods for designating and prescribing, such minimum wholesale prices and such minimum retail prices; provided, however, that all prices established under the terms of this article shall be such prices as are determined by the director pursuant to the provisions of Section 736.12.

SEC. 5. Section 736.14 of the Agricultural Code is amended to read:

736.14. Distributors who are subject to [the provisions of this article] *minimum wholesale and minimum retail prices for fluid milk as established by the director* shall pay to the director on all milk fat contained in fluid milk [and fluid cream] purchased from producers, including their own production, if any, a fee in mills per pound of milk fat equal to that required to be deducted from the payments due producers of fluid milk under Section 737.6 of this code. Such assessed fees received by the director shall be used in the administration and enforcement of this chapter [or any stabilization or marketing plan established by this chapter] .

Distributors who are subject to the provisions of any minimum wholesale and minimum retail prices for fluid cream as established by the director shall pay to the director on all milk fat contained in fluid cream purchased from producers, or fluid milk for fluid cream purchased from producers, including their own production, if any, a fee in mills per pound of milk fat equal to that required to be deducted from the payments due producers of fluid milk for fluid cream or fluid cream under Section 737.6 of this code. Such assessed fees received by the director shall be used in the administration and enforcement of this chapter.

At the close of each fiscal year any amounts which have been collected and which the director finds are in excess of those which may reasonably be required for the administration and enforcement of this chapter shall be refunded pro rata to all distributors from whom such sums were due and collected pursuant to the provisions of this section.

SEC. 6. Section 736.15 of the Agricultural Code is amended to read:

736.15. The director may appoint local control boards for the marketing areas established pursuant to this chapter to assist and advise him in matters pertaining to the marketing, distribution and sale of fluid milk or fluid cream or both. The board shall consist of [seven] *nine* members, who shall be residents of or engaged in business within the marketing area for which they are appointed by the director, [three] *four* of whom shall be persons whose major interest is the distribution, marketing or sale of fluid milk or fluid cream or both, one producer-distributor, two retail storekeepers, *one person active in the restaurant business or a person representing restaurants* and one person, representative of the consuming public, who has no connection with the milk or cream business. The terms of office of each member shall be two years, unless the plan is terminated before said term expires. Said local board [shall] *may* meet in regular session each month, and each member shall be allowed ten dollars ($10) per diem and mileage at the rate of five cents ($0.05) per mile for attending such regular meetings. The board, or any member thereof, may be allowed actual and necessary expenses incurred in attending any meeting or conference called or authorized by the director within or outside of the boundaries of the State of California. Said board with the previous approval of the director may employ such personnel as may be necessary in the performance of its duties and shall adopt rules and regulations for its conduct. The board shall submit a budget of its expenses to the director for his approval. The funds to be used for the maintenance of the board shall be paid from the proceeds of fees and licenses paid to the director under the plan upon verified claims presented by the board to the director. The board shall not incur any expenses other those for per diem and mileage, unless approved by the director.

SEC. 7. Section 737.5 of the Agricultural Code is amended to read:

737.5. (a) [After thirty (30) days after the effective date of this chapter no] *No* distributor shall deal in fluid milk or fluid cream without first having obtained a license from the director. The special licenses provided in this section are in addition to any and all licenses required by any other section of Division 4, Agricultural Code, or any law or ordinance of any county or municipality of this State.

Applications for the licenses herein provided shall be made on forms prescribed by the director and shall state the name and address of the applicant and such details as to the nature of the applicant's business as the director may require. Such applicant shall further satisfy the director of his or its character, responsibility and good faith in seeking to carry on the business stated in the application. Licenses shall be issued for a period of twelve (12) months from the first day of each year or for the remainder of the calendar year from the date of issuance. Application for [a new] *renewal of a* license for the following year by a licensee, *together with the application fee*, shall be made [at least thirty (30) days prior to the commencement of such year,] *prior to the expiration date of the license held*, and if not so made the applicant shall pay an additional sum equal to [50] *100* per cent of the [license] *application* fee before such license shall be issued.

(b) Every distributor before purchasing any fluid milk or fluid cream from a producer must execute and deliver to the director a surety bond in the minimum sum of one thousand dollars ($1,000), executed by the applicant as principal and by a surety company qualified and authorized to do business in this State as surety. Said bond shall be upon a form approved by the director, and shall be conditioned upon the payment in the manner required by this chapter, of all amounts due to producers for fluid milk and fluid cream purchased by such licensee or applicant during the license year. Said bond shall be to the State in favor of every producer of fluid milk and fluid cream. In case of failure by a distributor to pay any producer or producers for fluid milk or fluid cream in the manner required by this chapter, the director shall proceed forthwith to ascertain the names and addresses of all producer-creditors of such distributor, together with the amounts due and owing to them and each of them by such distributor, and shall request all such producer-creditors to file a verified statement of their respective claims with the director. Thereupon the director shall bring an action on the bond on behalf of said producer-creditors. Upon any action being commenced upon said bond, the director may require the filing of a new bond and immediately upon a recovery in any action upon such bond, such distributor shall file a new bond, and upon failure to file same within ten (10) days in either case, such failure shall constitute grounds for the revocation or suspension of the license of such distributor. In the event that recovery upon the bond is not sufficient to pay all of the claims as finally determined and adjudged by the court, any such amount recovered shall be divided pro rata among said producer-creditors.

The minimum bond of one thousand dollars ($1,000) shall be required of distributors purchasing an average daily quantity of fluid milk of less than 100 gallons; distributors purchasing an average daily quantity of 100 gallons and less than 200 gallons during any calendar month during a license year must post a bond in the amount of two thousand dollars ($2,000); distributors purchasing an average daily quantity of 200 gallons and less than 300 gallons during any calendar month during a license year must post a bond in the amount of three thousand dollars ($3,000); distributors purchasing an average daily quantity of 300 gallons or more during any calendar month during a license year shall post a bond in the sum of five thousand dollars ($5,000).

The same bond requirements shall apply to purchases of fluid cream, except that for the purposes of computation of the required bond, 10 gallons of fluid cream shall be deemed the equivalent of 100 gallons of fluid milk.

In the event that any distributor so increases his purchases of fluid milk or fluid cream during the license year that said purchases exceed the amount for which said distributor is bonded, said distributor shall forthwith post such additional bond or bonds as may be required to comply with the provisions of this section.

The licenses and bonds provided for in this section shall be required for each distributor, and for the purposes of this section each subsidiary milk plant or branch milk plant whether under one ownership or not shall be considered as an individual distributor.

Failure of any distributor who purchases fluid milk or fluid cream from producers to execute and deliver the bond as herein provided and required shall constitute a violation of this chapter; failure of any such distributor to post such additional bond or bonds as may be required to comply with the provisions of this chapter shall likewise constitute a violation of this chapter.

SEC. 8. Section 737.6 of the Agricultural Code is amended to read:

737.6. [The fees for all licenses shall be as follows, based on the volume of fluid milk and fluid cream handled for the previous year, provided that any distributor who has not previously engaged in such business during such prior year shall pay such minimum license fee as provided by this chapter.

(a) Distributors purchasing or handling an average daily quantity of fluid milk of less than 50 gallons shall pay a license fee of three dollars ($3); distributors purchasing or handling an average daily quantity of 50 gallons and less than 100 gallons shall pay a license fee of five dollars ($5); distributors purchasing or handling an average daily quantity of 100 gallons, and less than 200 gallons, shall pay a license fee of ten dollars ($10); distributors purchasing or handling an average daily quantity of 200 gallons, and less than 300 gallons, shall pay a license fee of fifteen dollars ($15); distributors purchasing or handling an average daily quantity of 300 gallons, and less than 500 gallons, shall pay a license fee of twenty-five dollars ($25); dis-

tributors handling an average daily quantity of 500 gallons or more shall pay a license fee of fifty dollars ($50).

The same license requirements shall apply to purchases of fluid cream, except, for the purpose of computation of the required license fee, 10 gallons of fluid cream shall be deemed the equivalent of 100 gallons of fluid milk.] *(a) For filing the application herein described, each applicant shall pay a fee of three dollars ($3).*

(b) Distributors who are subject to the provisions of any stabilization and marketing plan made effective by this chapter, shall deduct from payments due producers for fluid milk, fluid cream, or both, including each distributor's own production, the sum of two mills ($0.002) per pound milk fat on all milk fat contained in fluid milk, fluid cream, or both, or in the case of distributors who do not purchase or receive fluid milk, [fluid cream, or both,] in milk fat pounds, the sum of seven mills ($0.007) for each 10 gallons of fluid milk sold. The amount of the assessments so deducted shall be paid to the director on or before the fifteenth of the month following the month during which such fluid milk or fluid cream was received. The amounts of all such assessments so received by the director shall be used in the administration and enforcement of this chapter, or any stabilization and marketing plan established by this chapter.

At the close of each fiscal year any amounts which have been collected and which the director finds are in excess of those which may reasonably be required for the administration and enforcement of this chapter shall be refunded pro rata to all producers and/or distributors from whom such sums were due and collected pursuant to the provisions of *paragraph (b) of* this section."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 1249—An act to amend Sections 14030, 14032, 14034 and 14036 of the Government Code, relating to revolving funds, in the Department of Public Works.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "14032, 14034", and insert "14031, 14032, 14033, 14034, 14035,".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out lines 4 to 25, inclusive; and strike out all of page 2, and insert

"14030. The Division of Architecture Revolving Fund in the State Treasury is continued in existence. With the approval of the Department of Finance, there shall be transferred to, or deposited in, the fund all money appropriated, contributed, or made available from any source, including sources other than State appropriations, for expenditure on work within the powers and duties of the Division of Architecture, including but not limited to services, new construction, major construction and equipment, minor construction, maintenance, improvements and equipment, and other building and improvement projects, as authorized by the State agency for which such an appropriation is made or, as to funds from sources other than State appropriations, as may be authorized by written agreement between the contributor or contributors of such funds and the Division of Architecture, when approved by the Department of Finance.

Money so transferred or deposited is available for expenditure by the Division of Architecture for the purposes for which appropriated, contributed, or made available, without regard to fiscal years and irrespective of the provisions of Section 16304.

SEC. 2. Section 14031 of said code is amended to read:

14031. The Division of Architecture shall file against the [revolving fund] *Division of Architecture Revolving Fund* all claims covering expenditures incurred in connection with *services, new* [the] construction, *major construction and equipment, minor construction, maintenance,* improvements, *and* [or] equipment [of buildings], and *other building and* improvement projects, and the State Controller shall draw his warrant therefor against that fund.

SEC. 3. Section 14032 of said code is amended to read:

14032. The Division of Architecture shall keep a record of all expenditures chargeable against each specific portion of the revolving fund, and any unused balance in any portion of the fund shall on approval by the Department of Finance be withdrawn from the revolving fund and credited to the appropriation from which it was transferred or, as to funds from other than State appropriations, be paid out or refunded as provided in the agreement relating to the contributions.

SEC. 4. Section 14033 of said code is amended to read:

14033. Without at the time furnishing vouchers and itemized statements, the department may withdraw from the Division of Architecture Revolving Fund or from any appropriations for the support of the Division of Architecture, *or from the Water Resources Revolving Fund* or from any appropriation *s for the support of* [to] the Division of Water Resources, not exceeding fifty thousand dollars ($50,000) in the aggregate at any one time, to be used as a revolving fund where payments of compensation earned or cash advances are necessary.

SEC. 5. Section 14034 of said code is amended to read:

14034. The Water Resources Revolving Fund in the State Treasury is continued in existence. With the approval of the Department of Finance, there shall be transferred to, or deposited in, the fund all money appropriated, contributed, or made available from any source, including sources other than State appropriations, for expenditure or work within the powers and duties of the Division of Water Resources or of the Department of Public Works, acting through the State Engineer, including but not limited to services, new construction, major construction and equipment, minor construction, maintenance, improvements and equipment, hydraulic or other improvement projects, investigations, surveys, experiments, and reports, as authorized by the State agency for which such an appropriation is made or, as to funds from sources other than State appropriations, as may be authorized by written agreement between the contributor or contributors of such funds and the Division of Water Resources or the Department of Public Works, acting through the State Engineer, when approved by the Department of Finance.

Money so transferred or deposited is available for expenditure by the Division of Water Resources or the Department of Public Works, acting through the State Engineer, for the purposes for which appropriated, contributed, or made available, without regard to fiscal years and irrespective of the provisions of Section 16304.

SEC. 6. Section 14035 of said code is amended to read:

14035. The Division of Water Resources *or the Department of Public Works, acting through the State Engineer*, shall file against the Water Resources Revolving Fund all claims covering expenditures *incurred* in connection with *services, new* construction, *major construction and equipment, minor construction, maintenance,* improvements *and* equipment, [maintenance,] hydraulic or other improvement projects, investigations, surveys, experiments, and reports, and the State Controller shall draw his warrant therefor against that fund.

SEC. 7. Section 14036 of said code is amended to read:

14036. The Division of Water Resources or the Department of Public Works, acting through the State Engineer, shall keep a record of all expenditures chargeable against each specific portion of the revolving fund, and any unused balance in any portion of the fund shall on approval by the Department of Finance be withdrawn from the revolving fund and credited to the appropriation from which it was transferred or, as to funds from other than State appropriations, be paid out or refunded as provided in the agreement relating to the contributions."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

Senate Bill No. 462—An act to amend Sections 202, 1050.5 and 6050 of, and to add Sections 8305, 8698, 8699, 20544 and 20545 to the Water Code, relating to administration of the provisions of said code.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 138—An act to amend Sections 3477 and 3479 of the Revenue and Taxation Code, relating to property tax sales to private parties before deed to the State.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 796—An act to add Sections 3511.4 and 4339 to the Revenue and Taxation Code, relating to redemption of tax deeded property.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 328—An act to amend Section 14345 of the Revenue and Taxation Code, relating to inheritance taxes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 1 of the title of the printed bill, after "of", insert ", and to add Section 14345.5 to,".

Amendment No. 2

On page 1, line 3, of said bill, between "14345.", and "No", insert "Except as provided in Section 14345.5,".

Amendment No. 3

On page 1 of said bill, strike out line 6 and insert ", deposits, or other property,".

Amendment No. 4

On page 2 of said bill, strike out lines 1 to 17, inclusive, and insert

"SEC. 2. Section 14345.5 is added to said code, to read:

14345.5. Section 14345 is not applicable to the first two thousand dollars ($2,000) of any single credit or deposit which belonged to husband and wife jointly immediately prior to the death of either of them, in the possession or control of any bank, financial institution, insurance company, or insurance corporation delivered or transferred to the surviving spouse or at the request of the surviving spouse to any executor of the will, administrator of the estate, legal representative, agent, deputy, attorney, trustee, legatee, heir, successor in interest of the decedent, or any other person if prior to the delivery or transfer notice is first served upon the Controller."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1187—An act to amend Section 8 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 3, line 40, of the printed bill, after "fluorspar," insert "talc,".

Amendment No. 2

On page 4, line 24, of said bill, after "talc", insert a comma.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 339—An act to amend Section 9603.5 of the Revenue and Taxation Code, relating to the taxation of vehicles.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 33 and insert

"9603.5. 'Occasionally' as used in the second subdivision (b) of Section 9603 shall be construed to mean occasionally or for a total annual compensation from all sources for providing such transportation for hire of not more than six hundred dollars ($600), and provided that such transportation shall constitute the sole transportation of persons or property for hire or compensation. Any person excluded from the definition of "operator" under that subdivision shall keep available an account of each time he has transported property or laborers and the compensation received therefor. If during any month of a calendar year the sum of gross receipts of any

farmer derived from transportation operations defined in this section shall exceed six hundred dollars ($600) for the calendar year, the farmer shall not be entitled to the exemption herein provided but shall be an operator as defined in Section 9603 (a) of this part. The entire sum of his gross receipts earned during that year shall be subject to the tax imposed in this part and the amount of the gross receipts earned in prior months of the year shall be added to the gross receipts of the month in which the sum of the gross receipts for the year exceeded six hundred dollars ($600) and shall be deemed to be gross receipts of that month for the purpose of computing the amount of the tax due under this part. The "account" of transportation performed and compensation received therefor, as herein provided, may be by any simple method of record keeping and in cases where record keeping practices are such that reports upon truck operations are reported at the end of the operating season, such end-of-the-season reports shall be deemed adequate for the purposes of this section."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 545—An act to amend Section 11860 of the Insurance Code, relating to audits of the State Compensation Insurance Fund.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1068—An act to amend Section 4 of the Personal Property Brokers Act, as revised by Chapter 952 of the Statutes of 1939, relating to exemption of loans exceeding one thousand dollars ($1,000).

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In the title of the printed bill, lines 3 and 4, strike out "exceeding one thousand dollars ($1,000).", and insert "of five thousand dollars ($5,000) or more."

Amendment No. 2

On page 2 of the printed bill, strike out lines 3 and 4.

Amendment No. 3

On page 2 of the printed bill, after line 8, insert

"(d) The following provisions of this act shall not apply to any loan of a principal amount of five thousand dollars ($5,000) or more, or to a duly licensed personal property broker in connection with any such loan: The fourth paragraph of Section 16; the third paragraph of Section 17; Section 18; the fifth and seventh paragraphs of Section 20; the second paragraph of Section 21."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 1069—An act to amend Section 4 of the Personal Property Brokers Act, as revised by Chapter 1044 of the Statutes of 1939, relating to exemption of loans exceeding one thousand dollars ($1,000).

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In the title of the printed bill, lines 3 and 4, strike out "exceeding one thousand dollars ($1,000).", and insert "of five thousand dollars ($5,000) or more."

Amendment No. 2

On page 2 of the printed bill, strike out lines 3 and 4.

Amendment No. 3

On page 2 of the printed bill, after line 8, insert

"(d) The following provisions of this act shall not apply to any loan of a principal amount of five thousand dollars ($5,000) or more, or to a duly licensed personal property broker in connection with any such loan: The fourth paragraph of Section 16; the third paragraph of Section 17; Section 18; the fifth and seventh paragraphs of Section 20; the second paragraph of Section 21."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 31—An act to amend Section 5439 of and add Sections 5439.5 and 5460 to the Public Resources Code, relating to county recreation districts.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 1

On page 2, line 2, of the printed bill, strike out "it", and insert "them".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 470—An act to amend Section 1290.5 of the Fish and Game Code, relating to sale or gift of deer hides.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1186—An act to add Section 1401 to the Fish and Game Code, relating to diamond-back terrapin.

Bill read second time, and ordered to third reading.

Assembly Bill No. 397—An act to add Article 1 to, and an article heading for Article 2 of, Chapter 2 of Division 1 and to repeal Sections 629, 630, 631, 1156, 1157, and 1158 of the Fish and Game Code, relating to the regulation of the taking of fish and game.

Bill read second time, and ordered to third reading.

Assembly Bill No. 887—An act to amend Section 790 of and to add Section 813.7 to, the Agricultural Code, relating to standards for green corn.

Bill read second time, and ordered to third reading.

Assembly Bill No. 502—An act to amend Sections 251 and 254 of, and to add Sections 214, 215 and 259.5 to, the Revenue and Taxation Code, relating to exemptions from taxation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 1, line 3, of the printed bill, as amended, after "hospital", insert ", scientific,".

Amendment No. 2

On page 1, line 7, of said bill, after "hospital", insert ", scientific,".

Amendment No. 3

On page 2, line 24, of said bill, after "hospital", insert ", scientific,".

Amendment No. 4

On page 2, line 26, of said bill, after "table", insert ", scientific,".

Amendment No. 5

On page 2, line 29, of said bill, after "hospital", insert ", scientific,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 693—An act to add Section 3013.5 to the Insurance Code, relating to the powers of fire or marine insurers incorporated under the laws of this State in any State, Territory or country in which they may be admitted to do business.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 5, inclusive, and insert "3013.5. Subject to such limitations as may be contained in its articles of incorporation, any domestic incorporated fire or marine insurer may insure, in any State or country in which it may be authorized so to do,".

Amendment No. 2

On page 1 of said bill, strike out lines 7, 8 and 9 and insert "insurers are permitted to insure by the laws of such State or country."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

President of the Senate Presiding

At 1.45 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

THIRD READING OF SENATE BILLS

Senate Bill No. 1201—An act to add Section 6307 to and amend Sections 6890, 6891, 6894, and 6895 of the Public Resources Code, relating to applications for erection of structures on tidelands or submerged lands or for depositing or removal of material therefrom.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Deuel, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 301—An act relating to acceptance of delivery of farm products.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Slater, Sutton, and Weybret—27.
NOES—Senators Carter, Collier, DeLap, Seawell, Shelley, and Tenney—6.

Bill ordered transmitted to the Assembly.

Senate Bill No. 23—An act to add Article 4, comprising Section 17390, to Chapter 4, Part 10, Division 2, of the Revenue and Taxation Code, relating to deduction of net operating losses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 705—An act to add Chapter 5, comprising Sections 11500 to 11528, inclusive, to Part 1 of Division 3 of Title 2 of the Government Code, relating to administrative procedure.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—31.
NOES—Senator Carter—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 737—An act to amend Sections 23, 23.5, 100, 102, 150, 158, 203, 204, 400, 401, 402, 403, 404, 1601, 2100, 2701, 3010, 3146, 3148, 3151, 4000, 4063, 4070, 4800, 5000, 5510, 6500, 6702, 6710, 6721, 7000, 7301, 7501, 7503, 7601, 7608, 8501, 8702, 8910, 16501, 19004, 19030, 19031 of, and to add Sections 110.5 and 110.6 to, the Business and Professions Code, relating to the divisions, boards and bureaus of the Department of Professional and Vocational Standards, changing the name of the department to the Department of Administrative Procedure, and relating to the employment of hearing officers and the continued study of administrative procedure.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 736—An act to add Section 1094.5 to the Code of Civil Procedure, relating to the judicial review of administrative decisions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 708—An act to amend Sections 113, 12003, and 12752 of the Education Code, and to add Section 2.5 to, to amend Section 4 of, and to repeal Section 5 of an act entitled "An act to provide for the licensing, visitation and supervision of schools teaching foreign languages, and to define and prescribe the powers and duties of the State Board of Education in respect thereto," approved May 31, 1943, relating to administrative procedure of the State Board of Education.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 709—An act to amend Sections 1354 and 1371 of, and to add Section 1392 to, the Harbors and Navigation Code, relating to administrative procedure of the State Board of Pilot Commissioners for the Harbor of San Diego.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 710—An act to amend Sections 1254 and 1290 of the Harbors and Navigation Code, relating to administrative procedure of the Board of Pilot Commissioners for Humboldt Bay and bar.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Ward—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 711—An act to amend Sections 1101, 1155, 1192 and 1193 of the Harbors and Navigation Code, relating to administrative procedure of the State Board of Pilot Commissioners for the bays of San Francisco, San Pablo and Suisun.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Ward—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 173—An act to amend Section 104.5, 1624, 1625, 2304, 2305, 2355, and 2356 of the Welfare and Institutions Code, relating to administrative procedure in the Department of Social Welfare.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 715—An act to amend Sections 1584, 1597 and 1663 and to repeal Sections 1598 and 1599 of the Labor Code, relating to administrative procedure of the Labor Commissioner.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 718—An act to amend Section 6925 and to repeal Sections 6927, 6928, 6929, 6931, 6932, 6933, 6934, 6935, 6936, and 6937 of the Business and Professions Code, relating to administrative procedure of the Secretary of State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 720—An act to amend Section 8952 and to repeal Section 8953 of the Business and Professions Code, relating to administrative procedure of the Yacht and Ship Brokers Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 721—An act to amend Sections 8620, 8621, and 8634 and to repeal Sections 8622, 8623, 8626, 8627, 8628, 8629, 8630, 8631, and 8633 of the Business and Professions Code, relating to administrative procedure of the Structural Pest Control Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 723—An act to amend Section 7425, and to repeal Sections 7426, 7427, 7428, and 7429 of the Business and Professions Code, relating to administrative procedure of the State Board of Cosmetology.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RECESS

At 3.57 p.m., Senator Slater moved, and seconded by Senator Dorsey, that the Senate recess until 10 a.m., Friday, April 13, 1945, out of respect to the memory of the late Franklin D. Roosevelt, President of the United States.

Motion carried.

RECESS

At 3.58 p.m. pursuant to the motion of Senator Slater, and seconded by Senator Dorsey, the President of the Senate declared the Senate recessed until 10 a.m. Friday, April 13, 1945, out of respect to the memory of the late Franklin D. Roosevelt, President of the United States.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FORTY-SIXTH LEGISLATIVE DAY

NINETY-SIXTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Friday, April 13, 1945

The Senate met at 10 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

Motion to Print Prayer

Senator McBride moved that the following prayer offered by Rev. Dr. Clarence A. Kircher, be printed in the Journal.

Motion carried.

Prayer

O Lord, God of our Fathers, Eternal Ruler of the universe, who dost from Thy throne in the heavens behold Thy children here on earth, pour out, we beseech Thee, comfort and constancy to our Nation stunned in bereavement.

Grant comfort to those who bear the burden of personal loss through the intimate ties of family life, broken by the death of our President.

Grant direction for our Allied Forces and renewed confidence to those who have been bereft of their Commander-in-Chief.

Though his body be buried in peace, his name and the principles of liberty and justice for which he stood shall live long after him.

In the words of his favorite Scripture, we now see through a glass darkly but we long for the day when we see face to face.

May there abide faith, hope, love—these three—but the greatest of these is love.

May the memory of our President be enshrined with those who have conspicuously served Thee and our beloved Nation.

He has fought a good fight, he has finished the course, he has kept the faith—now there is laid up a crown of righteousness. In Jesus' Name.—AMEN.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Jespersen, on motion of Senator Hatfield, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ralph Ninihau of Napa, Member of the Napa County Board of Supervisors.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisors of Sonoma County George A. Kennedy of Sebastopol, Joseph D. Cox of Healdsburg, E. J. Guidotti of Guerneville, and James Lyttle of Sonoma; County Engineer Marshall Wallace of Santa Rosa, and V. M. Moir of Santa Rosa.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dave Bird of National City, Chairman of the Board of Supervisors of San Diego County, and the following Supervisors: Dan Rossi and Jim Robbins, both of San Diego; and Dean Howells of Escondido; and San Diego County Road Commissioner, Ernest Settles of Escondido.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William H. Akin of Los Angeles.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Peter J. Kramer Principal, Sylvia Stephenson, and the following seventh and eighth grade students of Franklin Union Grammar School, of Elk Grove: Eighth Grade Students—Lorene Hanner, Stanley Rauline, Robert Hansen, Lloyd Reiger, Grace Peters, Robert Ealcorn, Esther Ehresman, Rosetta Zgraggen, Donald Wells, Dorothy Kandt, Vivian Rau, Norma Podbeck, Marie Test, Billie Yuhre, Leonard Schmidt, Marvin Mohr, Kenneth Boyd, Clifford Schultz, Barbara Backer and Tholaw Schmidt; Seventh Grade Students—Rodney Keema, Leroy Flint, Fern Yuhre, Nella Brotherton, Damon Mohr, Chalotte Finely, Janet Schmidt, Phyliss Harland, Lenora Wolf and Jimmy Balliot.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Roger R. Walsh and Miss Joan Walsh, both of Hanford.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 499
Senate Bill No. 1067

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 31
Assembly Joint Resolution No. 35
Assembly Concurrent Resolution No. 44

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Joint Resolution No. 31—Relative to memorializing the President and the Congress of the United States and the Federal Surplus Property Board to establish or designate a special agency to which municipalities and other public bodies may deal in the purchase of Federal surplus properties.

Referred to Committee on Local Government.

Assembly Joint Resolution No. 35—Relative to income and resources of recipients of aid to the aged and of aid to the blind.

Referred to Committee on Social Welfare.

Assembly Concurrent Resolution No. 44—Relative to inviting the Governors of the Western States to attend a joint session of the California Legislature.

Request for Unanimous Consent

Senator Collier asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 44, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 44

Assembly Concurrent Resolution No. 44—Relative to inviting the Governors of the Western States to attend a joint session of the California Legislature.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—32.
NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 329
Assembly Bill No. 478

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 329—An act to amend Section 1351 of the Labor Code, relating to working hours of female employees.

Referred to Committee on Labor.

Assembly Bill No. 478—An act to add Section 131.5 to the Streets and Highways Code, relating to roadside parks.

Referred to Committee on Transportation.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 34	Assembly Bill No. 873
Assembly Bill No. 36	Assembly Bill No. 919
Assembly Bill No. 125	Assembly Bill No. 931
Assembly Bill No. 349	Assembly Bill No. 973
Assembly Bill No. 385	Assembly Bill No. 1486
Assembly Bill No. 491	Assembly Bill No. 1700
Assembly Bill No. 796	

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 34—An act to amend Section 822 of, and to add Section 822.5 to, the Military and Veterans Code, relating to insurance.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 36—An act to amend Section 1645.5 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 125—An act to add Section 2020.1 to the Welfare and Institutions Code, relating to funeral expenses for recipients of aid to the aged.

Referred to Committee on Social Welfare.

Assembly Bill No. 349—An act to amend Section 1 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, relating to deposit of public moneys, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Referred to Committee on Financial Institutions.

Assembly Bill No. 385—An act to amend Section 108 of the Insurance Code, relating to liability insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 491—An act to amend Section 1276 of the Code of Civil Procedure, relating to change of names.

Referred to Committee on Judiciary.

Assembly Bill No. 796—An act to amend Section 11116 of the Insurance Code, relating to fraternal benefit societies.

Referred to Committee on Financial Institutions.

Assembly Bill No. 873—An act to amend Sections 3502 and 4702 and to repeal Sections 3501, 4703, 4704, 4705 and 4706 of the Labor Code, all relating to death benefits.

Referred to Committee on Labor.

Assembly Bill No. 919—An act to amend Section 136d of the Bank Act, relating to the disposition of property held as trustee or in safekeeping by a bank, title insurance or trust company in process of liquidation, providing for the escheat thereof, authorizing the State Treasurer to act as a trustee for a trust company, bank, or title insurance company in liquidation, and making an appropriation.

Referred to Committee on Financial Institutions.

Assembly Bill No. 931—An act to amend Section 6060.6 of the Business and Professions Code, relating to bar examinations, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

Assembly Bill No. 973—An act to add Section 682.1 to the Code of Civil Procedure, relating to the form of execution on money judgment.

Referred to Committee on Judiciary.

Assembly Bill No. 1486—A bill to amend the Building and Loan Association Act, by amending Section 1.01 thereof, relating to definitions, Section 2.08 thereof, relating to qualifications of directors, Section 8.01 thereof, relating to voting rights, Section 10.03 thereof, relating to apportionment of profits of associations, Section 12.10 thereof, relating to forms, and by adding thereto a new section to be numbered 12.08 relating to membership of borrowers.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1700—An act to amend Section 2 of an act entitled "An act limiting the liability of supervisors, city trustees, city councils, board of education, and school trustees, and making counties, municipalities and school districts liable for the negligence of their respective officers in certain instances, and providing for the payment of costs of actions in certain instances," approved June 13, 1923, relating to the liability of flood control districts.

Referred to Committee on Judiciary.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 30

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read the first time:

Assembly Joint Resolution No. 30—Relative to memorializing Congress to provide educational opportunities for war widows.

Referred to Committee on Military and Veterans Affairs.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 138
Senate Bill No. 293
Senate Bill No. 359
Senate Bill No. 462
Senate Bill No. 545
Senate Bill No. 759
Senate Bill No. 796

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 13, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 441

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1194

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 43

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 331

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman.

Above reported bill ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 1527
Assembly Bill No. 239

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 42—Approving those certain amendments to the charter of the City of San Bernardino, a municipal corporation in the County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at a special election held thereon on the 19th day of March, 1945.

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the twelfth day of April, 1945, at 3 p.m.

SEAWELL, Chairman

RESOLUTIONS

The following resolution was offered:

By Senators Shelley, Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret:

Senate Resolution No. 90

Relative to adjournment in respect to the memory of Franklin Delano Roosevelt

One solemn thought pervades America today; throughout the world one name is on the lips of all. For Franklin Delano Roosevelt is dead.

It is difficult, indeed, to grasp this fact so suddenly thrust upon us and to realize at once its fateful portent. Nor can we question the wisdom of Providence in calling him at the height of his unprecedented career, in the full tide of his activity, and at a time when all freedom-loving men did look toward him to guide them in the path of liberty and lasting peace.

We *do* know, though, and the world will long remember, that if at this hour Democracy can still be acclaimed as the great political ideal of humanity, it is due in large part to Franklin Delano Roosevelt, who illuminated this ancient word with his vitality, who nurtured it through bitter years by realistic measures, and who gave to it the last full measure of his strength and devotion; now, therefore, in profound sorrow yet with infinite pride, be it

Resolved by the Senate of the State of California, That when the Senate does this day adjourn, it shall do so in respect to the memory of Franklin Delano Roosevelt, Thirty-first President of the United States, four times chosen by the people as their beloved leader; and be it further

Resolved, That the Secretary of the Senate of the State of California is hereby requested to convey to the bereaved family of Franklin Delano Roosevelt this expression of tribute from the Senate of the State of California.

Resolution read, and adopted by a rising vote of the following Senators:

Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Gordon moved that Assembly Bill No. 68 be taken from the inactive file and be re-referred to Committee on Judiciary.

Motion carried.

Assembly Bill No. 68 ordered re-referred to Committee on Judiciary.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Dorsey moved that Senate Bill No. 347 be taken from the inactive file for the purpose of amendment, and be placed on the second reading file.

Motion carried.

Consideration of Senate Bill No. 347

Senate Bill No. 347—An act to establish California academies for children who require special care and supervision, to provide for the government and administration thereof, and making an appropriation.

Bill read second time.

Motion to Amend

Senator Dorsey moved the adoption of the following amendments:

Amendment No. 1

On page 5, line 47, of the printed bill, as amended, strike out "There shall", and insert "It is the policy of the State that there".

Amendment No. 2

On page 6, line 16, of said bill, after "chapter", insert "when thereunto authorized by any provision of law hereafter enacted".

Amendment No. 3

On page 6 of said bill, strike out lines 21 to 28, inclusive, and insert

"SEC. 30. All moneys received by the board pursuant to the provisions of this act shall be deposited in the State Treasury in the California Academies Fund, hereby created. The Controller shall maintain a separate account in such fund covering the sources from which any moneys are received. No provision of this act constitutes an appropriation of money. No money is expendable hereunder or for any of the purposes hereof until authorized by an act or acts hereafter enacted."

Amendments read and adopted.

Bill ordered printed, and to second reading file.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1191

Senator Parkman moved that Senate Bill No. 1191 be withdrawn from Committee on Social Welfare for purpose of amendment, and re-referred to committee.

Motion carried.

Consideration of Senate Bill No. 1191

Senate Bill No. 1191—An act to amend Section 41 of the Unemployment Insurance Act, relating to "experience" or "merit rating."

Bill read second time.

Motion to Amend

Senator Parkman moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 9 to 20, commencing with "Seventy-three per cent", in line 9 and insert

"Benefits paid to an unemployed individual during any benefit year shall be charged against the account of his employer during his base period; provided, that if such individual performed services in employment for more than one employer during his

base period, benefits paid to such individual shall be charged against the respective accounts of such employers in the proportion that the total wages earned by such individual in employment for each such employer bears to the total wages earned by such individual in employment for all such employers during the base period. Effective July 1, 1945 and thereafter for such period of time as worker contributions are required pursuant to Section 44 of this act, seventy-three (73) per cent of benefits paid to an unemployed individual during any benefit year shall be charged against the account of his employer during his base period; provided, that if such individual performed services in employment for more than one employer during his base period, seventy-three (73) per cent of the benefits paid to such individual shall be charged against the respective accounts of such employers in the proportion that the total wages earned by such individual in employment for each such employer bears to the total wages earned by such individual in employment for all such employers during the base period."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

RESOLUTIONS

The following resolutions were offered:

By Senator Hatfield:

Senate Resolution No. 91

WHEREAS, Milk and dairy products are essential foods; and

WHEREAS, Their continued production are necessary to the feeding of our armed forces, the carrying out of our lend lease commitments to our Allies and the liberated countries, and the well-being of the people of this Country; and

WHEREAS, The continued production of milk and milk products is absolutely dependent upon maintaining and increasing California's herds of milking dairy cattle, which if not so maintained but must be sold and slaughtered for beef, will take years to replace; and

WHEREAS, The proper milking of such milk producing cows by experienced, trained milkers, the majority of whom have been raised on dairies, is essential, not only to maintain maximum production but to preserve the cows' ability to produce; and

WHEREAS, California dairymen have wherever possible conserved labor by installation of mechanical milking equipment, thus greatly increasing available manpower; and

WHEREAS, Prior to the war approximately 25 per cent only of California dairies were equipped with such milking machinery, which is now between 85 per cent and 90 per cent, which change has been the dairy farmers' contribution to the conservation of manpower; and

WHEREAS, Even with these efforts the shortage of dairy labor is acute and further drains on the remaining trained dairy workers will be disastrous, and will inevitably result in discontinuance of some dairy operations with the consequent reduction of necessary milk production; now, therefore, be it

Resolved, by the Senate of the State of California, That the Congress and the Director of Selective Service are hereby urgently requested to take cognizance of these facts and of the pressing need for conserving the existing supply of dairy labor in this State and of the disastrous results that will accrue in the event this shortage is further aggravated by continued drafting of dairy labor, to the end that all possible deferment of trained bona fide milkers in this essential line of work will be granted; and be it further

Resolved, That the Secretary of the Senate is hereby directed to send copies of this resolution to the Governor and to each of the California Members of the Senate and House of Representatives and to the Director of Selective Service for the United States and for California.

Resolution read, and on motion of Senator Hatfield, adopted.

By Senator Seawell:

Senate Resolution No. 92

"Resolved, That the sum of $12,000 or so much thereof as may be necessary is hereby made available from the contingent fund of the Senate in augmentation of funds heretofore made available under Senate Resolution No. 10 of this session for the expenses of the Senate Legislative Process Committee and for any charges, expenses or claims which such committee shall incur under the authority of Senate Resolution No. 10; to be certified and paid as in such resolution provided."

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brand, Brown, Carter, DeLap, Dingel, Dillinger, Donnelly, Dorsey, Gannon, Hatfield, Hume, Lanterman, Keating, Kuchel, Marks, McBride, McCorquodale, Maloney, Patterson, Reed, Sessions, Seawell, Shearer, Slater, Sutton, Ward, and Weybret—28.

NOES—None.

By Senator Seawell:

Senate Resolution No. 93

Resolved, That hereafter during the present session all personal speeches be limited to ten minutes, and that all other speeches be limited to five minutes; and be it further

Resolved, That guests of the Senate, as invited by Members, or upon the invitation of the floor, for guests be requested only under the order of business as "Privileges of the floor," except that any Senator having present in the chamber of adult children or a similar organization may request the privilege of the floor for such organizations or classes of persons; and provided, further, that Members may have the names of other guests entered in the Journal by submitting the names of their guests to the desk in writing, in the usual manner, prior to the close of the day's session.

Resolution read, and on motion of Senator Seawell adopted.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 19—By Senator Collins—Relative to memorializing Congress to maintain the existing gold reserve ratio and to enact legislation to increase the monetary value of gold.

Referred to Committee on Natural Resources.

MOTION TO RESET SPECIAL ORDER

Senator Seawell moved that the consideration of Senate Bills 3, 270 and 284, be continued to Monday, April 16, and be reset as a special order for 2:30 p.m. on that day.

Motion carried.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 5—An act to provide for issuing adequate facilities and service for the establishing and operation of a telephone-typewriter system in Kings County, for the purpose of connecting the system with the statewide-interconnecting system of communication maintained under the direction of the Bureau of Criminal Identification and Investigation between counties and cities and counties of this State, and to make an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the amendment, strike out "Kings County" and insert "Alameda, Contra Costa, Inyo, Kings, Placer, San Benito and Tuolumne Counties"

Amendment No. 2

On page 2, line 8, of said bill, strike out "Kings County" and insert "Alameda, Contra Costa, Inyo, Kings, Placer, San Benito, and Tuolumne Counties"

Amendment No. 3

On page 1 of said bill, lines 10 and 11, strike out "one thousand five hundred four dollars and eight cents ($1,504.08)" and insert "twenty-four thousand four hundred seventy-two dollars and sixty-eight cents ($24,472.68)".

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Finance.

Senate Bill No. 706—An act to amend Sections 21, 39, 40, and 46 of, to repeal Section 41 of, and to add a new Section 41 to, and to repeal Sections 42, 43, 44, 45, and 47 of, the Alcoholic Beverage Control Act, relating to administrative procedure of the State Board of Equalization.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 3, line 49, of the printed bill, after "SEC. 46.", strike out the balance of line; and lines 50, 51 and 52; and on page 4 strike out lines 1 to 18, inclusive, and insert "Subject to the provisions of Section 22, Article XX, of the Constitution, any ruling, order or decision of the board shall be subject to review as provided by law, in any court of competent jurisdiction in the county in which the person affected resides."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 829—An act to amend Section 340 of the Code of Civil Procedure, relating to the time of commencing civil actions.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 420—An act to add Section 171c to the Civil Code, relating to the management and control of community property.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1093—An act to amend Sections 56 and 58 of the Unemployment Insurance Act, relating to unemployment insurance and the eligibility for benefits thereunder.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1096—An act to amend Sections 41 and 53 of the Unemployment Insurance Act, relating to unemployment insurance and the amount and duration of benefits payable thereunder.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 2 of the printed bill, strike out lines 37 to 40, inclusive, and insert "shall the total amount of benefits payable exceed one-half of the total wages paid such individual in employment during his base period."

Amendment read and adopted.

Bill ordered printed, and referred to Committee on Social Welfare.

Senate Bill No. 268—An act to add Article 5A, comprising Sections 933 to 994.3 inclusive, to Chapter 6 of Division 4 of the Military and

Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued, and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1946.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 762—An act to amend Section 397 of the Military and Veterans Code, relating to the payment of tolls for passage through or over tollgates, toll bridges and ferries.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 883—An act to amend Sections 1082 and 1084 of the Military and Veterans Code, relating to the Woman's Relief Corps Home of California.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "of Veterans of the"; and strike out lines 7 and 8 and insert "and the widows of Veterans of the War with Spain, the Philippine Insurrection and the China Relief Expedition, covering the period from April 21, 1898 to July 4, 1902, provided such widow was married to the veteran before January 1, 1938."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 151—An act to amend Section 714 of, and to add Sections 717.1 and 717.2 to, the Code of Civil Procedure, relating to execution on the property of the judgment debtor.

Bill read second time, and ordered to third reading.

Assembly Bill No. 153—An act to amend Section 963 and Section 983 of the Code of Civil Procedure, relating to cases in which an appeal may be taken.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1696—An act to amend 271 of the Penal Code, relating to desertion or abandonment of a child.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1712—An act to amend Section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1809—An act relating to transient minors and providing for their housing and their return to their home communities.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1538—An act to amend Section 57 of the Unemployment Insurance Act, relating to unemployment insurance and the waiting period thereunder.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1201—An act to repeal Section 6654.5 of the Welfare and Institutions Code, and to add Section 1461.3 to the Probate Code, relating to proceedings for the appointment of guardians for insane or incompetent persons, and requiring notice thereof to the Director of Institutions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1202—An act to amend Section 165 of the Welfare and Institutions Code, relating to institution inmates' funds, and providing for the deposit and investment thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1204—An act to amend Section 6662 of the Welfare and Institutions Code, relating to the position of Secretary of the Department of Institutions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1203—An act to amend Section 6663 of the Welfare and Institutions Code, relating to payments for the care and treatment of patients in State institutions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Institutions:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections 6650 and".

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 6650 of the Welfare and Institutions Code is amended to read:

6650. The husband, wife, father, mother, or children of an insane person or inebriate, the estates of such persons, and the guardian and administrator of the estate of such insane person or inebriate, shall cause him to be properly and suitably cared for and maintained, and shall pay the costs and charges of his transportation to a State institution for the insane or inebriates. The husband, wife, father, mother, or children of an insane person or inebriate, and the administrators of their estates, and the guardian and/or administrator of the estate of such insane person or inebriate, shall be liable for his care, support, and maintenance in a State institution of which he

is an inmate. The liability of such persons and estates shall be a joint and several liability [.] , *and such liability shall exist whether the insane person or inebriate has become an inmate of a State institution pursuant to the provisions of this code or pursuant to the provisions of Sections 1026, 1368, 1369, 1370, and 1372 of the Penal Code.*

SEC. 2. Section 6663 of the Welfare and Institutions".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 895—An act to amend Section 1035 of the Military and Veterans Code, relating to disposition of funds of deceased members of Veterans Home of California.

Bill read second time, and ordered to third reading.

Assembly Joint Resolution No. 33—Relative to memorializing Congress to erect a Statue of Liberty on the Coast of California.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

In the title of the printed measure, as amended, strike out "Liberty", and insert "Freedom".

Amendment No. 2

On page 2, line 23, of said measure, strike out "Liberty, like", and insert "Freedom, a sister, as it were, to ".

Amendment No. 3

On page 2, line 28, of said measure, strike out "Liberty", and insert "Freedom".

Amendment No. 4

On page 2, line 29, of said measure, after "similar", insert "in import".

Amendments read and adopted.

Resolution ordered printed, and referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 62—An act to amend Sections 1018, 1033, 1034, and 1042, and to repeal Sections 1022 and 1046 of the Military and Veterans Code, relating to the Veterans' Home of California.

Bill read second time, and ordered to third reading.

Assembly Bill No. 70—An act to add Section 1042.1 to the Military and Veterans Code, relating to uncashed checks drawn on trust funds at the Veterans' Home of California.

Bill read second time, and ordered to third reading.

Assembly Bill No. 962—An act to add Article 3.3 to Chapter 2 of Division 10 of the Education Code, relating to leaves of absence for employees of State colleges not serving in State civil service.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1221—An act to amend Sections 13651 and 13652 and to repeal Section 13653 of the Education Code, relating to decrease in number of permanent employees, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1222—An act to amend Section 13654 of the Education Code, relating to the rights of permanent certificated employees whose services have been terminated because of the effect of wars upon the attendance of pupils.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1223—An act to add Section 15655 to the Education Code, relating to the rights of permanent certificated employees of school districts whose services have been terminated because of the effect of wars upon the attendance of pupils or continuance of particular services.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1224—An act to add Sections 13004.1 and 13004.2 to the Education Code, relating to order of employment of certificated employees, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1374—An act to amend Section 7461 of the Education Code, relating to bond maturities and the redemption of school bonds before maturity.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title, after "act", insert "to add Section 7439 to and".

Amendment No. 2

In line 2 of the title, after "to", insert "the issuance of school bonds,".

Amendment No. 3

Between the enacting clause and line 1, insert

"SECTION 1. Section 7439 of the Education Code, is hereby added, to read as follows:

7439. Any unsold bonds of the elementary, high school or junior college districts comprising a unified school district and voted at any election held either prior or subsequent to the date upon which the action necessary to the formation of the unified district was completed, may be issued by the board of supervisors in the name of the unified district and the proceeds derived from the sale thereof shall be the funds of the unified district and shall be used only for the purpose or purposes for which said bonds were voted."

Amendment No. 4

On page 1, line 1, of said amended bill, strike "1", and insert "2".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried.

Time, 11.35 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill No. 724—An act to amend Sections 7073, 7091, and 7100 and to repeal Sections 7092, 7093, 7094, 7096, 7097, 7098, 7099, 7101, 7103, 7104, and 7105 of the Business and Professions Code, relating to administrative procedure of the Registrar of Contractors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 727—An act to amend Sections 5560, 5561, and 5570 and to repeal Sections 5562, 5563, 5564, 5566, 5567, 5568, 5569, 5574, 5575, 5576 of the Business and Professions Code, relating to administrative procedure of the California State Board of Architectural Examiners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 729—An act to amend Section 1265 of the Business and Professions Code, to amend Sections 1222 and 1227 and to repeal Section 1228 of the Health and Safety Code, and to amend Section 9 of an act entitled "An act to regulate the conduct of canneries, to create a division of cannery inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, relating to administrative procedure of the State Board of Public Health.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 730—An act to amend Section 4530 of the Business and Professions Code, to amend Sections 1406, 1409 and 1615 and to repeal Sections 1616, 1617, and 1620 of the Health and Safety Code, and to amend Section 11503 of the Insurance Code, relating to administrative procedure of the State Department of Public Health.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 740—An act to amend Sections 120, 215.12, 352, 380.58, 723, 737.11, 747, 1041, 1043, 1072, 1175, 1178, 1241, and 1254, and to repeal Sections 1074, 1176 and 1177, of the Agricultural Code, relating to administrative procedure affecting various businesses in the agricultural field.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 741—An act to amend Sections 383.5, 700, 704, 765, 766, 783, 783.5, 851, 852, 1512, 1649, 1707, 1720.06, 1731, 1732, 1760.5, 1776, 1807.5, 1813, 1821, 11063, 12223, 12282, 12924, and 12975.5, and to repeal Sections 767, 1734, 1818, and 11064 of the Insurance Code, relating to administrative procedure affecting the transaction of insurance business.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 707—An act to amend Sections 59.5, 587, 995, 995.1, 1074, and 1075 and to repeal Sections 585, 586, and 995.2 of the Fish and Game Code, relating to administrative procedure of the Fish and Game Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 712—An act to amend Sections 5703 and 5753 of the Welfare and Institutions Code, relating to administrative procedure in the Department of Institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 714—An act to amend Section 10100 and to repeal Sections 10103, 10104, 10105, 10107, 10108, 10109, 10110, 10111, 10112, 10113, 10114, 10115, and 10116 of the Business and Professions Code, relating to administrative procedure of the Real Estate Commissioner.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 716—An act to amend Sections 2256, 2257, 2258, 2259, and 2260 and to repeal Sections 2261, 2262, and 2263 of the Public Resources Code, relating to administrative procedure of the State Mineralogist.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 717—An act to amend Section 13320 and 13613 and to repeal Sections 13321, 13322, 13323, 13324, 13614, 13615 and 13616 of the Health and Safety Code, relating to administrative procedure of the State Fire Marshal.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 719—An act to amend Section 7570 and the repeal Sections 7571, 7572, 7573, 7574, 7575, 7576, and 7577 of the Business and Professions Code, relating to administrative procedure of the Director of Administrative Procedure.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse,

Judah, Kuchel, Mayo, McBride, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 722—An act to amend Sections 7686, 7686.5, and 7690 and to repeal Sections 7688, 7688.5, 7689, and 7689.5 of the Business and Professions Code, relating to administrative procedure of the State Board of Funeral Directors and Embalmers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 725—An act to amend Sections 6776 and 8781 and and to repeal Sections 6777, 6778, 8782, and 8783 of the Business and Professions Code, relating to administrative procedure of the State Board of Registration for Civil Engineers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 726—An act to amend Section 6570 and to repeal Sections 6571, 6572, 6573, and 6574 of the Business and Professions Code, relating to administrative procedure of the State Board of Barber Examiners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 728—An act to amend Section 4875 and to repeal Sections 4876, 4877, 4878, 4879 and 4880 of the Business and Professions Code, relating to administrative procedure of the Board of Examiners in Veterinary Medicine.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield,

Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 731—An act to amend Section 4210 of the Business and Professions Code, relating to administrative procedure of the California State Board of Pharmacy.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 732—An act to amend Section 3090 and to repeal Section 3091 of the Business and Professions Code, relating to administrative procedure of the State Board of Optometry.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 733—An act to amend Section 2750 and to repeal Sections 2751, 2752, 2753, 2754, 2755, 2756, 2757, and 2758 of the Business and Professions Code, relating to administrative procedure of the Board of Nurse Examiners of the State of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 734—An act to amend Sections 2360, 2364, and 2555 and to repeal Sections 2365, 2366, 2367, 2368, 2369, 2370, and 2371 of the Business and Professions Code, relating to administrative procedure under the chapter on medicine of said code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 735—An act to amend Sections 1670, 1674, 1675, and 1747 and to repeal Sections 1671, 1672, 1673, 1675, 1676, and 1677 of the Business and Professions Code, relating to administrative procedure of the Board of Dental Examiners of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 738—An act to amend Section 5019 of the Business and Professions Code, relating to administrative procedure of the State Board of Accountancy.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 739—An act to amend Sections 11.04 and 11.05 of the Building and Loan Association Act, relating to the administrative procedure of the Building and Loan Commissioner.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 742—An act to amend Section 15 of, and to add Sections 7.5, 9.5, and 23.5 to, the Corporate Securities Act; to amend Section 8 of, and to add Section 3.5 to, an act entitled "An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof," approved July 1, 1937; to amend Sections 8, 13, and 22.5 of the Personal Property Brokers Act, as revised by Chapter 952 of the Statutes of 1939; to amend Sections 8, 13, and 23 of the Personal Property Brokers Act, as revised by Chapter 1044 of the Statutes of 1939; to amend Sections 15.3 and 15.4 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927; to amend Sections 7, 12 and 23

of the California Small Loan Act; relating to administrative procedure of the Commissioner of Corporations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Dorsey:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 6, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2 of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 737o of the Political Code, relating to the salaries of superior court judges in Kern County.

Respectfully submitted.

SENATOR DORSEY

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 6, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Local Government.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Ward—32.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1270: By Senator Dorsey—An act to amend Section 7370 of the Political Code, relating to the salaries of superior court judges in Kern County.

Referred to Committee on Local Government.

WITHDRAWAL FROM COMMITTEE OF SENATE BILLS NOS. 1077, 1081, 1082, 1094, 1099, 1100, 1116, 1131

Senator Shelley moved that Senate Bills Nos. 1077, 1081, 1082, 1094, 1099, 1100, 1116, 1131 be withdrawn from Committee on Social Welfare for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 1077

Senate Bill No. 1077—An act to add Section 39.1 to the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Motion to Amend

Senator Shelley moved the adoption of the following amendment:

Amendment No. 1

On page 1 lines 4, 7, and 8 strike out the word "June", and insert "July".

Amendment read and adopted.

Bill ordered printed, and referred to Committee on Social Welfare.

CONSIDERATION OF SENATE BILL NO. 1081

Senate Bill No. 1081—An act to add Article 10, comprising Sections 150 to 200 to, and to amend Sections 40, 44, 101.9, 102 of the Unemployment Insurance Act, relating to unemployment insurance and establishing a system of unemployment disability insurance.

Bill read second time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 12, of the printed bill, strike out "workman's", and insert "workmen's".

Amendment No. 2

On page 1, line 18, of the printed bill, strike out "such", and after "unemployment", insert "resulting therefrom".

Amendment No. 3

On page 2 of the printed bill, strike out lines 24 to 29, inclusive, and insert "unable to perform his regular or customary work; provided, however, that in no case shall the term "disability" or "disabled" include any injury or illness caused by or arising in connection with or resulting from pregnancy or childbirth".

Amendment No. 4

On page 2 of the printed bill, beginning on line 33, insert "during his base period employed by an employer in employment".

Amendment No. 5

On page 3, line 48, of the printed bill, after "amount", and before "and", insert "of".

Amendment No. 6

On page 4 of the printed bill, strike out line 17 and insert "waiting period of seven consecutive days during each uninterrupted period of disability; and".

Amendment No. 7

On page 4, line 27, of the printed bill, strike out "workman's", and insert "workmen's".

Amendment No. 8

On page 5 of the printed bill, beginning on line 4, insert

"SEC. 177.1. In the case of any individual who in good faith adheres to the teachings of any church, sect, denomination or organization and in accordance with its principles depends for healing entirely upon prayer or spiritual means, no medical examination shall be required nor shall any authorized regulations prescribing the manner of proof of illness or injury discriminate against such individual.

Amendment No. 10

On page 5 of the printed bill, beginning on line 21 insert

"SEC. 179.1. An individual's benefit year shall be the same for both disability benefits and unemployment benefits, and the filing of a valid claim for one shall establish a valid claim for the other."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Social Welfare.

CONSIDERATION OF SENATE BILL NO. 1082

Senate Bill No. 1082—An act to establish a system of unemployment disability insurance and to amend Sections 9.8, 40, 45, 45.5 and 45.11 and to repeal Sections 44, 44.2 and 101.9 of the Unemployment Insurance Act, relating to unemployment insurance and a system for providing benefits when unemployed because of illness or injury.

Bill read second time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 13, of the printed bill, strike out "workman's", and insert "workmen's".

Amendment No. 2

On page 1, line 18, of the printed bill, strike out "such", and after "unemployment", insert "resulting therefrom".

Amendment No. 3

On page 2 of the printed bill, strike out lines 42 to 48, inclusive, and insert "tions, he is unable to perform his regular or customary work; provided, however, that in no case shall the term "disability" or "disabled" include any injury or illness caused by or arising in connection with or resulting from pregnancy or childbirth."

Amendment No. 4

On page 5 of the printed bill, after "amount", and before "and", insert "of".

Amendment No. 5

On page 5 of the printed bill, strike out line 32, and insert "a waiting period of seven consecutive days during each uninterrupted period of disability; and".

Amendment No. 6

On page 5, line 42, of the printed bill, strike out "workman's", and insert "workmen's".

Amendment No. 7

On page 6 of the printed bill, beginning on line 30, insert

"SEC. 32.5. In the case of any individual who in good faith adheres to the teachings of any church, sect, denomination or organization and in accordance with its principles depends for healing entirely upon prayer or spiritual means, no medical examination shall be required nor shall any authorized regulations prescribing the manner of proof of illness or injury discriminate against such individual.

Amendment No. 8

On page 6, line 48, of the printed bill, insert

"SEC. 34.5. A valid claim for unemployment benefits filed pursuant to the Unemployment Insurance Act shall be deemed to establish a valid claim for disability benefits under this act."

Amendment No. 9

In line 2 of the title of the printed bill, after "45.11", and before "and", insert "and to add Section 52.3".

Amendment No. 10

On page 11 of the printed bill, after line 42, insert

"SEC. 8. Section 52.3 is added to the Unemployment Insurance Act, to read:

SEC. 52.3. A valid claim for disability benefits filed pursuant to the Unemployment Disability Insurance Act shall be deemed to establish a valid claim for unemployment benefits under this act."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Social Welfare.

CONSIDERATION OF SENATE BILL NO. 1094

Senate Bill No. 1094—An act to amend Sections 6 and 54 of the Unemployment Insurance Act, relating to unemployment insurance and the provisions for dependent allowances thereunder.

Bill read second time.

Motion to Amend

Senator Shelley moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 13, of the printed bill, after the semicolon, insert "provided that the total amount of benefits payable to any individual shall not exceed 80 per cent of his average weekly earnings as determined on the basis of wages in employment in the highest quarter during his base period;".

Amendment read and adopted.

Bill ordered printed, and referred to Committee on Social Welfare.

CONSIDERATION OF SENATE BILL NO. 1099

Senate Bill No. 1099—An act to amend Sections 40, 64 and 67 and to repeal Sections 39, 41, 41.1, 41.2, 41.3, 41.5 and 42 of the Unemployment Insurance Act, relating to unemployment insurance and the provisions for variable contribution rates thereunder.

Bill read second time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "sections", and before "40", insert "38,".

Amendment No. 2

On page 2 of the printed bill, after line 51, insert

"SEC. 5. Section 38 of the Unemployment Insurance Act is amended to read:

SEC. 38. Every such employer shall pay into the unemployment fund contributions equal to the following amounts:

(a) During the year 1936, with respect to payments of wages made during that year, ninety one-hundredths per cent of all wages paid by him in employment subject to this act;

(b) For the year 1937, one and eighty-one hundredths per cent of all wages payable by him during such year with respect to employment subject to this act;

(c) For the year 1938 and thereafter, two and seventy-one hundredths per cent of all wages with respect to which contributions become due and payable for employment subject to this act, *except that every employer who has in employment less than eight individuals on each work day during a calendar year or pays wages in employment of less than eight thousand dollars ($8,000) in each calendar quarter and is not subject to the Federal Unemployment Tax Act shall pay into the unemployment fund contributions equal to two per cent (2%) of all wages with respect to which contributions become due and payable for employment subject to this act.*

If, when and during such time as the excise tax required of employers by Section 901 of the Social Security Act (or the corresponding provisions of the Internal Revenue Code or any other Federal act into which such tax now is or hereafter may be incorporated) is payable only upon three thousand dollars ($3,000) or less of wages earned in any calendar year by any individual from any single employer as defined in Section 907 of that act (or the corresponding provisions of the Internal Revenue Code, or any other Federal act into which such tax now is or hereafter may be incorporated), the contributions required to be paid by every employer by subsection (c) hereof shall be payable only upon three thousand dollars ($3,000) or less of wages earned in any calendar year by any worker employed by such employer."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Social Welfare.

CONSIDERATION OF SENATE BILL NO. 1100

Senate Bill No. 1100—An act to add Section 41.4 to the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Motion to Amend

Senator Shelley moved the adoption of the following amendment:

Amendment No. 1

On page 1, lines 4, 5, 8, and 12, of the printed bill, strike out the word "June", and insert "July".

Amendment read and adopted.

Bill ordered printed, and referred to Committee on Social Welfare.

CONSIDERATION OF SENATE BILL NO. 1116

Senate Bill No. 1116—An act to amend Section 41.5 of the Unemployment Insurance Act, relating to the transfer of reserve accounts.

Bill read second time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 2, of the printed bill, strike out "not less", and insert "more".

Amendment No. 2

On page 2, line 6, of the printed bill, strike out "not less", and insert "more".

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Social Welfare.

CONSIDERATION OF SENATE BILL NO. 1131

Senate Bill No. 1131—An act to repeal Section 56.5 of, and to add Sections 56.5 and 6.6 and to amend Section 19 to the Unemployment Insurance Act, relating to reciprocal arrangements with other States and to advances under Title 12 of the Social Security Act.

Bill read second time.

Motion to Amend

Senator Shelley moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 25, of the printed bill, as amended, after "reimbursements", insert "to the fund for such of the benefits paid under this act upon the basis of such wages or services, and provisions for reimbursements".

Amendment read and adopted.

Bill ordered printed, and referred to Committee on Social Welfare.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 12.34 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 14—An act to amend Section 4131 of the Political Code, relating to writings to be recorded.

Motion to Refer Bill to Inactive File

Senator Swing moved that Assembly Bill No. 14 be placed on the inactive file.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 88
Senate Bill No. 120
Senate Bill No. 121
Senate Bill No. 122
Senate Bill No. 123
Senate Bill No. 126
Senate Bill No. 127
Senate Bill No. 136
Senate Bill No. 140
Senate Bill No. 266
Senate Bill No. 267
Senate Bill No. 377
Senate Bill No. 394
Senate Bill No. 397
Senate Bill No. 398
Senate Bill No. 400
Senate Bill No. 404
Senate Bill No. 437
Senate Bill No. 446
Senate Bill No. 469
Senate Bill No. 491
Senate Bill No. 492
Senate Bill No. 493
Senate Bill No. 494
Senate Bill No. 495
Senate Bill No. 496
Senate Bill No. 497
Senate Bill No. 498
Senate Bill No. 620
Senate Bill No. 621
Senate Bill No. 689
Senate Bill No. 690
Senate Bill No. 692

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 8
Senate Bill No. 399
Senate Bill No. 488
Senate Bill No. 489
Senate Bill No. 490
Senate Bill No. 1260

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 37

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 37—Relating to the creation of a Joint Committee to investigate prices of fresh fruits.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Assembly Bill No. 1685
Assembly Bill No. 1686
Assembly Bill No. 1687
Assembly Bill No. 2112

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 9; committee vote: Ayes 8; absent 1.

DELAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 1046
Assembly Bill No. 2076

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.
Committee membership 9; committee vote: Ayes 8; absent 1.

DELAP, Chairman

Above reported bills ordered to second reading.

Committee on Elections

SENATE CHAMBER, SACRAMENTO, April 13, 1945

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 200

Has had the same under consideration, and reports the same back with the recommendation: Do pass.
Committee membership 9; committee vote: Ayes 5; noes 1; absent 3.

BIGGAR, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1945

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 495

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.
Committee membership 9; committee vote: Ayes 5; noes 1; absent 3.

BIGGAR, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1945

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Assembly Bill No. 288
Assembly Bill No. 143
Assembly Bill No. 304
Assembly Bill No. 498
Assembly Bill No. 499

Has had the same under consideration, and reports the same back with the recommendation: Do pass.
Committee membership 9; committee vote: Ayes 6; absent 3.

BIGGAR, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1945

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 496

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.
Committee membership 9; committee vote: Ayes 6; absent 3.

BIGGAR, Chairman.

Above reported bill ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 144

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.
Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 10, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 203—An act to amend Section 4237 and to repeal Section 4237.9 of the Political Code, relating to compensation for public service in counties of the eighth class;

Senate Bill No. 637—An act to provide for forest practices which will promote the maximum sustained productivity of the forest lands of California;

Senate Bill No. 649—An act to amend Sections 12 and 21.30 of, and to add Section 21.35 to, the Municipal Utility District Act, relating to municipal utility districts;

And reports that the same have been correctly enrolled, and presented to the Governor on the twelfth day of April, 1945, at 3 p.m.

SEAWELL, Chairman

RECESS

At 12.30 p.m., on motion of Senator Seawell, the Senate recessed until 2 p.m.

REASSEMBLED

At 2 p.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

Time, 2 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

President of the Senate Presiding

At 2.14 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

MOTION TO CONSIDER ASSEMBLY BILLS

Senator Seawell moved that the Senate discontinue further consideration of Senate bills on the Senate third reading file and refer to Assembly third reading file for the purpose of considering Assembly bills.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 371—An act and Section 18972 of the Government Code to amend Section 222 of the State Civil Service Act, relating to veterans' preference.

Bill read third time.

Motion to Amend

Senator Seawell moved the adoption of the following amendment:

Amendment No. 1

In line 18 of the printed bill, as amended, after "disability", strike out "was", and insert "is".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 56—An act to amend Section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property.

Bill read third time, and presented by Senator Tenney.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Rich, Salsman, Seawell, Sutton, Swing, Tenney, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 80—An act to amend Section 1183.5 of the Civil Code, relating to the proof or acknowledgment of instruments.

Bill read third time, and presented by Senator Kuchel.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Rich, Salsman, Seawell, Sutton, Swing, and Tenney—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 775—An act to add Section 37.2 to the Fish and Game Code, relating to bounties on mountain lions.

Bill read third time, and presented by Senator Cunningham.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Sutton, Swing, and Tenney—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 356—An act to add Title 10a to Part 4 of Division 3 of the Civil Code, relating to unincorporated nonprofit associations and the members thereof.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Sutton, Swing, and Tenney—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1195—An act to add Section 6725.5 to and amend Sections 6729, 6730 and 6733 of the Welfare and Institutions Code, and to repeal Section 6739 thereof, relating to the release of patients from State hospitals, and providing for the various forms of leave of absence or discharge.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah,

Keating, Kuchel, Mayo, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Sutton, Swing, Tenney, and Ward—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1196—An act to amend Sections 5250 and 7000 of the Welfare and Institutions Code, relating to feeble-minded persons and State homes therefor, designating such persons as mentally deficient persons and such homes as homes for the mentally deficient, and defining mentally deficient persons.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Sutton, Swing, and Tenney—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Assembly Bill No. 941—An act to add Section 6500.3 to the Welfare and Institutions Code, relating to State institutions.

Bill read third time, and presented by Senator Dorsey.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Sutton, Swing, and Tenney—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 25—An act to add Section 18060 to the Education Code, relating to the purchase by the governing boards of school districts of materials, supplies or equipment from the Federal Government or its agencies, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Tenney.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Sutton, Swing, and Tenney—29.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 28—An act to amend Section 18059 of the Education Code, relating to the letting of contracts, extending the period within which the section is to remain in effect.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 447—An act to add Section 18706 to the Education Code, relating to the sale of personal property by school districts to pupils.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 282—An act to repeal Section 222 of the Welfare and Institutions Code, relating to warrants for public assistance.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 360—An act to add Section 5709 to the Welfare and Institutions Code, relating to private institutions for the care, custody or treatment of the insane.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 361—An act to add Section 2311 to the Welfare and Institutions Code, relating to institutions providing housing for aged persons.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 362—An act to add Section 1631 to the Welfare and Institutions Code, relating to institutions for child care.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 710—An act to amend Section 120.5 of the Welfare and Institutions Code, relating to the functions of the State Department of Social Welfare.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Powers, Rich, Salsman, Seawell, Slater, Tenney, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1375—An act to amend Sections 9, 44, 45, 48, and 55 of the Vehicle Parking District Act of 1943, relating to leasing or acquiring property for parking places, the administration of parking places, and the levying of taxes and assessments, and declaring the urgency of this act to take effect immediately.

Bill read third time, and presented by Senator Ward.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 374—An act to amend Section 172 of the State Civil Service Act, and to add Section 19536.5 to the Government Code, relating to layoffs.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1289—An act and Section 19536 of the Government Code to amend Section 172 of the State Civil Service Act, relating to replacement by demotion.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1986—An act to amend Section 152.5 of the State Civil Service Act, and to amend Section 19390 of, to repeal Section 19391 of, and to add a new Section 19391 to, the Government Code, relating to the reinstatement of employees returning from military leave.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1751—An act to amend Section 22 of the State Civil Service Act and Section 18540 of the Government Code, relating to veterans.

Bill read third time.

Motion to Amend

Senator Ward moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 19, of the printed bill, strike out "entered", and insert "served in".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Secretary J. A. Beek at the Desk

Assembly Bill No. 1708—An act to add Section 3606 to the Public Resources Code, relating to oil and gas, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time, and presented by Senator Kuchel.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.
NOES—None.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo,

McBride, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 281—An act to amend Section 5515 of the Welfare and Institutions Code, to repeal Section 5516 thereof, and to add Section 5516 thereto, relating to the property and support of sexual psychopaths.

Bill read third time, and presented by Senator McBride.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1199—An act to amend Sections 5500, 5502, 5502.5, 5512, and 5514 of the Welfare and Institutions Code, relating to sexual psychopaths, revising the definition thereof, and providing for their commitment, care, support, parole, and disposition.

Bill read third time, and presented by Senator McBride.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1563—An act to add Section 7.2 to the Unemployment Insurance Act, relating to unemployment insurance.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 27—An act to amend Section 395.2 of the Military and Veterans Code, and to amend Sections 12009.1, 12894.1, and 13204.1 of the Education Code, all relating to employees of school districts entering, or in, military service, United States Merchant Marine, or the American Red Cross during time of war or National emergency.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 59—An act to add Section 1039.3 to the Military and Veterans Code, relating to gifts to the Veterans' Home of California.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Assembly Bill No. 60—An act to add Sections 1030.1 and 1030.2 to the Military and Veterans Code, relating to the Veterans' Home of California.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 415—An act to amend Sections 500.1 and 502.1 of the Military and Veterans Code and to repeal Section 8 of Chapter 738 of the Statutes of 1943, relating to high school cadets, and continuing in effect the law relating to high school cadets.

Bill read third time and presented by Senator Quinn.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.

NOES—Senator Dillinger—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 32—An act adding Chapter 10, comprising Sections 13000 to 13001, inclusive, to Division 5 of the Business and Professions Code, relating to flour and meal containers.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 379—An act to amend Section 2727.5 of the Business and Professions Code, relating to the existence of an emergency within the meaning of subdivision (d) of Section 2727 of said Business and Professions Code.

Bill read third time, and presented by Senator Fletcher.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 13, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 268
Senate Bill No. 328
Senate Bill No. 420
Senate Bill No. 762
Senate Bill No. 829
Senate Bill No. 1093
Senate Bill No. 1187

And reports the same correctly engrosed.

SEAWELL, Chairman

MOTION TO PRINT REPORT

Senator Seawell moved that the partial report of the Legislative Auditor to the Legislative Budget Committee, be printed in the Journal of Wednesday, April 18, 1945.

Motion carried.

ADJOURNMENT

At 4.02 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Monday, April 16, 1945, out of respect to the memory of the late Franklin Delano Roosevelt.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FORTY-SEVENTH LEGISLATIVE DAY

NINETY-NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Monday, April 16, 1945

The Senate met at 1.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Stanley Pugh of Red Bluff.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Gordon D. McCutcheon of Portland, Oregon.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Staff Sergeant Ernest K. Enomoto, Company "B", 100th Infantry Battalion, awarded Expert Combat Badge; Sergeant Akira Kawasaki, awarded Purple Heart and Expert Combat Badge; Private First Class Kenneth Kasakawa, awarded Expert Combat Badge; Private First Class George Taketa, awarded Silver Star, and Purple Heart; Private Richard Hiwa, awarded Purple Heart; Private Don Shimizu, awarded Purple Heart; Mr. Bill K. Ishida, former First Sergeant, 442nd C. T. Regiment, Regimental Infantry, awarded Purple Heart and Expert Combat Badge, honorably discharged.

On request of Senator Mayo, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank Meyer of San Andreas, Irene Corneau of Copperopolis, James Fennigan of Valley Springs, James Valente of Angels Camp, Percy Peek, Treasurer and Tax Collector of Calaveras County, and Virginia Woodward of Copperopolis.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harold E. Colburn of Ione, president, Fair Board of Amador County, 26th Agricultural District, and Mrs. Colburn.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Abbie Campbell of Los Angeles.

MOTION TO PRINT IN JOURNAL

Senator Tenney moved that the following report of the Joint Fact-Finding Committee on Un-American Activities in California be printed in the Journal.

Motion carried.

REPORT OF THE JOINT FACT-FINDING COMMITTEE ON UN-AMERICAN ACTIVITIES IN CALIFORNIA

INTRODUCTION

Mr. President, Mr. Speaker, and Members of the Legislature:

Your Joint Fact-Finding Committee Investigating Un-American Activities in California herewith submits its report on investigations conducted throughout the State during 1943 and 1944:

AUTHORIZATION

The Joint Fact-Finding Committee on Un-American Activities in California was created pursuant to Assembly Concurrent Resolution No. 59, filed with the Secretary of State May 12, 1943. This committee was instructed to "investigate, ascertain, collate and appraise all facts causing or constituting interference with the National Defense Program in California or rendering the people of the State, as a part of the Nation, less fit physically, mentally, morally, economically or socially," and to "investigate the activity of groups and organizations whose membership include persons who are members of the *Communist Party*, the *Fascist* Organizations, the *German Nazi Bund*, or any other organization known or suspected to be dominated or controlled by a foreign power, which activities affect the conduct of this State for National defense, the functioning of any State agency, unemployment relief and other forms of public assistance, educational institutions of this State supported in whole or in part by State funds, or any political program." Assembly Concurrent Resolution No. 59 authorized the committee to act during the 1943 Session of the Legislature, and until the convening of the Fifty-sixth Legislature in 1945 and "to meet either during sessions of this Legislature (1943) or during any recess hereof in any and all places in this State, in public or executive session," and "to file reports with the Legislature during the Fifty-fifth Session thereof or any special extraordinary session thereof, and to file its final report with the Fifty-sixth Legislature."

Pursuant to the provisions of the resolution, the Committee on Rules of the Senate appointed Senator Hugh M. Burns of Fresno County and Senator Jack B. Tenney of Los Angeles County, and the Speaker of the Assembly appointed Assemblymen Nelson S. Dilworth of Hemet, Dr. Jesse Randolph Kellems of Bel-Air, and Randal F. Dickey of Alameda, as members of the committee. In compliance with the provisions of the resolution the members of the committee, at its organizational meeting, elected Senator Jack B. Tenney as chairman.

ACTIVITIES OF THE COMMITTEE

The accumulated testimony of witnesses since the Joint Fact-Finding Committee was first organized in 1941 now consists of 5,387 typewritten pages, contained in 24 transcript volumes. Exhibits, introduced in connection with the testimony of witnesses, are voluminous. Many pamphlets, circulars, newspapers and magazines have been added to committee records.

Mr. R. E. Combs of Visalia was unanimously selected by the committee members to continue as chief investigator. Additional investigators were hired from time to time. Thomas L. Cavett did special work for the committee and Mr. W. Bruce Pine of Los Angeles continued his voluntary services in special phases of the committee's investigations. The *American Legion, Veterans of Foreign Wars*, the *Anti-Defamation League* and many patriotic and fraternal organizations rendered the committee, its members and its investigators, invaluable services. Many individuals, who desire to be unnamed, and many patriotic organizations, cooperated and worked with the committee, its members and investigators.

The members of the committee, following the policy laid down by the committee in 1941, were continually mindful of the sensationalism of all alleged subversive activities and endeavored in every way to conduct public hearings with dignity and restraint.

The committee, as heretofore, cooperated closely with the intelligence units of the armed forces, with the *Federal Bureau of Investigation* and with State and Federal agencies.

The press of the State of California continued to be an important adjunct to the work of the committee and, for the greater part, reported the committee's public hearings and investigations with accuracy.

CURRENT ISMS VERSUS AMERICAN DEMOCRACY

The committee, after two years additional study and investigation, reiterates its findings on *Communism*, *Fascism* and *Nazism* as stated on pages 9 and 10 of the committee's report of April 9, 1943. The committee finds that these *isms* are inimical to the most basic principles of Constitutional Democracy as they are known and understood in the United States.

The committee finds that *Communism* has grown and continues to grow in California. The change of the name of the *Communist Party* of California and of the United States to the *Communist Political Association* of California and the United States has not changed or altered the philosophy, the ultimate objectives or the techniques of the *Communists*.

Racial antagonisms, particularly against the Jews, have shown an uptrend during the past two years. As pointed out in the 1943 report, race-antagonisms and race-hatreds are part of the Nazi pattern and an important factor in *Communist* agitation.

PROTESTS AND DENIALS

The 1943 report of the committee contained an affidavit of Rena M. Vale. Miss Vale was formerly a member of the *Communist Party* and her affidavit is a narration of her experiences as a *Communist Party* member. On pages 141 and 142 of the committee's 1943 report Miss Vale names John Sargent as a member of the *Communist Party*. On pages 143 and 144 of the same report, Miss Vale refers to a Dr. Samuel Marcus whom she designates as a "*Communist Party* 'psychiatrist'." Mr. John Sargent and Dr. Samuel Marcus filed affidavits with the committee, categorically denying each and every allegation made by Miss Vale in her affidavit. Both gentlemen specifically deny connection, affiliation or sympathy with the *Communist Party*, its activities or its objectives.

The committee is happy to have the opportunity in this report to record the vigorous and emphatic denials of both Mr. John Sargent

and Dr. Samuel Marcus. The sworn affidavits of both gentlemen have been made part of the official records of the committee and are attached to the original affidavit of Miss Rena M. Vale.

PART I

HANS WILHELM ROHL

On December 20, 1940, a contract was signed at Washington, D. C. It provided for the construction of secret military installations in the vicinity of Pearl Harbor, air fields, underground ammunition dumps, buildings, military barracks, gun emplacements, hangars, and an elaborate aircraft warning system designed to detect the approach of hostile aircraft. One of the parties to this most important document was the United States of America. The other party was a concern called *"Hawaiian Constructors."* A substantial interest in this firm was owned by a German alien, Hans Wilhelm Rohl.

This man was a resident of Los Angeles, and although he had been in the United States for 28 years, did not apply for admission to citizenship until after he had accumulated a fortune. Three dates are of great significance in the development of this amazing and complex story: the date the alien arrived in this country, October, 1913; the date of the contract above mentioned, December 20, 1940; and the date of the alien's admission to American citizenship, September 15, 1941.

After almost a year of investigation the committee held a hearing on February 27, 1943, at Los Angeles, at which time the facts of the case were presented for the first time.

Hans Wilhelm Rohl was born in Lubeck, Germany, on September 26, 1886. For a time he worked for mining and construction concerns in South America. In October of 1913 he came to the United States from Valparaiso, Chile. Shortly thereafter he was employed by the *Nevada Consolidated Copper Mining Company* as a foreman in Ely, Nevada. He later came to Sacramento, California, and was employed in that vicinity for about nine years by various construction companies.

In November of 1924 he obtained a temporary passport from the German Consul in San Francisco and sailed on the *Deutschland* for Germany. He spent some time at his old home in Lubeck and was in Hamburg for several weeks. After visiting London and several other places, he returned to the United States aboard the Steamship *France* early in 1925. He married Floye Adams Hubert in August, 1925, and took up his residence in Los Angeles.

Rohl was engaged in the construction business for himself since 1922. There apparently was much speculation concerning his financial backing. It is reported that he stated on one occasion that his uncle was an important official in the *Hamburg-American Steamship Company,* and he intimated to yachting acquaintances that he had received financial backing from him. By 1932 his net worth was reputed at a half million dollars. Since 1927 his firm has handled construction contracts averaging approximately $600,000 a year.

In the spring of 1932, Thomas E. Connolly of San Francisco and Hans Wilhelm Rohl organized *"The Rohl-Connolly Company,"* hold-

ing equal interests. Virtually all of the business of this concern consisted of construction projects for the United States Army. Mr. Connolly spent most of his time in San Francisco while Rohl remained in Los Angeles, the principal place of business of the company. In addition to contracts for the *Rohl-Connolly Company*, Rohl continued to operate and do business under the fictitious firm-name of the *"H. W. Rohl Company."*

ROHL'S CITIZENSHIP STATUS

About two years following his return from Germany, Rohl acquired the yacht *Pandora*. This boat was destroyed by fire in 1933. Rohl replaced it with a larger boat, the *Ramona*. In 1937 he purchased the *Vega* at an auction in New York; a 125-foot, diesel-powered vessel, carrying a crew of 16 men.

Rohl was aboard the *Ramona* when the boat arrived at San Pedro from Acaculpo, Mexico, in 1933. Immigration officials made the usual inspection, which resulted in the deportation of one member of the crew. Although there is no doubt of Rohl's presence on the boat, his name is missing from the manifest. This instance of Rohl's reluctance to reveal his alien status was, of itself, not considered particularly significant, but when similar cases were discovered, a persistent and sometimes stubborn pattern of concealment was disclosed.

During 1932 Rohl was engaged in building a road for the Mexican Government from Monterey to Mexico City. During this period he made numerous trips into Mexico and back into the United States, via Laredo, Texas, but the immigration records at Laredo contain no notation that Rohl ever left the country at that point.

On at least two occasions Rohl was compelled to make statements as to his citizenship status. On January 21, 1938, the *Vega* dropped anchor in Honolulu after having sailed through the Panama Canal. Immigration officers were aware that Rohl was aboard and questioned him concerning the place of his birth. In this connection Rohl testified in Los Angeles on February 27, 1943 (Com. Tr., Vol. XV, p. 3753), as follows:

> Q. Mr. Combs: And you arrived in Honolulu on the twenty-first day of January, 1938, didn't you?
>
> A. Mr. Rohl: Yes.
>
> Q. At this time, for your information, the immigration manifest shows you to have been born in Iola, Kansas, on September 26, 1886. How did the immigration officials get that information?
>
> A. I don't know.
>
> Q. Have you seen that manifest?
>
> A. No.
>
> Q. Did anybody ever tell you that that information appeared in it?
>
> A. No—yes, yes.
>
> Q. The immigration inspector——
>
> A. Here, after I had applied for my citizenship.
>
> Q. They told you that on that occasion you had been manifested as having been born in Iola, Kansas?
>
> A. That is right. They called it to my attention.
>
> Q. As a matter of fact, that was the birthplace of your wife?
>
> A. Yes.

Q. But she wasn't born there on September 26, 1886, was she?
A. No.
Q. You were born in 1886, were you not?
A. Yes.
Q. All right. When you went to Honolulu did you go through the Panama Canal?
A. Yes, sir.
Q. And at Balboa you were examined by an immigration inspector?
A. I don't think so.

During the years when the Federal Government required taxpayers to make a declaration concerning citizenship status, Rohl was again faced with a situation that compelled him to give direct answers. During this period he falsely stated in his income tax returns, under oath, that he was a citizen of the United States. He persistently concealed his status as a German alien. He not only failed to reveal his true status when circumstances permitted, but as far as the records show, he boldly stated that he was an American citizen when no alternative, except disclosure, was open to him.

ILLEGAL OWNERSHIP OF YACHTS AND STOCK

At the committee hearing held in Los Angeles considerable conflict was noticed between the testimony of Hans Wilhelm Rohl and his wife, Mrs. Floye Rohl. When testifying concerning the ownership of stock in the *Rohl-Connolly Company*, Mr. Rohl testified as follows (Vol. XV, p. 3737):

Q. By Mr. Combs: How much stock in the Rohl-Connolly Company do you own now, Mr. Rohl?
A. 50 per cent.
Q. And have you always owned 50 per cent?
A. Yes, sir.

Mrs. Floye Rohl testified as follows (Vol. XV, pp. 3817-3818):

Q. By Mr. Combs: Did you, yourself, Mrs. Rohl, invest any of your own assets or capital in the Rohl-Connolly Company?
A. Well, no, I didn't invest any, but I have a share of the company that Mr. Rohl—it is community property, yes.
Q. You mean you have an undivided half interest?
A. Yes, sir.
Q. Of whatever part he has?
A. Yes, sir.
Q. But none of the actual stock is in your name?
A. Oh, yes, there is stock in my name.
Q. How many shares?
A. Well, half of Mr. Rohl's—25 per cent I would say. Mr. Rohl owns 50 per cent—I mean Mr. Connolly owns 50 per cent and there is 50 per cent that Mr. Rohl and I own.
Q. I see. What you mean, in other words, Mr. Connolly owns 50 per cent of the stock?
A. Yes.

Q. And Mr. Rohl owns 50 per cent and under the community property law you would own an undivided half of what Mr. Rohl owns?

A. No, Mr. Rohl doesn't own 50 per cent. Mr. Rohl owns 25 per cent and I own 25 per cent.

Q. I see. 25 per cent actually stands in your name?

A. Yes, sir.

Q. Did you pay anything for that 25 per cent of the stock?

A. No, I didn't pay anything for it, not for mine.

Q. Was that 25 per cent transferred to you by Mr. Rohl?

A. Yes.

The question of fire insurance on the yacht, *Pandora*, elicited confusion and disagreement between Mr. and Mrs. Rohl. Mr. Rohl testified as follows (Vol. XV, p. 3743):

Q. By Mr. Combs: When did you acquire the *Pandora*?

A. (No answer.)

Q. Do you recall about how long ago?

A. 1927.

Q. Did you ever sail it to Honolulu?

A. Yes.

Q. It was anchored where?

A. Anchored? Where do you mean, here?

A. Yes.

A. At the California Yacht Club anchorage.

Q. And the boat burned, did it not?

A. Yes.

Q. Was it insured?

A. Yes.

Q. And the insurance was payable to you, was it?

A. Yes.

Mrs. Rohl, questioned on the same subject, testified as follows (Vol. XV, pp. 3819-3820):

Q. By Mr. Combs: Well, the *Pandora* was insured, was it not?

A. Yes, that is right.

Q. And the insurance was payable to your husband?

A. No, it was payable to me.

Q. So, the insurance company delivered you a check, did they?

A. Yes.

Q. For the amount?

A. Yes, they did.

Q. And did you use that money for the purpose of purchasing the *Ramona*?

A. I used that, yes, and other moneys, of course.

The question of the ownership of the yachts, *Ramona* and *Vega*, provided another source of disagreement between Mr. and Mrs. Rohl. Mrs. Rohl alleged that she paid all of the expenses in connection with the maintenance and operation of the *Ramona* and the *Vega* and she stated that she gave orders to the captain concerning the operation of each vessel. Rohl, however, had previously testified that he employed the captain; that the captain hired the members of the crew, and that Rohl,

himself, paid all expenses for the maintenance and operation of the yachts. Evidence before the committee shows that Rohl always directed the movements of the vessels in question and paid all expenses for their maintenance and operation.

Rohl remembered having sailed on the *Vega* from Jacksonville, Florida, to Honolulu during the early part of 1937. The yacht was reported by immigration inspectors in the vicinity of the Panama Canal, where each member of the crew was interrogated concerning his citizenship status. Rohl had no recollection whatever of the yacht ever being inspected there. Both Rohl and his wife remembered that the vessel was boarded by immigration inspectors in Honolulu. Rohl's alleged place of birth does not appear on the immigration manifest on this occasion but, as before stated, it was falsely given as Iola, Kansas, the birthplace of his wife.

Similar disagreements between the testimony of Rohl and his wife appear in the transcript in connection with the arrival of the *Vega* in Los Angeles Harbor on its return cruise from Honolulu. Rohl admitted that he was acquainted with one E. J. Crouse, and testified that Crouse had hailed the *Vega* from his own boat, the *Marlin*, and that he came aboard the *Vega*, when it anchored inside the breakwater. Rohl further testified that there was no immigration inspection of the *Vega* at San Pedro. The testimony of Mrs. Rohl, on the contrary, was to the effect that she told Mr. Crouse that he could not come aboard the *Vega*, because the vessel had not yet cleared immigration inspection at San Pedro. She was able to distinctly recall that members of the crew and passengers aboard the *Vega* were interrogated by immigration inspectors at San Pedro, just as they had been questioned before the vessel sailed through the Panama Canal and upon its arrival in Honolulu. Rohl's name does not appear on the manifest upon the occasion of the *Vega*'s arrival in San Pedro and there is no indication in the official records that he was on board. It is significant to note that Rohl, the alien, the owner of the *Vega*, was, in some manner, able to avoid embarrassment with immigration inspectors. As a result of the inspection at San Pedro, one alien aboard the *Vega* was deported.

THEODORE WYMAN, JR.

In July of 1935 a Captain Theodore Wyman, Jr., was transferred from Kansas City to Los Angeles. Rohl became acquainted with Captain Wyman some time in August of 1935. The *Rohl-Connolly Company* had opened rock quarries on Catalina Island and, on at least two occasions, Wyman sailed to Catalina on Rohl's yacht, the *Ramona*. The *Rohl-Connolly Company* was using the rock from the quarries to cap the San Pedro Breakwater, which was then nearing completion. Captain Wyman and Rohl became extraordinarily intimate companions within a matter of weeks after their first meeting.

Upon his return to California from Germany in 1925 Rohl became a lavish spender and was a frequent visitor to popular night clubs in and around Los Angeles. His arrival at certain clubs became a significant and spectacular event. His entrance was the cue for all proceedings to stop while a special musical number was rendered by the orchestra and singers in his honor.

Rohl staged a number of bacchanalian parties for Captain Wyman in his luxurious suite in a downtown Los Angeles hotel from time to time.

The affidavits of hotel employees on file with the committee indicate that Rohl, on these occasions, was most lavish in the entertainment of the captain. The two men became constant companions and they were frequently seen together in the popular night spots in Hollywood and Los Angeles. Wyman affiliated with a number of Los Angeles organizations, particularly the *Los Angeles Athletic Club*, the *Los Angeles Country Club*, the *California Club*, the *University Club*, the *Bel-Air Bay Club*, the *Hollywood Athletic Club* and *Hollywood Country Club*. He purchased a $16,000 home in an exclusive residential district. By 1939, the captain had become Major Theodore Wyman, Jr.

According to the affidavit of Juanita Blackwell, a domestic servant in Rohl's employ, he first started speaking of Wyman in 1936, when the Rohls were living in the Talmadge Apartments. Wyman soon became a frequent visitor at the Rohl residence, and was often driven there by a soldier in an Army car. He telephoned Rohl at regular intervals. Mrs. Blackwell stated that Rohl talked to Wyman in Honolulu over the long-distance telephone on a number of occasions and that she heard Rohl speak to him of "hangars, runways, and landing fields."

Wyman had the reputation of being a heavy drinker and on nearly all occasions when he and Rohl were observed together, he appeared to be intoxicated. The following text of the affidavit of a naval officer is typical of much of the testimony concerning Wyman:

> "I first met Colonel Theodore Wyman, Jr., about 1938; I have seen him on H. W. Rohl's yacht, the 'Vega,' four or five times, and on each and every occasion Wyman was so drunk that he was utterly obnoxious and incapable of transacting any business; when I was first introduced to him, Colonel Wyman criticized my appearance and was very insulting to me; he would pour whiskey on the floor and drop his burning cigarettes on the carpet.
>
> "Mrs. Floye Rohl once stated to me that she didn't like Wyman, but that H. W. Rohl, her husband, had to tolerate him for business reasons."

WERNER PLACK, NAZI AGENT

Testimony was adduced at the Los Angeles hearing concerning Rohl's friendship with one Werner Plack, a Nazi who was formerly attached to the German Vice Consulate in Los Angeles when that office was headed by the ubiquitous Dr. Gyssling. When the German diplomatic offices were ordered closed by the United States Government Plack immediately left for *Berlin* by way of Japan. Arriving in the capital city of Hitler's *Third Reich*, he immediately was given an important position in the foreign office.

The relation between Werner Plack and Rohl is of considerable importance. Rohl's testimony concerning Plack is as follows (Vol. XV, pp. 3791-3792):

> Q. By Mr. Combs: Did you ever know a man by the name of Werner Plack?
>
> A. Who?
>
> Q. Werner Plack.
>
> A. Not to my knowledge.
>
> Q. You never knew Werner Plack?
>
> A. No.

Q. Don't you remember going into the Swing Club with Werner Plack during the summer of 1938?

A. No, I don't.

Q. You have no recollection of Werner Plack at all?

A. No, I don't.

Q. Do you know where the Swing Club is or was?

A. I know where it was.

Q. 1710 North Las Palmas Avenue, Hollywood.

A. 1710 North Las Palmas, Hollywood? That was down here?

Q. Yes.

A. Down near 833 Spring, wasn't it?

Q. Well, you know it was a club that opened, usually, after 2 o'clock in the morning. Do you remember that?

A. (No answer.)

Q. A night club.

A. (No answer.)

Q. You remember the Swing Club, don't you?

A. Yes, I remember the Swing Club. Wasn't that at 833 Spring, or some place?

Q. I don't know.

A. I don't know myself.

Q. When were you last there?

A. I don't know that.

Q. Well, were you ever there?

A. I suppose I was.

While in California, Werner Plack attempted to conceal his nationality. A witness who was socially acquainted with Rohl testified (Vol. XV, pp. 3889-3890) on this point as follows:

Q. By Mr. Combs: Were you ever acquainted with an individual by the name of Werner Plack?

A. Yes.

Q. When did you first meet him?

A. '35 or '36.

Q. And how long did your acquaintanceship with him continue?

A. During that year—the first year I met him.

Q. What was his nationality, if you know?

A. He claimed to be a Holland Dutchman, but, of course, we found out later that that was not true.

Q. And what was his nationality?

A. It was German.

Mr. Combs: That is all.

The following sworn affidavit of William E. Kent is self-explanatory:

"State of California }
County of Los Angeles } ss.

WILLIAM E. KENT, first being duly sworn, deposes and says:

I reside at 1206 N. Flores Street, Los Angeles, California; I was naturalized on July 12, 1940; I am a member of West Hollywood Post 405, American Legion; I am now in the insurance business for myself; I first met Werner Plack in 1938, in Los Angeles; some time during the latter part of 1940 I became suspicious of Plack and

telephoned the German Consulate in Los Angeles to see whether he was there. I spoke German, in fact with a Russian accent, asked for Plack and inquired if he was employed by the German Consulate and he told me definitely that he was. I am absolutely certain I was speaking to Plack because I knew him well, and recognized his voice. I then merely made a casual inquiry concerning his health, gave him a fictitious Russian name and hung up the telephone.

(S) WILLIAM E. KENT

Subscribed and sworn to before me this 13th day of December, 1943.

(S) R. E. COMBS,
Counsel for State Committee on Un-American Activities, A. C. R. # 59.

Witness: BRUCE PINE.

Witness: JOHN H. WEINER.

Bruce Pine testified as follows (Vol. XV, pp. 3920-3923):

Q. By Mr. Combs: Were you here during the entire time that Mr. Hans Wilhelm Rohl testified?

A. I was.

Q. Had you ever met that man before?

A. Yes, on several occasions.

Q. When did you first make his acquaintance?—About how long ago?

A. I would say roughly, about 1933 or '34.

Q. And since the time that your acquaintance with him originated, have you met him on various occasions since?

A. Yes.

Q. Did you hear him testify specifically that he had never known a man by the name of Werner Plack?

A. I did.

Q. Did you ever know Werner Plack?

A. Yes, I knew Werner fairly well.

Q. When did your acquaintance with him commence?

A. I should say about the year 1935.

Q. What was his nationality, if you know?

A. He was German.

Q. Do you know whether or not Mr. Rohl and Mr. Plack were acquainted?

A. I know definitely they were acquainted.

Q. Did you see them together on several occasions?

A. I saw them together on one occasion, which naturally stands out in my mind, and the other occasions—so many years have gone by and I had no reason to mark the occasion, that I hesitate to testify definitely. But on one occasion I specifically saw them together because something occurred which made me remember it.

Q. Was that the occasion concerning which I questioned Mr. Rohl in your presence on Saturday?

A. That was the occasion.

Q. That was when Mr. Rohl and Mr. Plack came into the place commonly known as the Swing Club together?

A. Yes. It had been known as the Swing Club and then the name was changed to "1710 Club" which was the name of the same place.

Q. It was the same, identical place?

A. Yes, same identical place and the same identical building.

Q. About when was that? I mean when you saw them together there?

A. Well, I believe it was in the summer of either 1938 or 1939. The reason I recall that it must have been during the summer was because I had been to a baseball game earlier in the evening.

Q. Did Mr. Plack and Mr. Rohl come to that place together?

A. They came together with one other gentleman whom I did not recognize. He was a tall, distinguished looking, white haired man.

Q. What particular incident occurred at that time and place which called your attention to the fact that Mr. Rohl and Mr. Plack were together? Of course, you knew them both, did you not?

A. Yes, I knew them both. I might say I knew Plack at that time better than Rohl because I have never known Rohl intimately, although I met him many times and talked with him.

Q. What incident occurred which called your particular attention to the fact that they were together at that time and place?

A. Well, they ran a little floor show at the Swing Club and the floor show was going on when all of a sudden the orchestra leader stopped the music. He stopped the music and he stopped the floor show. The music changed, and all the girls in the floor show, including the band, sang, "Here comes Bill, here comes Bill, here comes Bill Rohl now," so that was why it was so vividly marked in my recollection, and with him were Werner Plack and the one other man who I never remember having seen before or since.

The sworn affidavit of Juanita Blackwell, a former domestic in the Rohl household heretofore mentioned reveals that Werner Plack telephoned Rohl on several occasions. Plack would state his name without hesitation and the servant was therefore able to testify as to his identity.

The testimony of Mr. Harry W. Flannery, radio commentator and author of the book "Assignment to Berlin," follows (Vol. XV, pp. 3924-3930):

Q. By Mr. Combs: Mr. Flannery, how long have you resided in southern California?

A. A little short of a year.

Q. Prior to that time where was your residence?

A. Prior to that time my residence was in New York.

Q. And how long did you reside in New York immediately prior to coming to southern California?

A. From October, 1941, until I came here, which was in March of last year.

Q. And from where did you come when you established your last residence in New York?

A. From Berlin, Germany.

Q. And how long a time did you spend in Berlin, Germany?

A. Approximately a year.

Q. How did you happen to go there?

A. I was sent to Berlin as correspondent for the Columbia Broadcasting System.

Q. And was it your business to make broadcasts from Berlin?

A. Right.

Q. Which you did, of course?

A. Right.

Q. During the entire period you were there?

A. Yes.

Q. While there did you know a man by the name of Werner Plack?

A. I did.

Q. When did your acquaintance with him originate?

A. Early in 1941.

Q. That was when you first went to Berlin?

A. I had been there several months at that time. I arrived in 1940.

Q. How did you happen to make his acquaintance?

A. I made his acquaintance through Charlie Lanius of N. B. C.

Lanius had met Plack, who had just come to Berlin and was at the time connected with the radio department for the German Foreign Office.

Lanius brought Plack up to my room and I met him up there, and we talked afterwards. I met Plack a number of times principally because of his connections with radio for the foreign office. He was a censor and he also arranged programs. He arranged the Wodehouse release.

Q. Spell that, please.

A. P. G. Wodehouse, an English author who was released from an internment camp and then principally because of publicity he broadcast for the Germans. Plack arranged that.

Q. Plack arranged that?

A. Yes, he got the idea it would be a good stunt to release Wodehouse and make a little publicity out of it, because Wodehouse would be more listened to than some of the Germans who were on the air, and they might, thereby be able to get over their story better.

He also planned, so far as I know, to put on Luckner, the Sea Devil—Count Felix von Luckner, who is well known in this country and who has been well liked, also the Crown Prince.

Q. The Crown Prince of Germany?

A. Yes; one of the Eckeners and a number of others of that same kind, figuring that those people would get audiences in the United States and German propaganda would be more listened to.

Q. Do you know whether or not Werner Plack had any connection with Fritz Weidemann at any time?

A. Not from personal knowledge, although I understand he was connected with Fritz Weidemann before he left California.

He principally sold wines here. He came out here to go into the movies but found out that he wasn't able to get into the movies and instead made connections by selling wine, German wines, principally.

Q. Do you know whether or not Werner Plack had any connection with Dr. Gyssling, the German consul, while in the United States?

A. I know nothing of that.

Q. Now, will you please describe in detail, Mr. Flannery, just what duties Plack had to perform in connection with his position with the German Foreign Office while you were in Berlin?

A. Well, his principal duties were to arrange broadcasts to go to the United States.

Q. Yes.

A. He was not the head of that department. The head of that department was a fellow by the name of Lilyenfeldt. His first name escapes me—George von Lilyenfeldt. At times when Lilyenfeldt was away Plack had complete charge of the department for the foreign office.

For several months, three or four months after the Russian campaign had begun, Lilyenfeldt, who had been a resident of the Baltic States, was sent up there to do some work, and during that period Plack was completely in charge of the radio department.

Among his duties was to act as a censor for the foreign office for radio broadcasts to the United States.

I might mention that at least one-third of the times that he came out to do the censoring he was drunk and on a few occasions he was so tight he could not read my copy, and one night he asked me to read it to him, which was very foolish. I could have read him anything and he would have O. K.'d it, except he thought something should be changed in it, so he suggested, 'Let us change this thing up here,' and he started scratching out stuff. I had to stop him because I could not read anything after he would get through with that sort of thing.

In addition to acting as censor he was one of the contact men for us and would arrange for us to go on various trips. For instance, when Matsuoko came there he arranged the trip for me. We met Matsuoko and went down to Potsdam and he would always arrange those things, whereby we would be able to make other trips and make other contacts and so forth.

The Foreign Office Propaganda Ministry had men for that particular purpose. Their job also was trying to make us fellows feel better and thereby hoping we might be sold more on Nazi Germany.

They had men selected for that purpose to try to sell the correspondents.

Q. Was Plack one of those men?

A. Plack was one of those men. Of course Plack liked it very well because it gave him a big expense account.

Q. He was rather convivially inclined?

A. Oh, yes, he would like a job of that kind.

Q. As a matter of fact, you mentioned Plack in your book, "*Assignment to Berlin,*" did you not?

A. That is right.

Q. How is the book doing?

A. Very well, thank you.

Q. A very interesting book.

A. Thank you.

Q. When did you come back from Germany?

A. I arrived back here October 14. I left Berlin September 29, 1941.

Q. Do you know at all how long it was after Werner Plack arrived in Germany that he obtained this position in the German Foreign Office?

A. As far as I know, it was immediately.

Q. Immediately upon his arriving?

A. I know of no lapse in between. Of course, there may have been, but I know of none.

Q. Do you know when he arrived there, about?

A. No. I estimate it was—that is pretty difficult for me to place, because I don't seem to be able to connect it with anything except the fact I mentioned Lanius—that Lanius did not arrive until early in 1941 and that I met him with Lanius, so I know it was early in 1941, but I can not place it more definitely than that. I can't set it as to what part of January or whenever it was.

Chairman Tenney: It was early in 1941?

The Witness: Early in 1941, yes.

Q. By Mr. Combs: Mr. Flannery, in your conversations with Werner Plack from time to time, did he ever boastfully mention any of his propaganda activities in the United States—any of his pro-German activities in the United States?

A. Yes, in a certain respect. He is a peculiar fellow. He had an article from one of the magazines over here. I think it was one of the movie magazines. I am not sure of that. I remember he had it. He had all kinds of American magazines, particularly *Vogue*, which he liked to show to the ladies, in which there was an article about German people who had operated in the United States, and accused them of espionage, and merely among the names down at the end was Werner Plack, which he seemed to be very proud of. He took it around and showed it to everybody. It did not in any way speak very respectfully of Mr. Plack but he did not seem to be bothered by that fact.

SECRET MILITARY INSTALLATIONS IN THE HAWAIIAN ISLANDS

In 1939 Major Wyman was sent to the Hawaiian Islands to take charge of the construction of certain secret installations near Pearl Harbor for the Army. These installations included gun emplacements, air fields, underground ammunition reserve storehouses, aircraft warning systems, hangars and buildings. The contract for these installations was given to Rohl's concern. Wyman talked from the islands to Rohl in Los Angeles over the long distance telephone on several occasions after the contract was signed, but before Rohl became an American citizen.

The preliminary negotiations for the contract were conducted by Rohl. Major Wyman had met with Rohl and Connolly in San Francisco prior to Wyman's departure for Hawaii and had conferred about the contracts prior to the final negotiations which were concluded in Washington, D. C., in December of 1940. The basic contract was consummated December 20, 1940, by Rohl's attorney, a Mr. Frank Martin, Jr., Thomas E. Connolly, Rohl's business associate, and a Mr. Paul Grafe, who acted on behalf of the *W. E. Callahan Construction Company* of Los Angeles. Rohl remained in Los Angeles during the Washington negotiations but he was by no means out of touch with the proceedings, as the records of the *Southern California Telephone Company* reveal that he called Grafe on the telephone December 6th and that he called Martin, his attorney, December 14th, and Connolly December 18th. Several long distance telephone conversations took place between Wyman and Rohl during

the early summer of 1941. It should be emphasized here that, throughout the negotiations for this most important contract, Hans Wilhelm Rohl was an *alien* and a subject of Hitler's *Third Reich*.

The Federal law prohibits an alien access to plans and specifications or other information concerning secret Army or Navy installations of the character called for by the contract in question. Rohl did not receive United States citizenship until September 15, 1941. The negotiations above-mentioned took place in the latter part of 1940. The records of the *Southern California Telephone Company* disclose that telephone conversations took place between Major Wyman in Honolulu and Hans Wilhelm Rohl in Los Angeles on January 4th, 9th and 17th and on February 5th, March 19th and May 22, 1941, *after* the basic contract had been signed.

Nearly eight months before Rohl became a citizen of the United States Major Wyman requested him to come to Honolulu to take part in the work. Wyman's request was as follows:

> "Reference is made to secret contract # 414-ENG-602, with the Hawaiian Constructors for work in the Hawaiian Islands. As you are actively interested in this venture I desire you to proceed to Honolulu at your earliest convenience to consult with the district engineers, relative to ways and means to accomplish the purpose of this contract."

Rohl was questioned closely at the February, 1943, hearing concerning his familiarity with Federal statutes making it an offense for an alien to have *access* to information in secret military installation contracts. Rohl's testimony on this subject is as follows (Vol. XV, pp. 3807-3809):

> Q. (By Mr. Combs) When you first obtained the contracts for the construction of military installations, did you tell Major Wyman that you were an alien?
>
> A. I did on the Hawaiian Constructors.
>
> Q. But you didn't on any other projects?
>
> A. We don't have it—there are no restrictions—I mean on a Government contract you are not questioned as to whether you are a citizen or not, but on this particular contract, Contract 602, being a secret contract, of course, I told him—I had to tell him.
>
> Q. Are you familiar with the provisions of the law regarding such contracts?
>
> A. Secret contracts?
>
> Q. Well, secret, confidential, or restricted contracts.
>
> A. Yes.
>
> Q. I will read the law to you and see whether or not this is your understanding of it.
>
> > "No aliens employed by a contractor in the performance of secret, confidential, or restricted government contracts shall be permitted to have access to the plans or specifications, or the work under such contracts, or to participate in the contract trials, unless the written consent of the head of the Government Department concerned has been first obtained.
> >
> > "Any alien who obtains employment on secret, confidential, or restricted government contracts by wilful misrepresenta-

tion of his alien status, or who makes such wilful misrepresentation while seeking such employment, shall be penalized by a fine of $10,000 or five years in the Federal Penitentiary.

"For the purpose of this section the term "person" shall be construed to include an individual, partnership, association, corporation or other business enterprise."

Is that your understanding of the law?

A. Absolutely. Now, as a matter of fact, before we took this contract the War Department was told, and I didn't see the contract or the plans or specifications purposely until after I was a citizen.

PROGRESS OF THE WORK IN HONOLULU

Within a few days after being granted United States citizenship Rohl left for Honolulu to join Wyman. Evidence before the committee reveals that the entire project soon became enmeshed in a bewildering tangle of countermanded and contradictory orders resulting in an ever-mounting waste of time and material.

Mr. Ray Anderson, an electrician for the Hawaiian Constructors, testified before the committee, March 1, 1943, as follows (Vol. XV, pp. 3904-3919):

Q. Mr. Combs: Now, while you were over there, Mr. Anderson, did you ever have any occasion to see Major Wyman in an intoxicated condition?

A. Mr. Anderson: Yes.

Q. When was that?

A. During February and March and five days before Colonel Wyman left his job he lay in the hotel drunk all the time.

Q. For how long a time?

A. Five days.

Q. Do you know that of your own personal knowledge?

A. Yes, I can prove it.

Q. While you were working over there, Mr. Anderson, were there any Japanese employed by the Hawaiian Constructors in executive capacities?

A. There were Japanese in the office, Japanese superintendents—that is, superintendents over—not of an area, but superintendents over different constructors, such as carpenters and electricians, and gangs like that; the Merchant Electrical Contractors and Supply Company which Vera—

Q. Who is the head of that?

A. Vera. They employed 36 electricians. They came into our gang. When I left Honolulu, two days before I sailed, I was at their stockroom and five of our men were in this Japanese gang. They worked out of Area 10.

Q. Was a portion of the work actually supervised by Japanese?

A. Yes. The Japanese were permitted to go into every part of the island except Pearl Harbor and Diamond Head tunnels and General Emmons tunnels, where the headquarters were.

Now, I went on to Hickam Field after I was there, I think, two weeks, with a Hawaiian Constructors' badge on me. I spent three hours in there. I went all over the hangars and everywhere and I came back up to G2 and talked to the captain there about it, asking

why in the world that they permitted people with those badges to walk into a place like Hickam Field with the setup they had there, and he said he didn't know.

Q. When was that?

A. That was in the early part of March of last year.

Chairman Tenney: 1942?

The Witness: Yes.

Chairman Tenney: Let me ask a question, Mr. Combs. Is it your statement, Mr. Anderson, that these Japanese had considerable to do with the supervision of the work on the island?

The Witness: They were working in the office and in places where they have the plans of the United States Engineers. They had them in the offices with them. They were in every position there except certain places. They could not go into Diamond Head Tunnel or General Emmons Tunnel or into Pearl Harbor. You had to have special passes that were good only for that particular setup in those places. They could not go there but everywhere else that I know of on the island, including Hickam Field they could go. Last August the Japanese were working in there.

Chairman Tenney: Were those in the category of secret installations?

The Witness: Well, I should say that they would be because they had the Aircobras and the Boeings and all the big airplanes scattered throughout those fields.

The men had a row at Bellows Field and refused to work for one day, or a part of a day, until certain Japanese were removed from there. That was some time last April.

Chairman Tenney: 1942?

The Witness: Yes, sir.

Chairman Tenney: It is your testimony that the Japanese had considerable to do with the supervision of the work?

The Witness: They tell you there that the Japanese are 90 per cent more loyal than we are ourselves.

Chairman Tenney: That is what they tell you in Hawaii?

The Witness: They tell you that in Hawaii. They tell you that they don't like us there. There is no fooling about that.

Chairman Tenney: The Japanese you mean?

The Witness: No, the white people that live with the Japanese. There is a peculiar financial setup in the Hawaiian Islands in which the sugar interests dictate the financial set-up there. The poor man was never able to get any money there. The only place he can get money or credit is from the Japanese banks and stores and consequently he is friendly to the Japanese.

It was my firm opinion from the time I got there that they didn't particularly care whether we had the Islands or whether the Japanese had them.

Chairman Tenney: It was immaterial?

The Witness: Yes.

Chairman Tenney: Were these Japanese that you have referred to employees of the Hawaiian Constructors?

The Witness: Yes. You see, a civilian there, except a few engineers when we went there belonged to the Constructors—they were

working under the U. S. E. D. I will tell you it is a super WPA set-up.

Q. By Mr. Combs: You mean the United States Engineer Corps?

A. U. S. E. D. Just like you had with the WPA in the States. That is what they called it.

Q. What did that stand for?

A. I never did know—U. S. Engineer Department, I guess.

Q. Mr. Rohl testified, Mr. Anderson, that he was personally directing the work on the Island of Oahu and under him worked these individuals whom you have mentioned as superintendents, on the various projects. Was that the fact when you were there?

A. Mr. Woolley was considered the head.

Q. Yes.

A. He was the chairman of the executive committee which consisted of Mr. Woolley, Rohl and Benson. Now, whether Rohl—I have always believed that Ralph Woolley was the front man.

Q. A front man?

A. Yes. Ralph Woolley was the man who would do the right thing if he could. He talked very little. You could get very little out of Ralph Woolley.

Q. Who did you believe he was fronting for?

A. For the outfit that came from here. There is some connection between this gang in the States and that outfit and they wanted men from there so if there is any question raised, there is a possibility that we would get out of it.

Q. In what business was Mr. Dillingham engaged?

A. They were part of the Constructors and pulled out I think in May or June.

Q. Of 1942?

A. 1942, yes. For some reason Dillingham came out and the assistant superintendent in Area 10, I don't remember his name at the present time. He was taken from there and sent to Johnson Island with certain men that he took with him.

Q. Did the Hawaiian Constructors also do work on Johnson Island?

A. I don't know whether they did or not. They did work at Christmas and Canton. General Tinker ran them out of Christmas Island.

Q. For what reason?

A. Weren't getting any work done.

Q. After the battle of Midway did the Hawaiian Constructors do any work on Midway?

A. There were some men went over there. There was a fellow by the name of Miller here in Glendale who went there on the air conditioning. He was a Hawaiian Constructors man. He was over there 10 days. He came back in the same convoy. I don't know anything about him personally, but they had five or six men out there—shipped them somewhere where we didn't even know. Miller told men then that he had to go to Midway and what had taken place in Midway.

Now, there is another feature behind this whole thing of which I can only give you indirect evidence. If I can find the man today I will get him.

Last year, in March or April there were 180 men shipped to New Caledonia by the Hawaiian Constructors. They didn't even know where they were going. When they arrived there in New Caledonia they found out it was a French Possession and refused to land. They said, "Anywhere in American territory but not in foreign territory," so they came back. They brought them back to camp. They were shipped to sea in an open barge with an ocean-going tug pulling them for five and a half days to Suva. I saw the letter signed by the Governor of Suva to the effect that if those men crossed certain lines they were to be shot down. That was Governor Wild.

Q. When was that trip to Suva made?

A. Some time, I think, in March. I met the man in April.

Q. March, 1942?

A. Yes, sir.

Q. What was the nature of the work that that party was to do?

A. They went out there—they were building an airfield and submarine base.

Q. Building an airfield and submarine base?

A. Yes.

Q. And that was the Hawaiian Constructors?

A. Yes.

Q. On the Island of Suva?

A. No, on the Island of Canton.

Q. Canton Island?

A. Yes. They pulled them out from there to Suva.

Q. Are you acquainted with Paul Grafe?

A. Is this the gentleman here?

Q. No, no, I am just asking you.

A. No, I don't remember, but this gentleman's face is familiar to me.

Q. Did Mr. Rohl make frequent trips away from the Island of Oahu while you were there?

A. Yes.

Q. Will you explain what you observed in that regard?

A. Well, I will tell you. When Rohl left his car—he always parked his car on the lot—Rohl parked right behind Alexandria Hall when he used to go there to eat and, of course, we could always tell when he wasn't in Honolulu.

Q. You could tell what?

A. That he was gone.

Q. Rohl was gone?

A. Yes, because it was impossible to follow him. There was a rumpus raised in San Francisco when some of the men came back in regard to their pay and the claim was filed with the Compensation Commissioner here for $8,000 and Rohl was—he flew back here. We never saw Rohl that time for three or four weeks. He disappeared completely and finally he showed up again.

Q. Now, you are speaking about the parking space which was allocated to Mr. Rohl. Where was that parking space?

A. Exactly behind the back door of Alexandria Hall, the headquarters.

Q. Was there any marking or designation on it?

A. Yes.

Q. To show to whom each individual space was allocated?

A. Rohl, Middleton, Woolley and Benson each had a spot there.

Q. Were their names painted on the asphalt?

A. No; there was a fence rail—a one-by-three plank painted white there with their names on each one of them.

Q. In black paint?

A. Black paint.

Q. Were you familiar with the automobile commonly used by Mr. Rohl when he was on the Island?

A. Yes, he used a black car then.

Q. Of course you were able to observe at times, the car was occupying the space which was allocated to him?

A. Yes.

Chairman Tenney: Mr. Anderson, have you any further light you can throw on this matter that you think might be of interest?

The Witness: I would like to go into something about the plans. We never did, and to my knowledge to the day I left there, we never had a plan for the headquarters job that we did.

They left a hole in the tunnel six by seven foot that never was closed up.

Mr. Combs: What tunnel?

The Witness: Headquarters of the United States Army, Hawaiian Department, and things of that kind. We couldn't get material, we couldn't get anything. You couldn't get anybody to do anything.

We believed that sabotage, in the sense that they were holding up the work and blaming the men, was going on.

Q. By Mr. Combs: Who was holding up the work?

A. Whoever had charge of it.

Q. Of the Hawaiian constructors?

A. Evidently, because they were our bosses.

Q. You say this tunnel was located—the United States Army Headquarters tunnel was located where?

A. In that tunnel.

Q. Where was the tunnel on the island?

A. Right in front of Red Hill.

Q. That is what I want.

A. There is a big magazine there.

Q. And Red Hill overlooks Pearl Harbor?

A. Yes, and there is a hill in front of Red Hill towards Hickam Field. This hill lays between Hickam Field and Red Hill. There were eight tunnels there and they had lateral tunnels and they had been preparing that for a year. The soldiers had driven a vehicular tunnel through the west end of it, from one end to the other of it.

We went in there and we fixed it up so it was gas-proof and installed all kinds of equipment, including air-conditioning and stuff

like that. We did it without plans and without any help from anyone whatever.

Q. Who was in charge—who, individually, was in charge of that installation?

A. The superintendent was Charles Winstead.

Q. Did he work under the immediate direction of Mr. Rohl?

A. He was working under him—he was working under—I will think of his name in a minute—Frank Olmstead, or something like that. He was the Army superintendent.

Q. Under whom did Mr. Olmstead work?

A. Under headquarters at Alexandria Hall.

Q. And Alexandria Hall was where Mr. Rohl's car was parked?

A. Yes, that is where the Hawaiian Constructors headquarters were. They had all their equipment there except the personnel department, which was in a school—a grammar school.

Q. Mr. Anderson, how do you know Colonel Wyman was intoxicated for five days?

A. Well, I saw him up there three or four times and everyone that is in there—the place was run for that purpose, practically. Japanese girls hanging out there every night for that crowd and the ones that stay in the main part of the hotel—you see the hotel is split up into several large bungalows or dormitories outside, and then the hotel proper was occupied by some Army officers and Colonel Wyman.

Q. Including Colonel Wyman?

A. Yes.

Q. What was Colonel Wyman's general reputation among the employees of the Hawaiian Constructors for sobriety?

A. Colonel Wyman was a man who liked liquor exceptionally well. He may never get drunk, but he likes it.

Q. What do you mean, 'he may never get drunk'?

A. A lot of them can carry a lot of liquor and you don't think they are drunk.

Q. But you testified that he was drunk for five days.

A. Yes, he was.

Q. Have you seen people in an intoxicated condition before?

A. Oh, yes.

Q. And that would be your opinion of his condition during those five days?

A. Absolutely.

Mr. Combs: I think that is all unless you have something else to add that you think might be helpful to the committee.

The Witness: Well, some of the stuff wouldn't have anything on this matter, but I wish this thing could be brought to the attention of Washington.

Q. We wish so too.

A. Things are rotten out there. There is no kidding about it. I am an American 61 years old, and I went to Honolulu with the idea of helping out and I tell you honestly once I finished that job there it done no good. I tore stuff apart there five and six times and put it together. There was never any reason for it. Charlie Winstead, who I was speaking about, treated me fine but still down in a man's

heart he is not an American in any sense or form because he believes the Japanese is the right fellow and I know he is not.

There isn't a question on earth but everything has been blocked up there, either from Washington or some other position, and it is about time that somebody did something about it. Emmons is absolutely helpless now. I hear a lot of things in that tunnel because I work in those offices with them while business was going on, and we hear a lot of things that we can't talk about any place unless it goes into the place where something will be done about it.

I made three reports to G2 because I would walk right into them and talk to them. They knew of the things that happened, but there was never anything done about it.

Chairman Tenney: Was there any discussion with reference to the loyalty of these men to the United States?

The Witness: I will tell you candidly as far as our men were concerned, Senator, I don't think there was any of them—the majority of the men that went over there were men over 40 years old and the only reason they were there was because they could not take a gun. I have been quite a bit here in Southern California and worked on these defense jobs and I couldn't understand why the young men didn't want to go to war, but that gang of men that went there really wanted to go and do some good, and most of them were so disgusted after six weeks they didn't know what to do, and it was our idea that the thing was done with the purpose of making us disgusted, and they could put it down that we wouldn't work.

Now, I have been in defense work ever since December of last year with the idea of trying to help out. I am an electrician and a good one. I had a contractor's license in this State and I know what I am doing, and when you turn around and find things like that it hurts down deep because you know that certain men, either for money or for some other reason, are destroying the morale of the workers.

Chairman Tenney: What I mean, Mr. Anderson, was there reflection or opinion expressed in reference to the loyalty of the men that were in charge of all this work?

The Witness: The men out there thought Wyman and the whole gang of them ought to be shot. That is the truth.

Chairman Tenney: You know that of your own knowledge?

The Witness: Yes, I do.

Chairman Tenney: And upon what did they base that particular opinion?

The Witness: The accusations of them. We couldn't get paid. We couldn't get our overtime. We couldn't get nothing at all. We would get, "This is a new setup. This is this and that is that," and other things. One man told me out of his own mouth that we were at sea four days before they knew we were coming and they didn't know how many were coming until we actually landed.

Chairman Tenney: I am referring more specifically to the progress of the work and the way it was carried on.

The Witness: The work has dragged. They will be another year. They have moved hills and moved them back again, and they have filled holes and dug them out again; and I will swear that that

runway, from what I can hear of it, at Bellows Field, has been done a dozen times.

Chairman Tenney: Do you think that has been done intentionally?

The Witness: I do. I honestly believe it is intentional. After the Battle of Midway it was a great thing while it happened, and those planes came in and out of there for three days. We needed those fields but they weren't ready.

The work which the Hawaiian Constructors were to perform under the basic contract was on a cost, plus a fixed fee basis. This meant that Hawaiian Constructors would be paid for the actual cost of labor and materials and, in addition, a fixed fee. As work started on the various installations, supplementary contracts appeared to be necessary, each calling for new installations and additional fixed fees. Committee investigators were told that this contract was probably the first in the history of the United States War Department in which the Government acted as a disbursing agency, making payments to the contractors on the basis of the contractor's books and records. Under the terms and provisions of the contract and its supplemental agreements, based on the records and accounts of the Hawaiian Constructors, the Army issued checks as requested.

Many workmen who had been employed by the Hawaiian Constructors on the installations in question were interviewed by committee investigators upon their return to California. All of these workers told a consistent story of waste and inefficiency.

As an illustration of the confusion attendant upon the construction program, a superintendent in charge of cutting a tunnel through solid rock, stated that he had received an order from Wyman's office instructing him to neither remove the dirt and rock-debris from the tunnel nor to leave the same in the tunnel. On another occasion the superintendent received an order specifying a 30 degree turn to the left in the tunnel, and after the excavation for the turn had been properly made through solid rock according to the specification and the order, another order was issued requiring that the excavation for the left turn be filled up and another turn made 30 degrees to the right. Committee investigators were told of an administration building of reinforced concrete being constructed on a flat area. When the concrete for the floor, the walls and part of the ceiling had been poured and set, an order came from Colonel Wyman's office ordering the entire structure moved four inches. According to statements of the men who actually worked on the job, underground hangers and machine shops for Flying Fortresses lagged sadly behind schedule. This, according to the men, was, in a large part, due to the fact that when a portion of the construction neared completion, orders would be issued calling for many trivial and unnecessary changes.

The contract called for an elaborate system of aircraft warning devices. This had not been completed according to schedule when the Japanese struck Pearl Harbor on December 7, 1941. Commenting on this phase of the work, the House Military Affairs Committee charged mismanagement of the construction work in Hawaii, and stated that much of the element of surprise of the Japanese sneak attack could have been averted if the aircraft warning system had been completed on schedule.

Although there were other contracting companies in the islands which, prior to the Japanese attack, had been doing work for the Army, their contracts were canceled and Hawaiian Constructors granted the exclusive contracts to perform the task of repair and reconstruction. This not only applied to the Hawaiian Islands, but to the entire Pacific area.

The following affidavit of H. J. King is characteristic of similar affidavits, statements and testimony of other men who had been employed in the islands by Hawaiian Constructors:

State of California }
County of Los Angeles } ss.

H. J. KING who resides at 904 South Oakland St., Pasadena, first being duly sworn, deposes and says:

I was on active service in the Army Engineers from December, 1917, to September, 1919, with the rank of Major, when I resigned in 1929. I studied engineering at Northwestern University, where my son is now a professor.

About January 15th, 1942, I had completed a project at San Luis Obispo and learned that a tunnel man was needed at the Hawaiian Islands and was eventually employed by Paul Grafe for Hawaiian Constructors Company and arrived in Honolulu on February 16, 1942, and lived in the President Hotel, until January 25th, 1943.

I met Hans W. Rohl a day or two after I arrived. He was drunk when we met, and although I saw him many times thereafter, I never did see him when he was fully sober; and he was never in full possession of his faculties during the time I saw him.

The work being done during the period when Col. Theodore Wyman, Jr. was in charge was quite muddled. This was due to a variety of causes, some being the fact that there was a natural state of confusion following the attack on Pearl Harbor, and a constantly changing tactical situation throughout the Pacific Theatre. Among the business people who came in contact with Wyman, there was a general impression that he was extremely arbitrary.

After Col. Wyman left, the situation began to improve; more equipment began to arrive and our program was much more definite.

I was there when Rohl's yacht, the *Vega*, arrived in February, 1942, and I used to see it tied to the dock from time to time. The United States Engineers Department took over the *Vega* upon her arrival, but so far as I know they never used the boat, because she just remained tied up and was never sailed at all.

When I arrived, I laid around about 30 days before Rohl got sufficiently sober to put me to work. On about March 15th, 1942, I commenced work as area superintendent for Area 14, which included the Ewa Area. After a little time, two weeks had elapsed, I was appointed General Superintendent for Hawaiian Constructors, April 3, 1943, and thenceforth until I left, I had complete supervision over all field work.

Generally speaking, the work that had been accomplished under the supervision of Col. Wyman prior to December 7th, 1941, was pretty lousy; and when the people of the Hawaiian Islands who were familiar with this work—officers and civilians alike—learned that Col. Wyman had been awarded the Distinguished Service

Medal for exceptionally meritorious and distinguished service in the performance of duty of great responsibility as district engineer, Honolulu (T.H.) Engineer District, from October 14, 1941 to March 15, 1942, it was a source of considerable amusement.

(S) H. J. KING,
Signed and notarized on
December 18th, 1943."

NATURALIZATION

Rohl applied for United States citizenship in 1941 and the application was filed in Los Angeles. Agents of the Immigration and Naturalization Service proceeded to examine Rohl's background and to look into his past activities. The result of this investigation revealed that Rohl's name was peculiarly missing from the manifests of the *Romona* and *Vega* on the occasions already referred to. It was learned, on word from United States immigration officials stationed at Laredo, Texas, that it would have been impossible for anyone to have entered the United States and Mexico at that point without being closely questioned concerning citizenship status. Federal agents learned that Rohl had been employed in mining and construction projects in South America but that his certificate of entry at New York stated that he was a merchant on his way to see a Mr. W. P. Walker in San Francisco. It was learned that he had claimed American citizenship when he applied for a radio telephone for the yacht *Vega* and that this statement constituted a violation of Section 30, Paragraph 1A of the Communications Act of 1934. It was learned that Rohl's name did not appear on the manifest of the *Vega* when the yacht returned from Honolulu in 1938, although Rohl was on board. The *Rohl-Connolly Company* paid a $25,000 fine to the Federal Government September 4, 1941, because more than 25 per cent of the stock in the company was held by the alien Rohl in violation of Federal law.

When the immigration investigators had completed their work they recommended that Rohl's application for citizenship be denied and that he be prosecuted for violation of the Federal law. The report and recommendation of the investigators was made to the Chief of the Naturalization Bureau. In spite of the report and recommendation no objection was raised by the Department of Justice in the memorandum handed the Federal District Judge in the naturalization proceedings. Rohl was granted citizenship September 15, 1941, in the Federal District Court in Los Angeles by Judge J. F. T. O'Connor.

It should be stated here that no implication of any kind is raised against Judge J. F. T. O'Connor. The chairman of the committee and its investigators have carefully examined the records of Judge O'Connor's court for September 15, 1941, and find no irregularities whatsoever in connection with the granting of citizenship to Rohl. The file of the Immigration and Naturalization Service and the recommendation of the Federal agents were not before Judge O'Connor at the time naturalization was granted. The memorandum before the judge at the time of Rohl's hearing stated that "No objection will be made to the granting of this petition," and concluded with the statement that the petitioner, as president of the *Rohl-Connolly Contracting Company* had "been awarded a secret contract in connection with a defense construction project in Honolulu" and that "his participation in this project is

being held up until he has been naturalized." With this memorandum before him, and no legal objection having been raised in the hearing, the judge could do nothing less than grant Rohl naturalization. The memorandum had been prepared by the Department of Justice and handed to the court, and fully justified the decision of the judge in granting Rohl citizenship. If the Government of the United States was satisfied to award a German alien an important "secret contract in connection with a defense construction project," certainly a judge of the United States District Court could not refuse to grant citizenship under the circumstances. To do anything else would, in addition to a reversal by the circuit court, have subjected the judge to serious criticism, particularly in view of the disaster that occurred at Pearl Harbor two and one-half months later.

The committee has learned that the procedure in the Rohl naturalization incident was the routine generally followed. Comment has been made that the Rohl proceeding was a "special" proceeding, but the record reveals that about 27 applicants were heard by Judge O'Connor on that day. There were no circumstances before the court that would have tended to put Judge O'Connor on inquiry and the committee finds that he acted with full integrity and patriotism.

Although Judge O'Connor was not aware of the fact, an attempt *had* been made to give the Rohl application preferential treatment. A letter, written on the stationery of the United States Department of Justice, is evidence of the insistence of someone that Rohl's application for citizenship be made "a special case." This letter was dated February 4, 1941 and marked "Special." It was directed to the District Director, Immigration and Naturalization Service, Los Angeles, California, and signed "Lemuel B. Schofield, Special Assistant to the Attorney General, by: P. B. Shoemaker, Deputy Commissioner." It reads as follows:

> "It is understood that one (Hans or John) Wilhelm Rohl made application for the certificate of arrival in your office on the third instant.
>
> "The services of this alien will be used in connection with the defense program. Please make it a special case. It is meant by this that the application for certificate of arrival should be made special, the filing of a petition also, and the hearing, if it can be immediately disposed of, after the 30 days after its filing.
>
> "Report in connection in this case when it has been finally disposed of will be appreciated."

When asked on the witness stand why he had not made an application for admission to citizenship at an earlier date, Rohl merely shrugged his shoulders and stated: "Negligence—busy traveling—never gave it a thought." (Vol. XV, p. 3807.)

CONGRESSIONAL INVESTIGATION

During November of 1942 the Chairman of the Committee, Senator Jack B. Tenney, conferred with United States Attorney General Francis Biddle in Washington, D. C. The Attorney General was immediately interested in the *Rohl* case and asked the chairman of the committee to prepare an outline of the findings of the committee, together with such other information as might be available, and to send it to him marked

"Personal." This was done immediately upon Senator Tenney's return to Los Angeles.

In February of 1943 the committee learned that Rohl had been awarded a contract on the *Alcan* Project in Alaska. Some time later Rohl received a new contract on the *Canol* Project in Canada.

During the summer of 1943, Fulton Lewis, Jr., National radio commentator, became interested in the *Canol* and *Alcan* projects. Mr. Lewis made an independent investigation of these projects and made a number of radio broadcasts concerning alleged waste and inefficiency in connnection therewith. Through Bruce Pine, investigator for the committee, Mr. Lewis became interested in the Rohl-Wyman combination and in the preliminary work of the committee in investigating their activities in connection with the Honolulu installations. As a result, Mr. Lewis telephoned the chairman of the committee and, being assured of cooperation, came immediately to Los Angeles.

After going thoroughly into the transcripts of testimony, consulting with Pine and R. E. Combs, counsel and chief investigator for the committee, Mr. Lewis began a series of daily broadcasts from Los Angeles in which he unfolded for National consumption the salient facts in the *Rohl* case as uncovered by the committee. As a result of these broadcasts, the *Military Affairs Committee of the House of Representatives* dispatched John Weiner, one of its investigators, to Los Angeles. The chairman of the committee assigned R. E. Combs and Bruce Pine to work with Mr. Weiner. By the time the joint work of these investigators was finished it was learned that the aggregate value of installations on which Rohl and Wyman had been associated for the Army, had reached the staggering total of more than $250,000,000.

The *House Military Affairs Committee* made a thorough-going investigation and published its findings and recommendations June 14, 1944.

After testifying before the California Committee February 23, 1943, Rohl disposed of his interest in the *Rohl-Connolly Company* to Thomas E. Connolly.

The Army-Pearl Harbor Board of Inquiry, headed by Lieutenant General Grunert, met at the Presidio in San Francisco in September of 1944. The Chief Investigator of the Committee, R. E. Combs, testified before this board on September 4, 1944.

CONCLUSION

The foregoing is a brief outline of the findings of the committee in the *Rohl* case. The fact that an alien, a subject of Hitler's *Third Reich,* was awarded such an important contract is nothing short of amazing. The fact that Rohl, the alien, was merely a large stockholder in the organization that was to construct the installations, presents little mitigation. The findings of the committee hereinabove reported clearly reveal that Rohl, through his intimacy with Wyman, was a moving force in negotiation of the contracts. There is no doubt in the minds of the members of the committee as to the alien Rohl's accessibility to the plans and specifications covered by the basic contract of December 20, 1940.

Hans Wilhelm Rohl is *still* a citizen of the United States. Although the facts of the case are known to officialdom the Committee is unaware of any action on the part of the Department of Justice, the Immigration

and Naturalization Service, the Court or any other agency of government to cancel Rohl's citizenship.

The question has been frequently asked whether or not the Japanese Government had any detailed information of the plans and specifications of the installations which were built under the contracts of December 20, 1940. If the Japanese Government had such information it would reasonably follow that its agents had access to the work called for in the 1940 contract. In this connection it should be stated that on March 16, 1941, a known Nazi agent by the name of Von Der Osten arrived in New York City from Japan. He was killed in a taxi-cab accident. Among his possessions, special agents of the Federal Bureau of Investigation found plans and specifications of the Pearl Harbor defense installations at Hickam Field, built under the provisions of the contract of December 20, 1940. On these plans and specifications was written a notation to the effect that the information contained therein would be of interest "to our yellow friends."

PART II

MANKIND UNITED OR "CHRIST'S CHURCH OF THE GOLDEN RULE"

The results of the committee's 1941-1942 investigations of *Mankind United* are set forth in the committee's 1943 Report under that title. Arthur L. Bell was the creator and guiding genius of the entire organization. In fact he *was* the organization. He dwelt in a twilight realm of mysticism and was known only as *"The Voice"* to his credulous followers. A charlatan of unusual magnetism, he is adept in the cultivation of credulity. He organized a network of *"Bureaus"* throughout the State and channeled a golden stream into his headquarters in San Francisco. He mixed a brew of occultism and economics, metaphysics and science, religion and voodooism, stirred it well in his wizard's cauldron and found ready buyers for the bottled product. Needless to say it has been a paying business for Bell.

It is estimated that about 14,000 persons in California had become interested in *Mankind United* by the beginning of December, 1941.

The heterogeneous compound brewed by Bell produced activities and statements that were decidedly unAmerican and subversive. After several months of investigation by committee representatives, the committee held a hearing in San Francisco in 1941. The publicity attendant upon this hearing brought to committee members many people who, having become completely disillusioned with *"The Voice"* and the movement, were willing to tell the committee what they knew of the organization, its *"Bureaus"* and managers.

It appears incredible to the committee that approximately 14,000 individuals living in California under an enlightened educational system could be so gullible as to believe the fantastic claims disseminated by *"The Voice."* Many of the disillusioned were chagrined and embarrassed when admitting that they had been credulous enough to swallow the entire fantasy. Many of these erstwhile followers of *Mankind United* still believe that some of the alleged miracles *might* be true; that perhaps there was, in fact, a race of strange little individuals with large metallic heads living in the center of the earth controlling floods and

earthquakes. The modern miracles produced by science were once believed impossible and fantastic. Who could say, with certainty, that the scientists and research experts of *Mankind United* had *not* developed devices for preventing bombs and ammunition from exploding, for paralyzing internal combustion engines so that airplanes would drop from the sky, and for melting steel by a mysterious ray at a distance of 30 miles? Who really knew that these things were impossible?

It is difficult to believe that Bell was actually able to convince many of his followers, particularly his bureau managers, that he possessed the miraculous power of suddenly and instantaneously transporting himself from San Francisco to a distant foreign land. The Committee Transcript of Testimony clearly indicates that Bell's followers believed that he *did* possess such miraculous power. They regarded him with reverential awe.

Most of the members were either elderly persons, or individuals who had suffered severe economic reverses. The committee was impressed with the sincerity of many of the people who belonged to the movement. The committee was equally impressed with the huge sums of money that poured into the organization's treasury, which, so far as the committee ever ascertained, was synonymous with *"The Voice."*

The committee made its evidence, exhibits and sworn testimony in the *Mankind United* investigation available to the Federal Bureau of Investigation. As a result Bell and a number of his bureau managers were arrested, charged with conspiracy to commit sedition, tried in the United States District Court in Los Angeles, found guilty and sentenced to serve terms in the Federal penitentiary. The case is on appeal and, at this writing, has not yet been decided.

CHRIST'S CHURCH OF THE GOLDEN RULE

The committee believed that the supernatural exploits of Arthur Bell had been brought to an end. The trials had scarcely been terminated and appeals perfected, however, before reports of new activities on the part of Bell were reported to the committee.

A new religious organization was being launched and, through committee investigators, it was learned that its presiding genius was none other than *"The Voice,"* Arthur L. Bell. The initial investigation was undertaken by Senator Hugh M. Burns of Fresno and the Committee's Counsel and Chief Investigator, R. E. Combs. It was soon learned that Bell had employed an attorney in the City of Fresno, Harrison M. Dunham, who had drawn up articles of incorporation for the new organization which was to be known as *Christ's Church of the Golden Rule.* Harrison M. Dunham, when questioned by the committee, stated that he maintained his offices in the Mattei Building in Fresno and that his father-in-law, R. G. Carroll, a Los Angeles real estate broker, had introduced him to a man by the name of "Jackson," who, in fact, was Arthur L. Bell. Dunham prepared a draft of the articles for Bell's approval and several weeks were consumed in making changes at Bell's direction. Dunham prevailed upon three of his acquaintances to act as incorporators, but admitted that, as far as he could learn, only Bell was interested in the organization. He presented his bill for legal services to *Christ's Church of the Golden Rule* and Bell eventually paid him in cash.

REAL PROPERTY PURCHASES

The committee learned that Bell was traveling up and down the State purchasing, or contracting for the purchase of, office buildings, hotels, agricultural property, athletic clubs, laundries, lumber mills, miscellaneous businesses and projects. The property was being bought in the name of Ruby V. Chapman. Several real estate transactions were handled in Los Angeles through R. G. Carroll, attorney Harrison M. Dunham's father-in-law.

The committee held its first hearing on the subject in Los Angeles March 20, 1944. R. G. Carroll testified that he had met Arthur L. Bell about the middle of July, 1943, on an occasion when Bell had contacted him regarding a piece of property which Carroll had advertised for sale. Bell represented himself to be a "J. J. Jackson." Carroll testified that Bell told him he was interested in purchasing several properties in order to give a great many people economic security. Carroll ventured the opinion that he believed the cause to be a worthy one. He had no knowledge of *Mankind United* and did not know "J. J. Jackson" had had anything to do with that organization. After several conferences with "Jackson" Carroll sold him a 30-room house situated at 3131 South Figueroa Street in Los Angeles on a 123 by 308 foot lot. "Jackson" agreed to pay $12,500 in cash for the real estate, $5,000 for the furniture and to put up a $2,500 deposit. He instructed Carroll that the deed was to be made to Ruby V. Chapman. Carroll later was introduced to a woman who represented herself to be Ruby V. Chapman, and was told that she represented a religious organization.

On or about August 14, 1943, Bell, still posing as "J. J. Jackson," negotiated with Carroll for the purchase of the Wavecrest Beach Club in Santa Monica for $40,000. He agreed to pay $8,000 cash and the balance at the rate of $356 a month, including 5 per cent interest. The deed, like the first one, was to be in the name of Ruby V. Chapman. Early in September of 1943, Carroll entered into negotiations with "Jackson" for the purchase of certain bank property located at 163 Marine Street in Ocean Park. The price was $25,000, $5,000 of which was to be paid in cash and the balance at the rate of $255 per month. The deed to this property was to be made in the name of Ruby V. Chapman.

On October 8, 1943, Carroll entered into negotiations with "Jackson" for the purchase of property located at 331-337 South Hill Street in the City of Los Angeles. This property consisted of a store-building containing six storage rooms and offices on the second floor. The sale price was $35,000, of which 20 per cent was to be paid in cash and the balance at the rate of $350 a month. This property, like the others, was to be deeded to Ruby V. Chapman. A sale of six beach lots at $45,000 followed, "Jackson" agreeing to pay $10,000 in cash and $400 per month, all, of course, in the name of Ruby V. Chapman. On December 9, 1943, "Jackson" agreed to buy a vacant lot on Hill Street, just north of Third, in Los Angeles, for $16,000 cash. On December 12, 1943, Carroll agreed to sell "Jackson" business and income property situated at 3101 Marine Street in Ocean Park for $13,500, 20 per cent in cash and the balance at the rate of $100 per month. On December 20, 1943, "Jackson" agreed to buy property situated at 258 South Los Angeles Street in the City of Los Angeles for $15,000, $1,500 of which was to be paid in cash and the

balance at the rate of $350 a month. This property, as in the other transactions, was to be in the name of Ruby V. Chapman.

Carroll testified that he was not aware that "Ruby V. Chapman" was Mrs. Arthur L. Bell, and that throughout all of the transactions he believed he was dealing with a man by the name of "J. J. Jackson." He stated that he accidentally discovered "Jackson's" true identity through the newspapers. He said that the mysterious "Mr. Jackson" had intimated on one occasion that his name might not be "Jackson." All of the negotiations had been on a strict business basis and "Jackson" appeared to be a good judge of real estate values. The agreements were fulfilled according to contract and Carroll stated that he received commissions of about $16,425. Carroll appeared to be under the impression that Mrs. Ruby V. Chapman was acting in the capacity of trustee for some church or eleemosynary organization, although the deeds were to be made to her as an individual, and not as trustee.

It was thus established that Bell, in possession of vast sums of money secured from some mysterious source, had been traveling up and down the State of California under the name of "Jackson," buying property of various kinds in the name of his wife as an individual. It is obvious that the property, when paid for, would be owned by "Ruby V. Chapman" who is Mrs. Ruby Bell, Arthur's wife.

The committee held a hearing at Fresno and subpenaed Harrison M. Dunham. Arthur L. Bell and his wife, Ruby, were examined at the San Francisco hearing.

TESTIMONY OF MRS. BELL

Mrs. Bell was a very unwilling witness and in spite of nervousness was adroit in evading embarrassing questions. She admitted that her married name was Bell and insisted that she had a right to use her former name, Ruby V. Chapman. She gave her occupation as housewife and stated that she was a Christian Science practitioner. She married Bell in 1934 and has resided, since that time, at the Cathedral Apartments, located at 1201 California Street in the City of San Francisco. She admitted that she had read the book *"Mankind United,"* several times and that she had attended several meetings of the organization. She declared she did not know who wrote the book and had no further information concerning the organization. Her testimony concerning the acquisition of properties throughout the State of California was, in part, as follows (Com. Tr., Vol. XXII, pp. 26-30):

Q. By Mr. Combs: . . . Did he ever use the name of Lobner?

A. I don't know.

Q. Brown?

A. The only name I know is Jackson, and he used that in securing these properties, these church properties; that's how I happened to know it——

Q. (Interrupting) Yes.

A. (Continuing) ——particularly the hotel properties in Southern California, the holdings that are now in my name, he used the name of Jackson.

Q. Did he buy them for you?

A. What do you mean, buy them for me?

Q. Did he get these properties under the name of Jackson?

A. I have no properties. Nobody bought any properties for me.

Q. You have no properties?

A. I have no properties; I simply lent my name to hold these properties, and acted as trustee only until the arrangements were made and they could be turned over to Christ's Church of the Golden Rule, who are the actual owners. I'm not, and my husband is not.

Q. I would prefer to run this in my own way in sequence.

A. I'm sure I would rather tell it like an intelligent woman—I'm telling the truth.

Q. Unfortunately, we have to develop this thing for the records, that's——

A. (Interrupting) That's right. Only one captain to a ship, isn't that true?

Q. That's right. We'll go into all those matters in detail if you will bear with me, and then if you want to make a statement for the record, you may make as much of a statement as you would like.

Did you and Mr. Bell ever own a Lincoln automobile?

A. Yes.

Q. Do you still own it?

A. I don't know.

Q. When did you have such a car, to your knowledge?

A. We had it when the Government agents came in and stole our things.

Q. That was about 1939?

A. That was in the fall of 1939.

Q. Thank you. And do you know in whose name that car was registered?

A. No, I don't.

Q. You don't know whether it was registered in the name of Robert Bell?

A. I don't know. Those are things my husband can tell you. He knows.

Q. Did you have a Cord automobile?

A. Yes.

Q. Did you have that in 1939?

A. Yes.

Q. And was that registered in the name of Ralph Brown, or do you know?

A. I don't know.

Q. Now, Mrs. Bell, how long have you been a Christian Science practitioner?

A. I have been a Christian Science practitioner for many, many years; since——

Q. (Interrupting) Well, prior to your marriage to Mr Bell?

A. (Continuing)—since 1920.

Q. Thank you. And your legal residence, I think you said a while ago, was 1201 California Street?

A. Yes.

Q. Do you spend considerable time in Southern California?

A. We have spent some time there since this litigation against my husband.

Q. The sedition trial?

A. Yes, we have to be there, and we also kept our apartment; we have to be in both places.

Q. Where do you stay when you are in Southern California?

A. We stay at the Arcady.

Q. Hotel?

A. No, it is an apartment.

Q. Have you ever been to Ontario, California?

A. Yes.

Q. When were you last there?

A. I think it was sometime last year. That is one of the three properties I have seen.

Q. One of the three properties you have seen?

A. Yes, one of the three properties.

Q. What properties?

A. The properties held in my name prior to the transfer to the church I just spoke to you about.

Q. When you say one of the three properties, what properties are you referring to?

A. I'll wait until you ask me a question. I'm sorry. I am used to dealing with things intelligently; I am not used to being asked questions this way.

Q. If you don't remember just say so.

A. After all, I'm not under indictment, I'm not under a dark cloud.

Q. Now, Mrs. Bell, did you ever hear of a hotel called the Stratford at Rampart and 8th Streets in Los Angeles?

A. Yes, I have heard of it.

Q. Have you ever stayed in the hotel?

A. No, I never have.

Q. Is that one of the properties which was held by you?

A. Yes.

Q. And now, you started to tell me about a piece of property when—

A. (Interrupting) You asked about Ontario.

Q. Yes. Will you describe in your own way for the record what piece of property you had reference to?

A. It was a hotel—what was the name of the place?

Q. Casa Blanca Hotel in Ontario.

A. Yes, that's it. All these holdings that have been purchased for the church and purchased in my name, I lent my name for that purpose. May I ——

Q. (Interrupting) Well——

A. (Continuing)—may I say that now?

Q. Go ahead and let's get it in the records.

A. That is one of them, and I went down there one time with my husband and the real estate man, and we were there several hours and I saw that property, and I have seen two or three of the others——

Q. (Interrupting) Yes.

A. (Continuing)—and that's all. I have driven by the Stratford Hotel, and I had seen a building on Third and Spring, I think it is. I haven't been in the inside, but I have seen it as I passed by

because, as I say, all I have done is lent my name for the purpose of holding; I have no proprietary, no personal interest, no interest of of any kind in them; and, therefore, I wasn't interested in looking at them or knowing anything about them. I'm sorry if what I'm saying is at the wrong time, because I really don't want to seem out of order.

Q. You are doing very fine, Mrs. Bell. You haven't any objection if I ask you specifically about each one of those transactions?

A. Of course I haven't.

Q. And you will endeavor to answer the questions?

A. Of course, I'll try my very best."

It developed that Mrs. Bell apparently knew little or nothing concerning the financial details of the real estate purchases made by her husband as "J. J. Jackson." Although she was obligated to pay several million dollars for various properties, she insisted that she acted merely as a trustee for *Christ's Church of the Golden Rule*.

Bell had testified under oath before the committee in San Francisco in December of 1941 that on one occasion he had lost consciousness in San Francisco and when he again became conscious he was aboard an ocean liner en route to the Orient with 16 pieces of luggage. Mrs. Bell's testimony, on this subject, is interesting (Com. Tr., Vol. XXII, pp. 49-50):

Q. By Mr. Combs: . . . Did your husband go to the Orient in 1939?

A. I don't know.

Q. Where were you in 1939?

A. I was in San Francisco the latter part of 1939.

Q. Was he here with you?

A. Yes.

Q. During the entire year?

A. My husband is away from me so much that I can't possibly say the dates.

Q. Would you know?

A. I wouldn't know, because I wouldn't guess.

Q. Would you know if he was in China or Japan in 1939?

A. I wouldn't know anything about it; I wouldn't dare to guess about my husband ——

Q. (Interrupting) No.

A. (Continuing) —— he has suffered too much for his own wife to start in guessing about things.

Q. I'm just asking of your own knowledge, do you know whether or not he went to the Orient in 1939?

A. No, I do not.

Q. Is it possible he may have gone without your knowledge?

A. I don't know.

Q. You don't know whether he could have gone without your knowing it?

A. I don't know.

Q. Do you know whether or not he moved 16 pieces of luggage out of 1201 California Street in 1939—would you know that?

A. No.

Q. You wouldn't know whether he had moved 16 pieces of luggage out or not?

A. No, I don't.

Q. Where does he keep his luggage in the apartment?

A. I don't know."

Bell testified that he was the only person on the Pacific Coast responsible for *Mankind United* and the recently created religious organization, *Christ's Church of the Golden Rule*. He declared that vast sums of money were constantly being made available to him by persons who were interested in both movements. He admitted carrying large sums of money on his person. He declared that one of the chief objectives of *Mankind United* was to establish, as one of its branches, a church structure. This was now being accomplished with the creation of *Christ's Church of the Golden Rule*. The movement of *Mankind United* was based, for the greater part, on the book by the same name. He had personally corrected the manuscript and the printer's proof. He had sold the finished product among his followers throughout the State for prices ranging from $1.50 to $100 per copy. The copyright on the book was in his name. He had testified in December of 1941 that he had received the sum of $115,000 for the 1939 edition of *"Mankind United."* The book has now gone through many editions. Bell stated that he was the only person connected with the organization who had the authority to appoint or remove a bureau manager. He admitted having made all of the arrangements for the drafting of the articles of incorporation for *Christ's Church of the Golden Rule* and that he had personally conducted the negotiations for the purchase of various pieces of real estate throughout California. He declared that *Mankind United* and *Christ's Church of the Golden Rule* were religious cooperative movements.

Under the close questioning of Mrs. Bell by Assemblyman Randal F. Dickey of Alameda, it was clearly demonstrated that she had not acted as trustee for any religious organization or for any person, but that all the transactions made by her husband would result in her outright ownership of the properties under the name of Ruby V. Chapman.

Her testimony, in this regard, in part, is as follows (Com. Tr., Vol. XXII, pp. 57-59):

Q. . . . Did you buy each and all of these pieces of property concerning which I have questioned you for the church?

A. Yes.

Q. You did?

A. Yes, as trustee.

Q. At whose suggestion?

A. My husband's.

Q. In each instance?

A. In each instance.

Q. And who arranged for the purchase of each and every piece of the property?

A. My husband.

Q. In each and every instance?

A. Yes.

Q. Who decided whether or not you should pay cash for a piece of property or whether or not you should make a down payment and pay the rest of the purchase price by the month?

A. My husband took care of all the financial—

Q. (Interrupting) financial details?

A. Yes.

Q. Did you ever make any payment on any of these pieces of property by check?

A. I don't know how the payments were made; I know nothing about the financial arrangements.

Q. Whose money was used to make the payments on the properties?

A. I don't know anything about that; I have told you the truth.

Q. You don't know whether your money was used or not?

A. My money wasn't used.

Q. Was not used?

A. My name was used; my name was lent.

Q. Your name only?

A. My name only.

Q. You didn't invest any of your own private funds in these —

A. (Interrupting) No. I have given lots of money, as I have told you before, to my husband, and he has assured me it has been used for Mankind United activities. I have no reason to doubt him. I know what he tells me is true. But this other was as trustee; that's the only part of it I know; I don't know any more about the rest of it than you do.

Q. No, I understand.

A. I haven't a particle of interest in any of them, monetary or personal in any of them, any interest whatever, any more than you have."

"THE VOICE" AS A BIBLE STUDENT

Assemblyman Nelson S. Dilworth, now senator from Riverside County, was interested in the Biblical knowledge, or lack of it, of Bell, as the founder of a new Christian religious cult. Bell's answers to questions propounded by Assemblyman Dilworth in this connection elicited amusement on the part of spectators attending the hearing and established Bell's superficial knowledge of the *New Testament*. Assemblyman Dilworth's examination of Bell follows, in part. (Com. Tr., Vol. XXII, pp. 174-175):

Q. (By Assemblyman Dilworth): Mr. Bell, there are many and varied kinds of organizations that claim to be founded on Christ's teachings, and I would like to ask you — I think you have stated that Mankind United is based upon the teachings of Christ, particularly his economic teachings?

A. That is true.

Q. And also on his spiritual teachings?

A. That is true also.

In reference to *Christ's Church of the Golden Rule*, newly organized by Bell, Assemblyman Dilworth continued his examination:

Q. Who is the spiritual leader of this church? Would it be yourself?

A. It depends on what you mean by spiritual leader, sir. We believe that the ideals which constitute the cornerstone of this church must act as the leadership, not persons. People are here today, gone tomorrow; building up today and somebody tearing them

down tomorrow gives no stability to any leadership. We take as our leadership the ideals we are founding the church on.

Q. You have a published creed?

A. If you will read the charter, you will see we have expressed what we believe to be the major purposes of that church in the charter.

Q. That is substantially the creed of the church in the charter?

A. You might consider it so; it would come very close to it.

Q. You take those objectives; you believe, from the Bible?

A. We do, from Christ Jesus' Sermon on the Mountain.

Q. Primarily from the New Testament rather than the Old Testament?

A. Yes, sir.

Q. Do you read the Bible, Mr. Bell?

A. As regularly as I can, working 20 to 22 hours a day. I enjoy the Bible, as to me it is the greatest source of inspiration I have in my life, outside of the writings of Mrs. Eddy, which I believe describe the intent—describe the major intent of Christ Jesus—between the two I read as much as I can.

Q. Do you give some time to the study of the Bible?

A. As much time as it is possible, sir. However, I believe it is not so much a question of hours of study as it is of hours of effort to bring back the hour of Christ Jesus' ministry. I have devoted many years of my life to act out by development the purposes of that ministry.

Q. For instance, Mr. Bell, when did you last read the Bible?

A. Within the last 48 hours, sir.

Q. I take it from your testimony that your church is also a business organization, that it will also engage in business for the benefit of the members, will it not?

A. We think that Christ Jesus' teachings were basically economic. They must be lived, not just preached, and the church will engage in trying to fulfill the ideal of brotherhood in every way.

* * * * *

Q. When did he set forth the golden rule, near the end of his ministry?

A. Yes, sir.

After having secured an admission from Bell that *Christ's Church of the Golden Rule* was based directly upon the teachings of Christ as set forth in the New Testament, Assemblyman Dilworth proceeded to probe Bell's knowledge on the subject. (Com. Tr., Vol. XXII, pp. 177-180):

Q. (By Assemblyman Dilworth): How many books are there in the Bible?

A. I think I have been more concerned over the truths than I have the number of chapters or books ——

Q. (Interrupting) How many are ——

A. (Continuing) — in other words, I never had the opportunity that most children have of attending Sunday School long enough to learn, and I have never taken time to memorize the books of the Bible in sequence, or to count the number of books. In fact, the general theological idea of religious instruction has never appealed very much to my thought. The truths, the basic truths of those

teachings have seemed so important it has kept me very busy trying to find some way to apply them in human relationship instead of talking about them from pulpits in sermons. I felt there has been enough talk, and I have never taken the time to memorize any great part of the Bible or count its books or learn them in their order.

Q. How many authors in the New Testament? Are you familiar with Matthew, John and Paul?

A. Yes.

Q. Now, how many do you recall?

A. Well, I have read the writings — oh, I should say the basic beliefs of many of Christ Jesus' disciples, all of the New Testament.

Q. Well, how many?

A. Matthew, John, Luke, Paul.

Q. How many authors are there in the New Testament?

A. Senator, I have had no time to try to learn by memory any of the general church teachings. I have been only concerned over the import of the truths expounded by the prophets, by Christ Jesus. It kept me very busy trying to do something about that in what little way that I might.

Q. What does the word Bible mean?

A. I do not know.

* * * * *

Q. Did Jesus pay tribute to the Roman government?

A. He at one time took some money out of a fish's mouth and expressed the thought that he should 'render unto Ceasar the things that are Ceasar's.'

Q. On only that one occasion?

A. I do not know how often he did so.

Q. On what accusation was Christ put to death?

A. That he was engaged in uttering — in making seditious utterances and conspiring to overthrow the government. Very much the same accusation as is used against us at this time.

Q. How was Christ put to death?

A. He was crucified, sir.

Q. How long was he on the cross?

A. I do not know how long it took, sir.

Q. How long did he remain in the tomb?

A. Three days.

Q. On what sea did Christ still the tempest?

A. I believe it was — well, I don't know whether it was the Red Sea or the Sea of Galilee, sir; I don't recall.

Q. Who, if you know, was Christ's sister?

A. I do not recall any.

Q. Well, what relation was Martha to Christ?

A. I do not recall the relationship; I know that she was very dear to Him.

Q. Do you recall if Christ had sisters or brothers?

A. I do not recall, sir.

* * * * *

Q. Did Christ teach in the Sanhedrin?

A. I do not know to what extent he might have conducted his ministry in the Sanhedrin.

Q. Well, from the record that we have of his daily life in the New Testament, is it your opinion that he observed the commandment to keep the Sabbath day holy?

A. I think he observed the commandment to keep *every* day holy, and I can not conceive of him considering one day holier than the other.

MANKIND UNITED ENTERPRISES

Further examination of Bell disclosed that at the time of his marriage to Mrs. Ruby V. Chapman he was out of funds and that all of the money since accumulated by him had been either furnished by Mrs. Bell as loans or had been secured from persons affiliated with *Mankind United* or his followers.

Committee investigators visited many of the hotels, farms and other properties purchased by Bell in the name of Ruby V. Chapman and learned that all such properties were being operated by persons who were affiliated with *Mankind United.* A typical example is the Casa Blanca Hotel, located in the City of Ontario. Bell paid for this property in cash and immediately put one of his representatives in charge of the enterprise. The hotel was soon staffed with *Mankind United* affiliates. It was learned that the work was to be done by these enthusiasts without compensation and before being accepted for such "employment" they had been persuaded to transfer their money and properties to the movement. At the Casa Blanca Hotel in Ontario committee investigators found a staff of chamber maids, cooks, waitresses, elevator-operators, janitors, gardeners, bell-boys, dish-washers and miscellaneous "employees" carrying on the operation of the hotel for their board and room. The hotel apparently was doing a good business. Other hotel and business properties purchased by Bell were being operated on the same basis. As a result, Bell found himself in difficulties with labor unions.

The material needs of the working members of the alleged "cooperative" or "collective" enterprises are decided by whoever happens to be in charge of the particular enterprise. Such matters as dental work, medical attention, recreational needs, transportation for the purpose of visiting relatives at distant points in the State, are considered, and when found worthy and necessary, the member applicant is furnished with money supplied from a common general fund. When the decision is adverse the moneyless member must go without.

BELL'S ATTITUDE TOWARD THE WAR

Bell's attitude toward the war is strongly indicated in an affidavit secured by R. E. Combs, as follows:

"State of California }
"County of San Bernardino } ss

"Samuel N. Ebb, of 200 E. 4th Street, City of Ontario, in said County and State, first being duly sworn, deposes and says:

"I met a man introduced to me as Mr. J. J. Jackson. He was introduced to me by a real estate broker, Mr. Coppage of 1046 or 1036 Wilshire, on July 8th, 1943. Jackson wanted to buy the Casa Blanca Hotel, which I sold him for $33,000 cash, but title was taken in the name of Ruby V. Chapman, whom I met twice.

"During the negotiations, Jackson's actions aroused my suspicions, and I told him I didn't believe his name was really Jackson,

because he looked like a Frenchman or an Italian. Among other things, he said he wanted to buy ten or fifteen thousand feet of screen wire to partition the hotel roof, but he later forgot ever having said anything about it. He then admitted that his name was Robert Fontaine, and wanted me to swear that I would never divulge the fact that his name was really Fontaine and not Jackson. He showed me a Masonic ring and said he was a Mason.

"He told me that about 90% of the funds donated to the Red Cross and the USO weren't used for the purposes intended, but were spent by the officials in charge of these organizations, the promoters. He said it was just a racket.

"On October 24th, 1943, Walter Nigey was brought to town by Jackson to run the hotel. A great number of boxes were trucked into town and stored in the hotel. This Nigey has earned a local reputation as a drunk. I saw him drunk on one occasion.

"I had patriotic posters sent to me by the Office of War Information in my hotel, and as soon as Bell acquired the hotel, he tore all the posters down, including one urging people to buy war bonds and stamps, which was displayed in the lobby.

"Nigey told my wife that the war was just a racket being run by President Roosevelt and Winston Churchill for their own selfish reasons; they were just racketeers.

"I asked Bell if Ruby Chapman wasn't his wife, because the week before they were both out and acted more like husband and wife than business associates. He asked me why she should be his wife, and asked me if she might not be his sister. He never admitted she was his wife and inferred that she was not.

"Bell never even checked the inventory on the hotel, and so far as I know, he only saw my room and the lobby. I told him I wanted $35,000 but he said he would have to take the matter up with his Board of Directors, and we ultimately closed the deal for $33,000 cash. I never saw a check. Bell usually handled the money in $100 bills, ten clipped together in a bunch.

"Bell would never give me an address or telephone number so I couldn't contact him.

"He told me that Christ's Church of the Golden Rule was very similar to the Christian Science Church, but that there was no connection between the two institutions. His statements were generally wild, unreasonable, were contradictory and naturally aroused my suspicions.

"I am absolutely positive that the man who told me his name was Jackson, then Fontaine, was actually Arthur L. Bell, whose picture I have just seen in the newspapers.

"He was constantly quoting the Bible, but when I asked him specific questions, I discovered that he didn't know anything about it at all. Then he told me he was a political economist, but his conversation indicated that he was one of the most conceited, vain and stubborn men I ever had any contact with, and that he knew virtually nothing about either the Bible or political economy.

"Bell once told me that his project was really an experiment, and that if they ever took a licking it would be in connection with lands

in Imperial Valley. I mentioned this subject the following week, but he didn't even remember our conversation.

(Signed)"SAMUEL EBB,

"Subscribed and sworn to before
me this 21st day of March, 1944.
R. E. COMBS, Counsel and Chief Investigator
for the California Joint Fact-Finding Committee
on Un-American Activities, pursuant to Assembly
Concurrent Resolution, No. 59."

A Mr. R. G. Austin of San Fernando requested the assistance of the committee in locating his wife. She had been interested in *Mankind United* since 1939 and had at one time been assigned to making maps of various critical areas in Southern California. Part of her assignment was determining the time it took to drive from one designated point on the map to another. Austin was never able to secure a satisfactory explanation from his wife concerning her map-making activity. When Bell and his associates were convicted of conspiracy to commit sedition, Austin found that his wife was more enthusiastic over the organization than ever and spent much of her time soliciting funds for the purpose of defraying legal expenses incurred in connection with the trial. In December of 1943 a truck was backed up to the Austin residence and bureau managers of *Mankind United* loaded Mrs. Austin's personal property on the truck and drove away. Austin had not seen his wife since. He believed that she had been persuaded to leave him, that she had given her worldly possessions to the organization and was being used in the operation of one of the enterprises recently acquired by Bell.

PART III

JAPANESE PROBLEMS IN CALIFORNIA

Since submitting its report to the Legislature in 1943 the committee has continued its investigation of Japanese subversive activities as far as such activities were evident in the various relocation centers in California. On March 5, 1942, Lieutenant General John L. DeWitt issued an order for the evacuation of all persons of Japanese descent from the area of the Western Defense Command. Temporary Reception Centers were quickly erected under the supervision of Army engineers and, shortly thereafter, construction was commenced on the two relocation centers for California, Manzanar and Tulelake. On March 21, 1942, the first contingent of evacuees, 61 men and 21 women, arrived at Manzanar. By midsummer of that year there were nearly 10,000 evacuees at Manzanar and 14,000 at Tulelake.

CALIFORNIA RELOCATION CENTERS

Manzanar is located near Independence in Inyo County. Tulelake is located in Modoc County near the Oregon State line. The physical appearance of the two relocation centers presents much the same aspect. Each is sprawled over a flat, barren plain, partly surrounded by mountains. The summer winds constantly blow clouds of fine dust across these plains and during the winter months there is much rain and snow.

The barracks are long, narrow, board and batten structures with black tar-paper roofs. Wooden partitions divide these barracks into small compartments, each of which is theoretically occupied by an evacuee family. The mess halls are replicas of the barracks without the partitions.

Each center maintains an agricultural project. A program of vocational training and adult education is provided in both camps. The State law for compulsory education of children of school age is enforced. Internal security and fire-fighting departments are organized and maintained. Each center has cooperative stores where evacuees may purchase a wide variety of general merchandise, none of which carries ration-point requirements.

Each administrative project and department is headed by a Caucasian supervisor. Virtually all of the work is done by the evacuees, on a voluntary basis. They are compensated for their labors at a monthly rate which has a maximum of $19. The rate is considered entirely inadequate by the evacuees and, as a consequence, the work done is accomplished more by sheer weight of numbers than by individual endeavor. Labor strikes occur sporadically and there is a constant stream of labor complaints. Attempts at beautification of the camps have been made by the evacuees and a lovely landscaped Japanese garden was noted near a mess hall at Manzanar.

The agricultural project at Manzanar presented many difficulties. The first crew started work on April 15, 1942, grubbing out the rocks and sage-brush, and preparing the soil for planting. During the latter part of May of that year the crops were planted. When the first green shoots appeared they were promptly nibbled back level to the earth by rabbits, until the vegetable garden resembled, from a distance, an extensive and closely-clipped lawn. This annoyance was solved by the use of dogs that were trained to chase the rabbits away. Several hundred acres are now under cultivation. The crops raised at Manzanar during the past season had a market value estimated at $43,000. Surplus crops are shipped to other centers.

There are about 4,000 acres under cultivation at Tulelake. The season in Modoc County is comparatively short because of early frost and snow, but during the spring and summer months the crops are easily and abundantly produced. The total commercial value of the current crop is estimated at $1,500,000. The surplus, like the surplus at Manzanar, is shipped to other centers. Hogs and chickens are also raised at Tulelake on an extensive scale.

Each center has a detachment of military police. Until a short time ago these men were charged with the duty of quelling serious disturbances, keeping the evacuees within the confines of the center, and, generally, in maintaining order. They are not permitted, however, within the boundaries of the centers. This force of military police is supplemented by the Department of Internal Security, or center police force, which is headed by a Caucasian with prior police experience, and a staff of evacuee enforcement officers. The center directors have exclusive jurisdiction over infractions of center rules and regulations and may impose reasonable and legal penalties for violations. Violators of State and Federal laws are turned over to the proper authorities.

National food rationing released a flood of rumors concerning the food served the Japanese in the relocation centers. It was frequently

charged that the evacuees were receiving food of an exceptionally high quality and of high ration-point value. Investigation of these charges by representatives of the committee disclosed that the basic menus of all relocation centers were prepared by the Quartermaster's Corps of the United States Army and that each center was allowed a maximum expenditure of 45 cents per day for each evacuee. The average expenditure for the two centers in California runs around 37 cents per day per evacuee.

The committee representatives selected mess halls at random in each center and ate several meals with the evacuees. They found the food well cooked, nourishing and plentiful. The following sample menus are typical of the meals served at Manzanar and Tulelake:

MONDAY	*TUESDAY*	*WEDNESDAY*
Breakfast	Breakfast	Breakfast
Stewed dried fruit, Farina—hot milk, French toast, syrup, Cocoa, milk.	One-half grapefruit, Rolled oats—milk, Hot cakes—syrup, Cocoa—coffee—milk.	Stewed dried fruit, Dry cereal—milk, French toast—syrup, Coffee—tea—milk.
Lunch	Lunch	Lunch
Baked macaroni and cheese, Steamed rice, Tsukemono, Boiled fresh vegetables, Head lettuce salad, One orange, Bread, Tea.	Boiled beef, Spanish Steamed rice, Tsukemono, Head lettuce salad, One fresh apple, Tea.	Boston baked beans, Boiled fresh vegetables, Steamed rice, Tsukemono, Head lettuce salad, One orange, Bread, Tea.
Dinner	Dinner	Dinner
Fresh fried fish, Stewed corn, Steamed rice, Pickled fresh beets, Butterscotch dessert.	Beef Sukiyaki, Steamed rice, Tsukemono, Potato salad, Spice cake, Tea.	Fried fresh fish, Steamed rice, Tsukemono, Cole slaw salad, Fruit jello, Tea.

It will be noted that the relocation center diet consists mainly of rice, vegetables, fish, bread, oleomargarine (no butter), with such occasional Japanese dishes as Tsukemono (pickled vegetables) and Sukiyaki (a sort of Japanese chop suey).

Choice of food is a source of constant evacuee complaint and grievance. The American-born Japanese are accustomed to American food while most of the alien Japanese are accustomed to native dishes. It is manifestly impossible to please both groups, although, as will be seen from the sample menus, certain native dishes are prepared and served. The evacuees are permitted to buy additional food at the cooperative stores, but, as has been mentioned heretofore, they are not permitted to purchase anything which requires ration points.

Until about January 1, 1943, the administration of the centers was very lax. The evacuees were permitted to wander unattended practically at will, all over the adjacent countryside. This practice was bitterly resented by residents in the vicinity of the centers and this resentment toward the administration still exists to some extent. The laxity of early administration manifested itself in what appeared to be a pampering of the evacuees and an apathy toward their subversive activities. An example of this lax attitude was seen in the practice of permitting

evacuees at Tulelake to use Government cars as free taxis within the area of the Center, and in the use of Government trucks to take groups of evacuees on picnics outside the Center. No attempt was made to separate the obviously subversive and disloyal from the obviously loyal. After January 1, 1943, the situation changed considerably and the Centers in California were administered with a firmer hand.

Optional courses in Americanism are offered as part of the adult educational program but they might as well be discontinued for they are very poorly attended. There are no compulsory Americanism courses. It was learned that the evacuees are not particularly encouraged to speak English. Many who spoke good English when they first arrived at the centers now speak it poorly, because, since arriving, they have spoken mostly in their native tongue.

For a time, all out-going and in-coming mail was censored by the military police. This practice was discontinued, and in 1943 it was possible for express packages, letters and parcel-post packages to be sent into the relocation centers without inspection. Telephone conversations between the evacuees and persons outside the Centers were not censored at all. Manzanar appeared to be the lone exception in telephone censorship.

SHINTO-KODO-BUSHIDO

The Japanese terms, *Issei*, *Nisei* and *Kebei*, are defined and explained in the Committee's 1943 Report at page 322. Briefly re-stated, the *Issei* are alien Japanese, virtually all of whom are loyal to Japan and Hirohito. Fanatical in their belief in the *Shinto-Kodo-Bushido* dogmas, they keep pretty much to themselves in the relocation centers. The *Nisei* are second-generation, American-born sons and daughters of Japanese alien parents, and, therefore, citizens of the United States. The greater part of the *Nisei* have attended the public schools on the west coast, and the majority of them attended Japanese language schools. The *Kebei* are *Nisei* (second-generation, American born Japanese) who have been sent to Japan, allegedly for educational purposes. During their stay in Japan the *Kebei* were indoctrinated with the *Shinto-Kodo-Bushido* virus and, as a general rule, feel a deep loyalty to everything Japanese. The ideology of *Kodoism*, like the doctrine of race-superiority of the German Nazis, dominates the minds of the present generation of alien Japanese and the *Kebeis*. Until Pearl Harbor the *Issei*, holding the purse strings, exerted considerable influence over the *Nisei* and *Kebei* and kept them pretty much in *"Kodo" ("the way of the Emperor")*.

Shintoism is Japan's most ancient religious faith. In its primitive form it exalted the deities of nature and fertility and emphasized the sacredness of the family. Animistic in character, *Shintoism* created a multitude of local gods and taught that they were embedded in the mountains, trees and stones. Worship of the Emperor, the sacredness of the family, and the exaltation of the military were closely identified with the ceremonies of *Shintoism* from its inception. The ancient rice culture of the people was closely interwoven in ancient *Shintoism*. Obedience to authority and devotion to the Emperor are sternly emphasized. The *Shinto* creed has been merged with the State since the "restoration" of the Emperor in 1868, and is now particularly characterized by its aggressive nationalism, its authoritarianism, and its militaristic faith.

It is taught and believed that the Japanese islands were begotten of the gods, that the Emperor of Japan is a direct descendant of the Goddess of the Sun. It is believed that the present Japanese race, as the descendants of a single tribe of *Yamato,* are destined to inhabit these God-begotten islands forever. The rest of the world is to feel the benevolence of this divine *Yamato* race. Because the islands were literally begotten of the gods, the land is "holy," and will endure forever. A Japanese soldier who dies for the Emperor and his "holy" country, immediately becomes one with the gods, regardless of how badly he may have lived. The outside world can only be redeemed through Japanese intervention. The great *Shinto* virtues for the Japanese people are blind and undying loyalty and unquestioning obedience. All people, other than the Japanese, are considered corrupt and inferior.

Shintoism has become the State religion of Japan. Doctor Shunzo Sakamaki, assistant professor of history at the University of Hawaii, pointed out that the Japanese Imperial Government had issued an edict declaring that all *Shinto* priests in the United States and Hawaii, and all Japanese language school teachers were, from January of 1941, to be considered as officials of the Japanese Government. "Basically," said Doctor Sakamaki, "the reason is that the Japanese Government has seen in *Shinto* a political tool of the greatest potency for keeping the fires of nationalism burning at white heat and making the doctrine of political absolutism in Japan virtually inviolable."

General Araki, the leader of the Manchurian conquest, gave life and emphasis to Japanese Imperialism by popularizing *Kodo, "the way of the Emperor,"* in the program of *"Asia for Asiatics"* and the *"Greater East Asia Co-Prosperity Sphere".* Thus, *Kodo,* as an extension of *Shintoism,* provides the justification of Japanese world conquest. *"The way of the Emperor",* since the first Emperor, Jimmu Tenno, who descended directly from the Goddess of the Sun, is the plan to carry out the "divine destiny" of the Japanese people in extending their "culture" to all of the people of the earth. This "benevolence" is first to be extended to the colored peoples of Asia by freeing them from the domination of the white races.

Bushido is the unwritten code of conduct of the *Samurai. Bushido* demands loyalty to superiors only, simplicity of living and military valor. Complete allegiance to superiors is demanded, while deceit and dishonor is to be honorably practiced against all others. Treachery and brutality against one's enemies, and self-sacrifice, blind loyalty and unquestioning obedience to one's superiors are the cardinal characteristics of the code of *Bushido.*

PROBLEM OF RELOCATION DURING THE WAR

It is generally believed that the Japanese are a stoical and phlegmatic people. Expert opinion, on the contrary, holds that they are a highly emotional and temperamental people. It is interesting to note in this connection that the clinical records of the two relocation centers indicate that the most common evacuee ailment is peptic ulcers, caused by worry and fear. The loyal, or potentially loyal, *Nisei,* read accounts in the daily newspapers of the action of many and sundry organizations passing resolutions to the effect that no persons of Japanese descent, citizen or alien, will ever be tolerated again in California. Leaflets and pam-

phlets find their way into the centers and are read by the American-born Japanese. Many are firmly convinced that they will not be welcome or wanted in California and, for this reason, have been, and are, refusing to apply for relocation because of the fear of physical injury to themselves and their families no matter where they may go. The recent order of Dillon Myer for the closing of all relocation centers by December 31, 1945, was received with alarm by most Japanese evacuees. The committee has learned from authentic sources that delegations of Japanese have called on the center directors, requesting that some action be taken for the continuation and maintenance of the centers for the duration of the war with Japan. Japanese evacuee spokesmen base their request on several grounds. First, they fear physical injury if they are returned to their former communities while the war with Japan is in progress. Secondly, nearly all leases on evacuee property are for "the duration of the war with Japan," and, thirdly, the housing problem for some 60,000 to 80,000 Japanese in their former communities is fraught with insurmountable difficulty and hardship.

SUBVERSIVE ACTIVITIES

The Japanese very rarely entered into the life of the American community in which they resided. "Little Tokyos" invariably mushroomed into existence wherever a substantial Japanese population existed. More than 240 Japanese language schools were established and maintained in California alone.

The committee is convinced that it was not merely coincidental that the Japanese population settled along the West Coast near airfields, oil refineries, vital war plants and gun emplacements. The desirability of the land alone does not account for this deployment as, in many cases, more fertile and desirable farm land was available.

The Yokohama Specie Bank is sponsored by the Japanese Imperial Government. Before the war huge transfers of money through the Yokohama Specie Bank from the United States to Japan was a frequent occurrence. These "deposits" aggregated in excess of twenty millions of dollars. Testimony and evidence before the committee indicates that Japanese residents in California contributed many thousands of dollars to the Japanese war effort before Pearl Harbor.

Togo Tanaka testified quite openly and frankly concerning *Nisei* activities. (Com. Tr., Vol. X, pp. 2843-2889). His testimony, in part, is as follows (Com. Tr., Vol. X, pp. 2856-2858):

> Q. By Mr. Combs: . . . Mr. Tanaka, as a matter of fact, the Japanese Consulate sponsored the dissemination of a great mass of material regarding the Japanese attitude—the Sino-Japanese war?
>
> A. I don't believe so much the consulate but agencies set up by the consulate on the coast here.
>
> Q. The Nisei were active at that time in aiding in the dissemination of that material, were they not?
>
> A. Yes, they were—I should say, we were.
>
> Q. Then, later on there were groups, were there not, Japanese organizations, for example, agricultural organizations and others through which funds were collected for the Japanese war effort generally?

A. I believe you were the one who gave me the first detailed information. While I have a note on Los Angeles I wanted to be able to more or less confirm it.

Q. Does your information confirm that?

A. Yes, it does.

Q. And that extended over a period of how long?

A. Well, I would say since the outbreak of the war in China—that would be in '37.

Q. And it continued how long?

A. Well, straight through, I believe, the early or the middle of 1940 when it seems the tension between the United States and Japan grew to the point where people began, I think, to realize rather dimly possibly war was in the offing—by the way, that was the time, too, when many of us began to realize some of our activities were misdirected. By the way, I may also point out while we seem to be emphasizing the subversive, and I can appreciate the purpose to investigate un-American activities——

Q. That is correct.

A.——on the other hand, we ought not to forget and to get a balanced picture, we ought to inject some of the very good American activities this publication and the organization has been engaging in.

Q. I am going to ask you in detail about that, Mr. Tanaka.

A. Fine.

Q. So that was true that funds were collected by Japanese organizations for the Japanese war efforts?

A. Yes, I believe they were.

Q. And those funds were transmitted through the Japanese diplomatic agencies in this country?

A. I am not, frankly, familiar with the exact means by which it was transmitted. I understand some was sent directly to Japan by the organizations and some by individuals but I presume most of the funds must have been sent through the diplomatic agents.

Q. Was there any reluctance on the part of the Nisei to admit the existence of subversive activities by any Japanese group in California?

A. Well, as a group I would say yes; but individually, of course, we always have our exceptions but collectively—I am merely repeating what persons who are not Nisei say from the standpoint of their own observation that they think the Nisei themselves—on that question I may not be qualified to answer as to the reluctance shown by the Nisei—but judged by some third party, we have a good number of persons who I think have been close to the situation and they said we have been too reluctant to admit some of the subversive activities that probably have been present in which Nisei have engaged. We have tried to gloss some of the things and point out the good American things we were doing without trying to correct or even acknowledge some of the things being done which were subversive and, frankly, I didn't believe some of the things we were doing would be judged as subversive simply because we couldn't predict the developments, the turn of events."

The committee offers no particular brief for the *Nisei* as a class. Evidence before the committee clearly reveals that many of the *Nisei* were

engaged in subversive activities against the Government of the United States for many months prior to the attack on Pearl Harbor. The committee is equally aware that an American-born person of Japanese parentage is not necessarily subversive *per se*. The problem is essentially one of segregation and it presents many subtle difficulties.

When General De Witt's order for Japanese evacuation was announced many *Nisei*, who had established businesses and homes, were compelled to dispose of their property in a very short period of time, as best they could. They were to be housed in relocation centers in remote parts of the country for an indefinite period. Deep emotional reaction to the disruption of normal life was only natural and to be expected. Some of the *Nisei* became embittered and resentful while others remained realistic and resigned to a situation which they understood as necessary and unavoidable. The *Issei* and *Kebei* were openly defiant and recalcitrant. Most of them have now adopted an attitude of solemn brooding. The committee believes that if the War Relocation Authority had segregated these groups in the beginning much trouble and difficulty might have been avoided. Late in 1943 the War Relocation Authority, finally recognizing the problem, announced that it would segregate the loyal from the disloyal Japanese. This was ultimately accomplished by removing the disloyal Japanese to the Relocation Center at Tulelake. The War Relocation Authority test of loyalty and disloyalty in the segregation program is not available and has not been explained.

DEFIANCE AT TULELAKE

Questionnaires were prepared and distributed to the evacuees in all the relocation centers by the War Relocation Authority in the early spring of 1943. Question No. 28 inquired whether or not the evacuee was willing to renounce his allegiance to the Emperor of Japan. An epidemic of rioting immediately broke out at the Tulelake Center and continued for nearly six weeks. So few of the evacuees answered Question 28 in the affirmative that the War Relocation Authority reworded that particular inquiry, labeled it No. 28-A, and tried again. The question this time did not concern itself with allegiance to the Emperor of Japan, but merely inquired whether or not the evacuee would be willing to uphold the laws of the United States. Assemblyman Dickey, in charge of the Tulelake investigation, reported that he had been informed that although there were 6,000 to 7,000 evacuees who were American citizens by accident of birth and whose physical qualifications made them eligible for service in the armed forces of the United States, only two volunteered. It is rather significant to note that the *Bushido* code permits deceit and treachery as honorable conduct under such circumstances, and that disloyal and subversive Japanese would, therefore, unhesitatingly answer either or both questions in the affirmative.

The attitude of defiance on the part of the disloyal Japanese at Tulelake can only be explained on the basis of some real or imagined advantage for Japanese war strategy. Mr. Silverman, staff writer for the *San Francisco Chronicle*, was at the Tulelake Center investigating the disturbances which attended the signing of the questionnaires, and in the May 27, 1943, issue of that newspaper he reported, in part, as follows:

"* * * Before the end of the trouble bands of hoodlums roamed up and down the camp's streets, breaking into homes and attacking

the occupants. The Japanese * * * who were in cooperation with the administration were nearly killed, and two Christian Priests were badly beaten. A Jap flag mysteriously appeared and, as mysteriously, disappeared. The army moved in, followed by the F. B. I. There were mass arrests, and one hundred men were thrown into near-by jails and deserted C. C. C. Camps. When the prisoners were carried off they were surrounded by howling Japanese who yelled, 'Banzai!'

" 'You can't imagine how close we came to machine-gunning the whole bunch of them,' one official said. 'The only thing that stopped us, I guess, were the effects such a shooting would have had on the Japs holding our boys in Manila and China * * * and the fact that, in all these Tulelake riots, a lot of Japs got hurt fighting for us.'

"Leaders of the disturbance, most of whom were believed to be *Kebeis,* were identified and sent to an Arizona concentration camp for incorrigibles. Others were given prison terms for violation of the State riot law, while still others were paroled or pardoned. Camp Director Harvey Coverley stated that the arrests put an end to the disturbances."

THE MANZANAR DISTURBANCE

The central figure of the December, 1942, disturbance at the Relocation Center at Manzanar was Fred Masaru Tayama. Tayama testified before the committee in Los Angeles on Japanese activities, March 24, 1942. (Com. Trans. Volume X, pp. 2961-2965.) He was born in Honolulu. He attended the *A. R. Muir Institute of Technology* in Chicago. He formerly was the chairman of the Southern California District Council of the *Japanese-American Citizens League.* Shortly after December 7, 1941, Tayama called a meeting of certain American-born Japanese leaders and organized an anti-Axis Committee. An intelligence unit was created in order to assist governmental investigative authorities in their work. This prompt and laudible action on the part of Fred Tayama made many dangerous enemies for him among the disloyal and subversive Japanese.

Fred Tayama's demeanor on the witness stand when testifying before the committee in Los Angeles, was above-board, open and frank. (Digest of Tayama's Los Angeles testimony appears on pages 344 to 346 in the committee's 1943 Report.) At that time he proudly exhibited a document from the Japanese consul given to him at his insistence, proving his complete expatriation from Japan. He testified that although he was born in Honolulu, he was considered a citizen of Japan in 1923 and subject to Japanese military duty. He was advised to apply to the Japanese Consul General for extension or exemption of military service. He is one of the few American-born Japanese known to the committee who took the necessary steps for the cancellation of the Japanese side of his dual citizenship.

The *New World* supplement for Sunday, December 13, 1942, in the *San Francisco Chronicle* printed the following story:

"Last week, nine-month old Manzanar produced its first political incident. Using descriptive, excitable adjectives and worded carefully so as not to over-emphasize isolated trouble, the War Reloca-

tion Authority described the occurrence: 'Saturday night six men entered the residence of Fred Tayama, (President of the *Japanese-American League*), and beat him so severely that he was taken to the hospital. Immediately three evacuees were taken into custody, and one of them was transferred to the jail at nearby Independence. The next morning crowds gathered in the Center streets, and selected a committee which met with Camp Director Ralph P. Merritt at the main gate and asked for the return of the jailed men. Merritt agreed that the evacuees would be brought back to Manzanar if the committee would agree that there would be no more meetings or gatherings, that order would be maintained until the proper hearing could be held, and if the group would deliver to the authorities the men who had beaten Tayama.

"The crowd dispersed about mid-afternoon, the jailed men were returned to the center police headquarters. But that night two large groups assembled—one at the hospital, demanding that Tayama be turned over to them, and another at the Internal Security Headquarters . . .

"When Merritt refused to release his prisoners . . . he became alarmed when some members threatened to kill Tayama . . . The director called the military police to restore order. But the milling Japanese refused to go home and began to advance on the prison guard, who, when the tear gas was blown away by a high wind, threatened to open fire. The crowd kept coming—the M. P's. fired, killing one man, critically wounding another and injuring nine others.

"Both the War Department and the War Relocation Authority are of the opinion that this disturbance was caused by a relatively small group of evacuees, and that the great majority of evacuees at Manzanar and other Relocation Centers are loyal to the United States, and completely in favor of the orderly process of government."

The excitement ended as abruptly as it started. War Relocation Deputy National Director, E. R. Fryer, arrived from Washington and laid down the law. Segregation of known Axis sympathizers and unruly elements followed immediately. Center Director Ralph P. Merritt, a veteran of the first World War, who had just taken over as Camp Director a few days before the disturbances commenced, announced "Peace and quiet prevail."

The evacuee-edited *Manzanar Free Press* in its anniversary issue of March 20, 1943, comments on the "incident" in the following language:

"This basic calm that Manzanar residents had been enjoying was disrupted unfortunately by the 'riot' of December 6th, which was aggravated by the newspaper accounts that stressed only the sensational aspects of the event. The emotional outburst was an inevitable outcome of the internal strife caused largely by the concentrated nature of the population. The fact that other centers have had strife and difficulties reflects on the basic difficulty of any group to maintain a normal life under crowded conditions. Since the date of the Manzanar trouble coincided with Pearl Harbor, 1941, the public press had ample opportunity to misinterpret the essential

facts. The sheer coincidence of the date, is, perhaps, the most unfortunate aspect of the whole thing."

The committee is convinced that the disturbance falling on the anniversary of the attack on Pearl Harbor was the result of something far more serious than "sheer coincidence". The crowded condition of the evacuees in Manzanar on December 6, 7 and 8, 1942, was not the lone factor responsible for the demonstration of defiance. As for the newspapers stressing only the sensational aspects of the event, the committee submits that it would be indeed difficult to imagine anything more sensational than a three-day demonstration of rioting Japanese evacuees accompanied by tear gas and military police shooting into the mob in order to restore order. The committee believes that the disloyal Japs in Manzanar conspired to take vengeance on Tayama for his pro-American attitude, and, at the same time, intimidate other potentially loyal *Nisei* and the administrative staff at the Center with a demonstration on the anniversary of the Japanese attack on Pearl Harbor.

TULELAKE DISTURBANCES

By October, 1943, the War Relocation Authority had apparently completed its task of segregating the loyal from the disloyal evacuees. The disloyal evacuees were sent to Tulelake Center and the allegedly loyal evacuees at Tulelake were distributed among the other relocation centers throughout the United States. It is estimated that there were around 16,000 disloyal Japanese at the Tulelake Relocation Center as of January 1, 1945.

Committee members and representatives made five separate trips to the Tulelake Center. The atmosphere at the Camp was tense, the Japanese were sullen and antagonistic and it was apparent to everyone that some sort of trouble was in the making.

Japanese spokesmen called upon Camp Director Raymond Best and announced that the Japanese would no longer pick vegetables for Caucasians or for the loyal Japanese. They stated that they were aware that crop surpluses were distributed to other Relocation Centers, and that, henceforth, the only vegetables which would be picked by the evacuees at Tulelake would be for their own consumption. Mr. Best, in order to comply with the War Relocation Authority's order and to fill the obligation of the United States Government, sent members of the Caucasian staff of the Relocation Center into the fields to help with the crops and purchased additional supplies when needed.

Japanese spokesmen then demanded that they be allowed to use coal for bonfires while harvesting, and when Relocation officials acceded to this demand, tons of coal were consumed in this manner while the Nation faced an acute coal shortage.

The head of the fire department at Tulelake, formerly a battalion chief of the Los Angeles Fire Department, was next bombarded with a series of outrageous demands. The first was for a certain type of rubber glove. These were obtained. A pool table for the members of the fire department was next in order and when this demand was refused the members went on what might be considered a sit-down strike, completely disrupting the fire-fighting department. They refused to use blankets or pillows that had been touched by loyal Japanese, and demanded new bed clothes which were secured. An epidemic of false fire alarms ensued. Nearly

every piece of fire-fighting apparatus taken from the fire house broke down because of some mechanical defect. Fire hydrants were found to be rammed full of broken glass, bits of cloth and other debris, so that they failed to function. It was later discovered that $50,000 worth of automatic fire alarm apparatus had been ripped out of the building which housed it, and as far as the committee has been able to ascertain, it has never been found.

On the afternoon of November 1, 1943, a delegation of spokesmen for the subversive Japanese, called upon Director Best in the administration building and presented a series of demands which he was utterly unable to grant. Shortly thereafter all the Caucasians working in the Relocation Center, about 200 persons, were herded into the administration building where they were imprisoned for about four hours, while a mob of howling Japanese, armed with daggers, swords and clubs, milled around outside the building, shouting obscenities at the Caucasian women and loudly proclaiming their disloyalty to the United States. Colonel Verne Austin and his troops had arrived by this time and were posted just outside the barbed-wire fence. The Japanese had mysteriously obtained a loud-speaking apparatus and a microphone. They had previously used a short-wave receiving set, made from parts which were sent into Tulelake without being inspected by Relocation authorities. While the conference with Director Best was in progress and the Caucasian staff was imprisoned inside the building, the milling mob on the outside were addressed in Japanese over the public address system and informed on the progress of the conference. When two Caucasians attempted to leave the building they were beaten and forced inside again.

It later developed that the knives and swords with which the rioters had armed themselves had been made from steel truck springs, deliberately broken when trucks were driven over rough stretches of road. When the springs had been replaced by new ones the old springs were taken to the blacksmith shop operated by Japanese-Americans and made into swords and knives.

When the conference with the director was concluded, a Shinto priest stepped to the microphone and said something in Japanese. Immediately the mob suddenly faced the east, removed their hats, bowed three times and went back to their barracks.

The following day, November 2d, was quiet and peaceful. On November 3d there were several minor disturbances. At a little after 10 o'clock on the evening of November 4th, rioting again broke out.

Boxes had been filled with pieces of mattress and bits of dry grass soaked with stove oil and placed under most of the wooden buildings in the center. The caps had been removed from the gasoline tanks on all of the automobiles and trucks, and the vehicles had been placed at right angles to the center gates, thus creating an effective blockade to entrances and exits. Colonel Austin's troops, with light tanks, armored cars, and fixed bayonets, moved in through the barricaded entrances and within a matter of minutes the area was cleared of the rioting Japanese. The leaders of the demonstration were taken into custody and order was restored.

A few days later spokesmen for the rioting Japanese called upon Colonel Austin. They again declared that they would only harvest crops for their own consumption. Colonel Austin told them, in substance, to

either pick the crops in accordance with the War Relocation Authority policy or continue their strike. The crops were promptly harvested and there was no more trouble.

A study of the November rioting at Tulelake revealed a number of important factors not easily discerned by a cursory examination of the facts. It is apparent, when the facts are analyzed, that if the Japanese had actually planned to burn down the buildings, kill or injure the Caucasian administrative personnel that they had ample opportunity to do so under cover of darkness. It must be remembered that Colonel Austin and his troops were just outside the camp and were able to watch every move of the Japanese. In spite of this fact, of which they were well aware, they staged the first demonstration at 1 p.m. on November 1st. They went so far as to install a public-address system so that every word broadcast was well within earshot of the military authorities. The following day the Japanese were obviously apprehensive that something would be done to penalize them for imprisoning the administrative staff for four hours in their own buildings. Colonel Austin and his troops remained outside the enclosure and life appeared to go on as usual within the Center. On November 3d they launched another series of minor disturbances. It is significant to note that the disturbances of November 1st and November 3d occurred in broad daylight in full view of Colonel Austin and his troops. The riot of November 4th was launched at about 10 o'clock in the evening. The Japanese had taken elaborate precautions to make it perfectly clear to anyone that it was their intention to burn the wooden buildings in the Center. Boxes of inflammable material had been prepared and placed under the buildings, the caps had been removed from gasoline tanks of all civilian-owned automobiles, as well as from the cars and trucks in the Center's motor pool, and vehicles had been carefully placed to block the entrances and exits of the Center. When the actual rioting started, Colonel Austin and his men moved in promptly. The demonstration abruptly ceased.

Committee investigators are convinced that the Japanese at Tulelake were quite familiar with the legal phases of the situation in which they found themselves, and that the demonstrations of November, 1943, were deliberately designed to provoke these legal questions and at the same time create propaganda material against the United States for the use of the Imperial Japanese government. The Japanese performance during the four-hour period, heretofore described, had all of the aspects of a well-planned dramatic production. While clubs were waved in the air, knives and swords brandished, addresses made over a public-address system, and the entire Caucasian personnel kept imprisoned in the administration building, no serious damage was done. Although the boxes of inflammables were carefully placed under the wooden barracks, nobody lit a match to start the conflagration. It might logically have been expected that the Army would have immediately moved in and taken control, thus placing the United States Government in the anomalous position of making prisoners of war out of its own citizens. The committee believes that these disturbances at Tulelake were carefully staged for this purpose.

The members of the committee, as well as many informed persons in the State and Nation, while recommending segregation of the loyal Japanese from the disloyal, looked upon the War Relocation Authority's

decision to establish a center for disloyal Japanese in California as ill-advised.

One of the committee's investigators reported on this subject August 6, 1943:

> "That this State was teeming with Japanese activities for years prior to Pearl Harbor is an established fact. That the Army is convinced that no person of Japanese descent should be permitted in the State, at least for the duration of the war, is manifest from the evacuation order itself. It is conceded by everyone familiar with the facts that there are several thousand fanatically subversive evacuees both at Manzanar and Tulelake Centers. California has tremendous industrial facilities turning out the materials of war on a gigantic scale. The aircraft factories of California have turned out nearly 40 per cent of all the Nation's planes. Throughout the State are shipyards, chemical plants, mills, military and naval installations, embarkation ports and air bases. It was not so long ago that anti-aircraft batteries were firing at enemy planes in Southern California, that an enemy submarine hurled its shells into oil installations off the coast near Santa Barbara, and that ships were being sunk almost within sight of the coast off Santa Cruz and Monterey. If there is any State in the Union that should be entirely free of subversive Japanese, that State is California. Yet, with eight other centers in the United States, the Relocation Authority has recently announced that it intends to gather together all of the subversive evacuees and place them in Tulelake Center, Modoc County, California.
>
> "According to a statement which appeared in the *Pacific Citizen*, issue of July 17, 1943, 6,300 evacuees have asked for repatriation to Japan and 7,500 others gave negative or qualified answers to the Relocation Authority's loyalty questionnaire. Thus, there are certainly at least 13,800 evacuees who would readily be classified as disloyal. It should appear obvious that of all the places in the Country where these evacuees could be placed, the War Relocation Authority has picked the most dangerous."

Despite a flood of protests and resolutions of organizations such as the *American Legion* and the *Native Sons of the Golden West*, civic organizations and Legislative committees, the War Relocation Authority proceeded with its program to make Tulelake a center for subversive Japanese evacuees exclusively. A result of this decision and action was the three-day riot which occured in November of 1943. The committee is pleased to note the recent decision of the Government in moving these subversive evacuees from Tulelake to various Japanese prison camp centers.

THE RELOCATION CENTER AT POSTON

Committee representatives undertook to investigate reliable reports of Japanese evacuees coming into California across the Arizona border at Parker, Arizona, despite the order of General De Witt barring all persons of Japanese descent from most of the California area for the duration of the war. The only exception to this rule was by permission of the Army.

The War Relocation Center at Poston is near Parker, Arizona. The committee learned that parties of evacuees were in the habit of driving Government trucks and were observed on picnic parties at points from 14 to 22 miles from the center. It was not unusual for parties of evacuees, driving Government trucks from Poston, to visit cocktail lounges. Large slabs of laminated rock covered with century-old Indian hieroglyphics, were pried loose with crowbars and hammers in the Arizona desert and transported to Poston for Japanese fish ponds. Parties of Japanese evacuees journeyed by Government truck to the town of Parker on shopping tours. Government trucks from Poston, driven by evacuees, came to Parker daily to pick up hundreds of railway-express packages at the platform of the Santa Fe railway station. The packages were taken back to the center and distributed to the addressees without inspection by the center authorities.

Committee investigators met the trains that stop at the Santa Fe station at Parker and on several occasions took photographs of Japanese who were visiting friends in the Relocation Center. Japanese evacuees boarded the train at Parker and rode into California, either to points within the State or for destinations out of the State via some California junction point. The railroad followed a route on the California side through a large area of desert country where American tank forces were holding dress rehearsals for battle.

The committee had been informed, prior to this investigation, that Japanese evacuees had been coming into California by walking across the sand-bars at a low point in the Colorado River. The citizenry of Parker, Arizona, and witnesses on the California side of the river laughed when this report was repeated to them. The committee learned that the Japanese merely drove across the bridge from the Arizona side to the California side and made no attempt whatever to conceal their movements. They were never accompanied by civilian employees of the Relocation Center or by Caucasian guards.

COMMUNIST POLICY ON THE JAPANESE

American Communists are guided in every detail by the policy of the Soviet Union. Moscow is the modern mecca of these Marxist dialecticians and Stalin is the prophet. Soviet Russia embodies, in the minds of all Communists, the first concrete accomplishment of revolutionary Marxism. Their ever-present objectives, still somewhat remote in the future, is the destruction of all capitalistic society and institutions and the creation of world Communism. The ultimate objective is to be reached only through the application of Marxian dialetic to the "day-by-day struggle." The masters of "scientific" socialism, in the opinion of all Communists, are concentrated in Moscow. Hence the blind obedience and unquestioning loyalty to Soviet directives and Soviet policy.

The 1943 Report of the Committee called the Legislature's attention to the policy of American Communists during the Hitler-Stalin Pact, which ended abruptly with the invasion of Russia by Germany in June of 1941. Up to the day of the invasion the American Communists were attacking President Roosevelt as a "war monger" and terming the European conflict as a "British imperialist war." They organized and dominated the so-called *American Peace Mobilization,* called for an

embargo on war material to belligerent countries, advocated an isolationist program for the United States and instituted a series of strikes in defense factories throughout the nation.

The continuous aerial bombing of London and Great Britain had no effect on the isolationist program of the American Communist. But when Hitler's hordes poured into the "holy land" of "Scientific Socialism" Communists everywhere were moved to vigorous action. President Roosevelt was a "war-monger" no longer, the *American Peace Mobilization* and the isolationist program were forgotten. The epidemic of Communist-inspired strikes in defense plants and war industries abruptly ceased and the "British imperialist war" over-night became a "People's war." They now clamored for the lifting of the embargo so that war materials could be made available to the Soviet Union. Without considering the cost in lives and material, the time or the state of preparedness, the Communists set up cries for an immediate "Second front."

It was still nearly six months from December 7, 1941, when American Communist policy changed for the protection of the Socialist fatherland. The Japanese sneak attack on Pearl Harbor brought the United States sharply into line with Communist Party policy, although Russia continued at peace with Hirohito. Japan and Russia have remained at peace throughout the intervening months.

The attitude adopted by the American variety of Communist toward the Japanese in general and the Japanese evacuees in the Relocation Centers in particular, is partially explained by the fact that Japan and Russia have remained at peace. The policy or "line" directives, since early in 1942 projected from the Communist Party viewpoint would read as follows:

> "All Communists are ordered to minimize the Japanese danger. All large military efforts in the United States must be directed to Europe. Our immediate task is the defeat of Hitler and the protection of the Soviet Union. Smear anyone who advocates major activities against Japan at the present time. Our historic course with Japan will be determined at the conclusion of the war with Germany. Meanwhile our traditional role as the champions of racial equality must be maintained."

This directive is clearly indicated in the columns of the Communist press, *"The People's Daily World."* Communist writers have constantly ridiculed the attempt of official legislative committees in their objective studies of the Japanese problem. Typical articles clearly indicating the current Communist policy on the Japanese question have appeared with significant frequency in Communist Party publications since the United States was treacherously attacked by Japan.

The *"People's Daily World"* for November 11, 1944, reported the Tulelake Relocation Center disturbances, under the date line of November 3, 1943, as follows:

> "EXAMPLE OF FIFTH COLUMN TECHNIQUE
>
> "FALSE RUMORS
>
> "Tulelake, California, Nov. 3—Widespread reports of rioting at the Japanese Relocation Center at Tulelake have been inspired by

German agents and have played directly into the hands of Nazi and Japanese propagandists.

"So declared the authorities of the War Relocation Authority, who branded as 'subversive lies', rumors that 5,000 Japanese had laid siege to the Tulelake Administration building and had to be dispersed by troops using tear gas.

"W. R. A. officials disclosed that in regard to one false report of trouble at the Center 'four telephone calls were received by us from widely scattered areas within five minutes after the incident was supposed to have occurred.'

" 'There is no doubt that subversive individuals, or groups, are planting these stories,' the authorities stated."

It is of passing interest, and certainly a matter of deep significance, that the *"People's Daily World,"* failed to carry stories of the November 4, 1943, rioting at Tulelake. Magazines and newspapers all over the United States carried accounts of this demonstration. Committee members and attaches have been unable to find a single word in *"The People's Daily World"* on this event. The readers of the Communist publication were apparently to be left in the dark as to the true situation and were to believe that metropolitan newspaper accounts of the use of United States troops in quelling the riots were the "subversive lies" of "Nazi agents."

Current Communist Party policy on the Japanese question is indicated in an editorial by Communist John Pittman in *"The People's Daily World"* for Wednesday, July 21, 1943. "According to our coverage of the (Governor's) conference," the editorial states, "Governor Warren's sole contribution to the solution of the problems of the Nation and the world, now in the most critical period of history, was a claim that the release of the Japanese-Americans from the relocation centers in the west, had created a danger in the country . . . it bears the indelible stamp of an incorrigibly provincial mind, surveying the universe from the top of an ant hill, and at that, through the wrong end of a telescope. Its pettiness is exceeded only by its falsities, for in actual fact the release of loyal Japanese-Americans from Relocation Camps for integration in industry and the armed services has been a boon rather than a danger, to the war effort. More to the point, it smells of the 'Pacific first' dung-hill, explicitly minimizing the menace of Hitler, all too few of whose saboteurs amongst us have been tried."

The Communist Party had made converts among the Japanese population in California before Pearl Harbor. Soviet policy in the Far East and the ultimate objective of world Communism will dictate the "scientific" policy for Communist treatment of the Japanese, both in the United States and abroad. The committee states unequivocally and without fear of contradiction by future events, that the American Communists will vociferously echo Soviet policy, both as to the Japanese war and post-war diplomacy. Meanwhile American Communists remain neatly balanced on Soviet neutrality, awaiting the Stalinistic determinism of Moscow's dialecticians and "the correct course to be pursued" as finally established by Kremlin metaphysicians. They will then leap into the fray on the side of the fence indicated by Marshal Stalin's pipe.

AMERICAN PRO-JAPANESE ORGANIZATIONS

The Committee has recognized a number of organizations composed entirely of American Caucasians manifesting great solicitude and concern for Japanese evacuees and frankly created in their behalf. Many of these organizations are quasi religious and pacific in character and concern themselves with conscientious objectors as well as with the Japanese. They declare that they are primarily concerned with the civil liberties of the *Nisei,* taking the attitude that the Federal Government is either unable or unwilling to protect them in these guarantees. Through spokesmen and literature these organizations have been, and are, diffusing a sticky-sweet atmosphere over the problem. Their spokesmen blandly state, and they announce by leaflet and pamphlet, that there is no evidence of the Japanese engaging in subversive activities before December 7, 1941. The evidence to the contrary is overwhelming. No less an authority than Saburo Kido, National President of the *Japanese-American Citizens League,* declared in the July 17, 1943, issue of the *Pacific Citizen* that "Japanese-Americans would be the first to deny that all of their members are 100 per cent loyal."

Togo Tanaka testified before the committee in Los Angeles early in 1942 (Com. Tr., Vol. X, pp. 2843-2889). His testimony is digested in the Committee's 1943 Report at page 332 to 336 inclusive. Tanaka is American born. He attended the Los Feliz Elementary School and the Thomas Starr King High school, Hollywood High School and the University of Southern California, where he majored in political science and from where he was graduated in 1936. Shortly thereafter he became the editor of the English section Japanese newspaper, "*Rafu Shimpo,*" a Los Angeles publication with an extensive circulation throughout the entire Pacific Coast area. The paper was printed in the Japanese language for the greater part and, from time to time, the management published a Japanese directory. In 1941 the "*Rafu Shimpo*" issued a directory containing more than 500 pages setting forth material collected in the United States under the direction of the "*Rafu Shimpo*" staff. This material was sent to Japan where it was compiled and where the directory was printed. The names and addresses of thousands of Japanese, *Issei, Nisei* and *Kebei,* are contained in the volume. When Tanaka testified, the committee learned that several significant pages had been removed from the directory. The witness admitted that the publication was about 90 per cent subversive. The witness believed that most of the Japanese organizations in California were under the domination of the *Issei.*

The committee has been interested in charges made by certain pro-Japanese groups that West Coast opposition to the return of the Japanese emanates from Caucasian agricultural interests and that the opposition is founded on selfishness. As far as the committee and its investigators have been able to ascertain there is little or no factual basis to this charge. The latest official figures available (1940) indicate that although few industries are as highly competitive, Japanese competition was not a dominant factor in the produce and farming industry. In 1940, the three Western Pacific Coast States, California, Oregon and Washington, had a Japanese population of 112,353 or about 85 per cent of the National total. Only 45 per cent of that number were engaged in agriculture. In 1940 the California Bureau of Agricultural Economics estimated that

there were only four crops in the State of which the Japanese produced in excess of 50 per cent of the total, namely, snap beans, cauliflower, celery and garlic. The Japanese operated about 6000 farms in the three West Coast States. This amounted to a little over 2 per cent of the total number of farms operated. In California, Oregon and Washington 97 per cent of the farms were operated by nationalities other than Japanese.

Much of Japanese farming was done by unpaid family workers. Available statistics indicate that most of these unpaid agricultural laborers were women and girls. The committee is informed that although Japanese women were only 1.5 per cent of all employed women in the Pacific Coast States, they represented 48 per cent of all unpaid family workers on West Coast farms. More than one out of five Japanese engaged in agriculture was an unpaid family worker.

The committee is also aware of the existence of certain organizations created for propaganda and activity against all Japanese, regardless of loyalty or disloyalty, or whether American or foreign-born. These organizations, through their spokesmen and literature, are as vociferous in their condemnation of all Japanese as the pro-Japanese organizations are in their behalf. They resort to vilification and appeal to war prejudices in a tirade of abuse against all persons of Japanese descent, branding all and sundry as "faithless, untrustworthy, irresponsible, inhuman, ungodly, soulless and disloyal!"

Somewhere between the hysteria of the vigorous anti-Jap groups and the naive pacificist-conscientious-objector pro-Jap group is the balance-bar of equity and justice for the American-born Japanese. About halfway between the extreme pro and con charges of both groups is the true story of the Japanese evacuation and the relocation centers in California. When the full story is told it will be filled with drama, with comedy and tragedy, with suffering and self-sacrifice, with villainy and heroism, with deep shadows and bright sunlight—a story bewildering in its complexity of delicate problems.

THE JAPANESE-AMERICAN CITIZENS' LEAGUE

The *Japanese-American Citizens League* held its first annual conference in three years at Salt Lake City early in December of 1944. The conference had the endorsement of the War Relocation Authority. Dillon Meyer was scheduled to speak, but did not appear. Official representatives of the *Pacific Coast Committee on American Principles and Fair Play, Friends of the American Way,* the Methodist Church and similar groups attended. The Caucasian delegates proposed a five-point program which was unanimously adopted. The program is as follows:

1. To restore to Japanese all rights lost as a result of evacuation.
2. To restore all losses sustained as a result of evacuation.
3. Intensify campaign at Tulelake to get Japanese to sign a slip of paper changing their status on loyalty. (This is called "Giving the Japanese another chance.")
4. A campaign to influence Congress to amend immigration laws so that citizenship may be granted to Japanese aliens in the United States.
5. Campaign to open immigration to Japanese after the war. (Repeal of the Oriental Exclusion Act.)

This program, of course, contemplates the lifting of all restrictions on the Japanese. This has practically been accomplished, as far as American-born Japanese are concerned, by the War Department on the revocation of its order excluding all Japanese from the Western Defense Area, and the Supreme Court's recent decision on the subject. The program to restore all losses sustained by the Japanese as a result of evacuation probably contemplates hundreds of civil suits against the government for losses incurred by the sale of personal effects, household goods, real property, and the recovery of wages, salaries and profits due to loss of earning power for three years. The plan to bring suit against the government for the recovery of wages, salaries and profits is said to have been discussed by the *American Civil Liberties Union*.

The Imperial Japanese Government, until Pearl Harbor, never relaxed its tenacious hold and influence over the lives of all Japanese in the United States, whether alien or American-born. Supplementing the psychological control exerted by fanatical ideologies, a direct hold and domination over all Japanese on the West Coast was established and maintained by an intricate web of interlocking associations. Some of these associations were business and industrial, while others were social. Virtually every Japanese was a member of several associations. They were generally linked, directly or indirectly, to the Japanese Consulate. No Japanese, whether American or foreign-born, dared disobey edicts of his association without jeopardizing his business and social existence.

The committee has heretofore pointed out that the *Issei* thoroughly control the thinking and the action of the Japanese population born in the United States. There have been some claims since the evacuation of the Japanese that this domination of the *Nisei* (American-born Japanese) by the *Issei* (foreign-born) has been broken and that the American-born Japanese are now free of the domination and guidance of parents born and indoctrinated with Japanism. The facts appear to contradict this claim.

It was announced that the delegates from the Heart Mountain (Wyoming) Relocation Center to the conference at Salt Lake City was an all-*Issei* delegation. There are many thousands of Japanese evacuees at Heart Mountain with a very large percentage of American-born Japanese. If the *Issei* domination no longer exists, why was it that a delegation of *Issei* (foreign-born) should be selected to attend a conference that purported to plan the future of the Japanese in the United States?

CONCLUSION

The committee is informed that as a result of its investigation unescorted Japanese are no longer permitted to enter this State from Arizona at will. Letters and packages addressed to alien Japanese or those evacuees suspected of disloyalty are now opened and inspected before being delivered to the addressees.

The committee does not contend, and never has contended, that all Japanese evacuees are disloyal to the United States. As a result of intensive investigation the committee finds that the great majority of *Issei* (foreign-born Japanese) are loyal to Japan. The committee believes that the *Issei*, for the greater part, if given the opportunity, would do everything in their power to further the war aims of Japan. The committee finds that the *Kebei* (American-born Japanese who have

spent several years in Japan for purported educational purposes) are definitely in the "suspect" class as far as loyalty to the United States is concerned. The committee finds that the *Nisei* (American-born Japanese) were, to a great extent, engaged in pro-Japanese activities before Pearl Harbor. Many of these American-born Japanese are disloyal to the United States, while many of them have illustrated by their conduct since Pearl Harbor their loyalty to the land of their birth. Many of the *Nisei* have enlisted in the armed forces of the United States and have distinguished themselves as United States soldiers on the field of battle.

The committee believes that every American citizen of Japanese descent who has demonstrated his or her loyalty to the United States during these trying times should be extended every opportunity of developing their Americanism and taking their respective places in communities of their choosing with all the rights guaranteed to all American citizens.

The committee believes that the evaluation of the loyalty of any particular Japanese, *Issei, Nisei or Kebei,* should include a consideration of their conduct and activities both before and after Pearl Harbor. Allowances for the influence and domination of the *Issei* over the *Nisei* prior to December 7, 1941, should be made in such evaluation.

The committee is in possession of authentic reports of outstanding acts of heroism on the part of American born Japanese in the armed forces of the United States, both in Europe and in the Pacific war against the Japanese. These men, and such Japanese as Tokie Slocum, who was made a citizen of the United States by a special act of Congress for his service in France with Sergeant York, should be honored as patriotic American citizens.

The committee believes that the only issue involved, is the issue of loyalty to the United States. It is not a question of race. It is only a question of Americanism.

Loyal American born Japanese evacuees look upon their detention in the Relocation Centers as a necessary sacrifice for the land of their birth. They, better than any Caucasian, know that there are many among them who could not and should not be at large during the war. The War Relocation Authority is in the best position to pass judgment on the loyalty of this class of evacuee.

The committee is in possession of authentic information that the loyal Japanese evacuees prefer to wait for the end of the war before attempting to return to their former communities. In view of the recent Supreme Court decision and the attitude of United States Army officials, the committee believes that the Relocation Centers should be maintained for those evacuees who voluntarily elect to remain in them until the end of the war.

The Japanese people are fanatical in their faith that they are destined to conquer the world. They traditionally measure time in terms of generations and centuries, and reverses and defeats in the span of a single generation are merely incidents in the sweep of time, to be expected and endured. They are a "holy" race and their land is "holy," literally begotten of the gods. Their cause is "holy" because it is divinely inspired. Ultimate victory will be theirs because the gods have divinely ordained it. Unless Japan is utterly crushed and broken in this war and her power to make war forever destroyed, defeat will be regarded as a temporary set-back and the Japanese people will begin again to build

methodically for another attempt at the destiny they believe their gods have planned for them.

PART IV

COMMUNISM

The committee has not been much concerned with the *identity* of Communists. It has been primarily concerned with the question, *What is Communism?* From the beginning, the committee has been interested in learning whether so-called "scientific socialism" *is* "scientific" or merely an intellectual hoax used by conspiratorial revolutionists. The committee has concerned itself with the *type* of people attracted to revolutionary socialism and has attempted to learn *why* they are so attracted.

The committee finds that very few "Communists" know anything about Communism. Only Lenin's "professional revolutionaries" and disciplined functionaries are thoroughly indoctrinated with the mysticism and metaphysics of Marxian dialectic and the materialistic interpretation of history. They are the oracles and crystal-ball gazers and they issue the orders. Marx visualized his typical "proletariat" as a penniless and propertyless fellow. This definition of the "proletariat," when applied to the United States, would exclude everyone except the *penniless* and *propertyless* day laborer. The committee believes that the great working class of California is less Communistic, as a whole, than the so-called intellectual class.

The committee finds that Marxism is "scientific" only in the occult or metaphysical sense. Shorn of philosophical Germanics, "scientific socialism" is merely ambitious mediocrity exalted in complex ponderosities. Nearly every Communist functionary appearing before the committee exhibited definite signs of neurotic inferiority, manifested by mechanisms of open defiance, animosity or tolerant condescension.

1

RED-BAITING AND RED-BAITERS

The Committee Report for 1943 commented on "red-baiting" and "red-baiters" (pages 16-18). The committee, after two years of additional study and investigation, finds that these terms are still potent missiles in the Communist arsenal of vilification. In the 1943 Report, the committee observed:

> "Our American history is full of occasions of biting and derisive name-calling, but throughout its crowded pages there have always appeared men of courage who feared neither the names nor the caller-of-names. Only a few men during the past several years have had the courage to stand up under the paralyzing accusation of being a 'red-baiter'."

As a prelude to this section on Communism the committee is proud to present a statement by one of America's foremost "Red-Baiters"—one

of those courageous men of history we referred to in 1943—one who, it must be admitted, knows what he is talking about. The statement follows:

"The Fascists and Nazis were not the only menace to our internal security. To their forces must be added the American Communists with their godless, truthless, philosophy of life. They are against the America our forefathers fought and died for; they are against the established freedoms of America. They pose behind a dozen fronts; they have endeavored to infiltrate practically every strata of life.

"When they preach unity, let us not forget that when we were struggling to prepare for defense, they preached pacifism and fought our efforts to aid our allies and to build our common defenses. For true Americans there can be no unity with the enemy within and no compromise with those who would destroy all that we fight for. There is a distinction between respecting our ally Russia, and respecting those within our country who would destroy all that we believe in. No one wishes to detract any from the glorious war history being written by the Russian people in protecting their soil. They are a great fighting nation and have done a masterful job at war.

"But when it comes to governmental systems, we prefer our own American way, and we do not want the Communists in this country attempting to undermine our democracy or any of our institutions. I have said it before, and I repeat it now—America cannot exist half Democratic and half Communist or Fascist. The Fascist-minded tyrant is no different from the native-born Communistic corruptionist. We are proud of our American form of government. If we want to improve on it, we will do it in our own way, in our time, and with our own blueprint.

"Over the years, the American Communists have developed a propaganda machine and a nefarious and elaborate school system of their own. Their officials in secret and public meetings urge that the propaganda phase of their work must be accelerated. Brazenly, they have urged the development of courses, lectures, and assemblies as media to espouse the ideologies of Marxism and to establish Marxism as a school of thought in the United States. And even in the chameleon cloak with which they have now enshrouded themselves, the American Communists still proclaim their loyalty to Marxism, the antithesis of American democracy. The Communist Trojan Horse has now become the Trojan Snake in American life."

This statement might well have been made by Martin Dies or the chairman of this committee. It was made, however, by a man who has spent a good part of his life investigating subversive elements in the United States—J. Edgar Hoover, Director of the Federal Bureau of Investigation—in an address at the Annual Commencement Exercises of Holy Cross College, Worcester, Mass., June 29, 1944.

2

COMMUNIST PHILOSOPHY, SOURCES AND BACKGROUND

The abysmal ignorance of Communist "fellow-travelers" and "innocents" concerning the alleged philosophy or "science" of revolutionary socialism is appalling. The Communists strongly rely on this ignorance. They realize that the average person will not take the trouble to examine Communist sources. What is more important, the Communists know that, should the average person do so, he would become lost in a maze of metaphysics. Communism must be *understood* if it is to be successfully combated. To instinctively dislike its godless materialism is not enough. Its terminology, its falsity, its errors, its brutality, its "unscientific science," its deceits and dishonesty must be known and understood. Once Communism is known for what it actually is, it will go down to crushing defeat like its offsprings, *Fascism* and *Nazism*.

The following compilation on Communist philosophy, sources and background is included in this report with the hope that the members of the Legislature will be encouraged to pursue the subject further.

KARL MARX

Karl Marx was a neurotic, suffering from an intense sense of inferiority. He was born at Treves, Germany, May 5, 1818. When he was about six years old, his father, Hirschel Marx, and his family abandoned the Jewish faith and became Protestants. Marx was raised a Christian. He suffered physical pain most of his life. At times he was literally covered with boils and carbuncles and seldom was free from digestive disorders, stomach, liver and bowel troubles. He had no profession, regular occupation or dependable means of livelihood. He pretended to be a master of the methods and techniques of Capitalism, yet was never able to earn his own living. Violent, arrogant and quarrelsome, he posed as the champion of the brotherhood of man, yet remained virtually friendless all of his life.

Michael Bakunin's appraisal of Marx's character might well fit most Communist leaders today. Bakunin wrote:

> "Marx loved his own person much more than he loved his friends and apostles, and no friendship could hold water against the slightest wound to his vanity. * * * Marx will never forgive a slight to his person. You must worship him, make an idol of him, if he is to tolerate you. He likes to surround himself with pygmies, with lackeys and flatterers. All the same, there are some remarkable men among his intimates.
>
> "In general, however, one may say that in the circle of Marx's intimates there is very little brotherly practice, and a great deal of machination and diplomacy. There is a sort of tacit struggle, and a compromise between the self-loves of the various persons concerned; and where vanity is at work, there is no longer place for brotherly feeling. Everyone is on his guard, is afraid of being sacrificed, of being annihilated. Marx's circle is a sort of mutual admiration society. Marx is the chief distributor of honors, but is also the invariably perfidious and malicious, the never frank and open, inciter to the persecution of those whom he suspects, or who

have had the misfortune of failing to show all the veneration he expects.

"As soon as he has ordered a persecution, there is no limit to the baseness and infamy of the method. * * *"

Marx's father was a lawyer and Marx was sent to the University of Bonn to study law. Here he became deeply interested in the philosophy of the German philosopher Hegel. He abandoned the study of law and devoted himself to mastering the Hegelian system. He received the degree of Doctor of Philosophy in 1841 but was denied a position at the university. He turned to journalism and became the editor of the *Rheinische Zeitung* and devoted himself to the study of Socialist literature.

Friedrich Engels was born in Barmen, Germany, on November 28, 1820. Although Marx had met Engels when he was the editor of the *Rheinische Zeitung* their association did not really begin until September of 1844. Engels practically supported Marx and his family from that time until Marx's death, March 14, 1883.

Marx was expelled from France in 1845 and went to Brussels, from whence he was subsequently compelled to flee. He found a refuge in England and lived there until his death.

LIBERALISM

Liberalism emerged in Western Europe in the fifteenth century. Erasmus and other writers of the Renaissance indicated the *liberal* attitude in *"humanism,"* a conception of human evolution based upon individual struggle. As feudalism went down under the impact of the industrial revolution, economic individualism forged to the front. Unrestricted freedom of action was advanced as the doctrine that would best serve the interest of society. It claimed certain inalienable and "natural" rights beyond political authority. The right of free speech, religious worship, inquiry, group association, and economic enterprise were considered the most essential of these inalienable and "natural" rights. *Liberalism* is characterized by an attitude of tolerance and reason.

Adam Smith in his *Wealth of Nations* expressed the formula embodied in the economics of liberalism in the basic right of free enterprise. The terms "liberalism" and "liberals" are much misused by modern left-wing speakers, writers and Communists. *Liberalism* may properly be said to be the doctrine of modern *Capitalism*.

In the political field *liberalism* seeks to check governmental encroachment on the freedom of the individual. Out of this principle came our Constitution and Bill of Rights, the extension of suffrage and the growth of representative government. This principle gave birth to the concept that sovereignty resided in the people as a whole.

DEMOCRACY

The Declaration of Independence may be said to state the essence of Democracy: "We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are

instituted among men, deriving their just powers from the consent of the governed . . . "

The essence of Democracy is respect for the individual. It seeks to guarantee to every individual his "unalienable rights." Its limitations of freedom are marked only by the rights of others. Equality before the law and equality in opportunity are basic democratic principles. Checks and balances are fundamental in the government of a democracy, and a republican form of government is the most conducive to political democracy. The separation of the branches of government, regular elections, secret ballots, the recall, initiative and referendum and a constitution characterize political democracy.

CAPITALISM

Capitalism is a form of economy. The right to private ownership of property, freedom to engage in enterprise, freedom of contract, competition, profit-making, credit and exchange and the wage system characterize capitalism. The employers, the workers, the consumers, and the government are four groups continually interested and involved in the economic process of capitalism. The government may act to define and regulate the relationship of each group but may not participate in competition with private enterprise.

In a Democracy, as has been noted, individual liberty and freedom is only limited by the rights and privileges of others. Monopoly necessarily is met by governmental regulation for the public welfare. Better working conditions, reduced hours and increased wages, workmen's compensation and social insurance are a few of the gains for labor produced by an enlightened capitalism.

Thomas Jefferson stated that "The natural progress of things is for liberty to yield and government to gain ground."

The extreme is either *State capitalism* or *State socialism*. Under German *Nazism*, Italian *Fascism* and Russian *Communism*, the government has encroached upon the private ownership of property and enterprise, and controls the freedom of employer, employee, and consumer.

Governmental intervention in the economic field is at the expense of personal freedom.

THE UTOPIANS

The Greeks had a word for "nowhere" and that word is "*Utopia*." Sir Thomas More selected this Greek word for the name of his South Pacific Island paradise. His book, "*Utopia*," appeared in 1516. Plato wrote his "*Republic*" about 2,400 years ago and outlined a government that embodied the first element of *Utopian* thinking. Sir Thomas More's "*Utopia*" elaborated on the thought. He eliminated the extremes of wealth and poverty and turned the energies of his society into cooperation. More believed that man's acquisitiveness was a source of human misery. Consequently there was no private ownership of land or resources in *Utopia*. Competitive waste was eliminated and the work day consisted of but six hours. Medical care and education were supplied to the population without cost. Equality of the sexes and religious tolerance were established in More's *Utopia*. The officials were democratically elected and their powers limited.

The Commonwealth of Oceana was written by James Harrington in 1656. Harrington's conception of government is characterized by features now familiar in all Democratic States. The central themes are a government "of laws and not of men" and the universal distribution of property among the population.

The despotism of the feudal system collapsed before the onslaught of *Capitalism.* The industrial revolution brought about a political revolution which was closely followed by a technical revolution. Industrial inventions commencing in 1764 with the invention of the spinning jenny increased with accelerating tempo into the Twentieth Century. *Capitalism* marched forward accompanied by earth-shaking achievements. Crime, disease, ignorance, and widespread poverty was the plight of the working-class of Europe, as Capitalism pounded relentlessly forward. The *Utopians* of the Nineteenth Century spoke and worked in behalf of the working-class and, while accepting the *fact* of *Capitalism* and its new industrialization, spoke out against competition and exploitation.

In his *New Christianity* Saint-Simon called for a society based on the principle of human brotherhood. He appealed to the mind and conscience of his day and, impressed with the productive powers of the new industry proposed that it be socialized for the betterment of humanity.

Charles Fourier, an experienced business man himself, advocated sharing surplus profits with employees. He looked upon soldiers, philosophers, stock brokers and middlemen as "parasitic" and "unproductive."

Robert Owen was a textile manufacturer in England and an advocate of *Utopian* socialism. He attempted to put his theories into practice in his own industry in New Lanark. He fought to reduce the working day to 12 hours, for universal suffrage and for the establishment of public elementary schools.

Marx ignored the idealism, the justice and humanity of Saint-Simon, Charles Fourier and Robert Owen. He took Utopian socialism, gave it metaphysical wings and forged it into a revolutionary fighting force. Marx's evaluation of the philosophies of Saint-Simon, Fourier and Owen were summed up by him in *Deutsch Franzosische Jahrbucher,* as follows: "A radical revolution, the general emancipation of mankind, is not a utopian dream for Germany; what is utopian is the idea of a partial, an exclusively political revolution, which would leave the pillars of the house standing. Upon what does a partial, an exclusively political revolution rest? Upon this, that a part of civil society emancipates itself, and attains to general dominion; upon this, that a particular class, from a position peculiar to itself, should undertake to effect the general emancipation of society. That class can free the whole of society, but only on the proviso that the whole of society is in the position of that class."

MARXISM

Marxism may be stated as a political theory, an economic theory and a revolutionary theory and program.

As a political theory, Marxism contends that the political state is the compelling and ruling instrument of the dominant class of which it is composed.

As an economic theory, Marxism expounds the capitalist mode of production, the exploitation of the workers by employers with the inevitable breakdown of industry.

As a revolution theory and program, Marxism establishes the tactics of the "class-struggle" preliminary to the violent overthrow of the capitalist state and the establishment of Communism.

Stemming from the main elements of Marxism is evolutionary socialism and revolutionary socialism (Communism). The Communists pride themselves upon following Marxian principles in every detail, although Leon Trotsky challenged the Soviet Communists in this claim. Lenin contributed to the doctrines and theories of Marx and Engels by adding an "imperialist" stage to capitalism. His greatest contribution was an elaboration of "legal" and "illegal" tactics and revolutionary technique.

The evolutionary "or gradualistic" socialists have deleted the need for revolutionary action from their particular brand of Marxism. They believe, in brief, that, without effort on the part of the proletariat, capitalism will collapse and Communism must necessarily replace it.

Marx reasoned that class antagonism can only be ended by the abolition of classes—by the establishment of a society in which there are no employers, but workers only. Surplus value is to be eliminated. He called for a rigid and ruthless dictatorship of the proletariat after the capitalist state has been destroyed. This dictatorship is to last until a socialist economy is firmly established; until all vestiges of bourgeois society have been liquidated. When the dictatorship of the proletariat has served its purpose, Marx contends that the state will "wither away" leaving but a few administrative agencies. Then the completely classless society, Communism, will emerge. Industrial development, economic development, cultural background, the extent of economic breakdown, plus the extent and acceptance of Marxian principles by the population and the type of revolutionary leadership will, according to Marx, determine the time and circumstance in each nation for the revolution. Marxism calls for class loyalty over racial and national loyalty and allegiance. Socialism can not come, Marx declared, until it shall encompass the workers of all the world.

RELIGION

Marx contended that people can not be really happy until the illusory happiness of religion is abolished. "The demand that the people should shake itself free of illusions as to its own condition," says Marx in *Deutsch Franzosische Jahrbucher*, "is the demand that it should abandon a condition which means illusion."

"The social principles of Christianity have now had 1800 years for their development," Marx wrote, "and do not need any further development at the hands of Prussian consistorial councillors. The social principles of Christianity find justifications for the slavery of classical days, extol medieval serfdom, and are ready in case of need to defend the oppression of the proletariat—somewhat shamefacedly perhaps. The social principles of Christianity preach the need for a dominant and an oppressed class, expressing the pious hope that the former will deal kindly with the latter. The social principles of Christianity declare that all infamies will be spiritually compensated in heaven, the assertion

being made a justification for the continuance of these infamies on earth. According to the social principles of Christianity, all the misdeeds wrought by the oppressors on the oppressed, are either a just punishment for original sin and other sins, or else are trials which the Lord in his wisdom sends to afflict the redeemed. The social principles of Christianity preach cowardice, self-contempt, abasement, subjection, humility, in a word, all the qualities of the mob; whereas, for the proletariat, which does not wish to allow itself to be treated as a mob, courage, self-esteem, pride, and independence, are far more necessary than bread. The social principles of Christianity are obsequious, but the proletariat is revolutionary."

The following quotations are from Lenin's *Religion*:

"Atheism is an integral part of Marxism. Consequently, a class-conscious Marxist party must carry on propaganda in favor of atheism."

"The winning over of the proletariat is accomplished, principally by dealing with their every-day economic and political interests; consequently, the propaganda in favor of atheism must grow out of, and be carefully related to, the defense of these interests."

"The Communist Party of the Soviet Union is guided by the conviction that only the conscious and deliberate planning of all the social and economic activities of the masses will cause religious prejudices to die out. The party strives for the complete dissolution of the ties between the exploiting classes and the organization of religious propaganda, facilitates the real emancipation of the working class from religious prejudices and organizes the widest possible scientific, educational and anti-religious propaganda."

"One of the most important tasks of the cultural revolution effecting the wide masses is the task of systematically and unswervingly combating religion—the opium of the people . . . . At the same time, the proletarian state, while granting liberty of worship and abolishing the privileged position of the formerly dominant religion, carries on an anti-religious propaganda with all the means at its command and reconstructs the whole of its educational work on the basis of scientific materialism."

"Marx said 'Religion is the opium of the people'—and this postulate is the cornerstone of the whole philosophy of Marxism with regard to religion. Marxism always regarded all modern religions and churches, and every kind of religious organization as instruments of that bourgeois reaction whose aim is to defend exploitation by stupefying the working class."

"The party of the proletariat demands that the state shall declare religion a private matter, but it does not for a moment regard the question of the fight against the opium of the people—the fight against religious superstition, etc.—as a private matter."

"A Marxist must place the success of the strike movement above all else, must definitely oppose the division of the workers in this struggle into atheists and Christians, must fight resolutely against such a division."

"In such circumstances the preaching of atheism is superfluous and harmful—not from the narrow-minded consideration of not

frightening the backward elements, or losing votes at election, etc., but from the point of view of the actual progress of the class-struggle, which, in the conditions of modern capitalist society, will convert Christian workers to Social-Democracy and to atheism a hundred times more effectively than any bald atheist sermons. To preach atheism at such a time, and in such circumstances, would only be playing into the hands of the church and the priests, who would desire nothing more than to have the workers participating in the strike movement divided in accordance with their religious beliefs."

Marx's attempt to escape from ponderous Germanic metaphysics gave rise to a mystical determinism which is called "Dialectic Materialism." In his attempt to destroy Christianity, Judaism and dogmatic religious doctrines, he created a new religion, *Communism*, more dogmatic than any he sought to destroy. He became its central saint and prophet and is now enshrined with his co-saints, Engels and Lenin. A place is being reserved for Stalin. Trotsky has become symbolic of the Evil One—the "devil" of Communist theology.

Max Eastman summed it up in his book *Marxism: Is it Science*, in the following words: "Marxism was a step from utopian socialism to a socialist religion—a scheme for convincing the believer that the universe itself is producing a better society, and that he has only to fall in properly with the general movement of this universe."

COMMUNIST ETHICS

Emelian Yaroslavsky, President of the *Russian Union of Militant Atheists*, is quoted as stating "Whatever helps the proletarian revolution is ethical."

In *Problems of Leninism*, Stalin quotes Lenin as follows:

"The scientific concept, dictatorship (of the proletariat), means nothing more nor less than power which directly rests on violence, which is not limited by any laws or restricted by any absolute rule . . . Dictatorship means—note this once and for all, Messrs. Cadets—unlimited power, resting on violence and not on law."

Stalin's "ethics" in the diplomatic field is indicated in *The Real Soviet Russia* where he is quoted as follows:

"Words must have no relation to actions—otherwise what kind of diplomacy is it? Words are one thing, actions another. Good words are a mask for concealment of bad deeds. Sincere diplomacy is no more possible than dry water or wooden iron."

Lenin in *Religion* states:

"We say that our morality is wholly subordinated to the interest of the class-struggle of the proletariat. We deduce our morality from the facts and needs of the class-struggle of the proletariat . . . we say that a morality taken from outside of human society does not exist for us; it is a fraud. For us morality is subordinated to the interest of the proletarian class-struggle . . ."

MARXIAN DIALECTIC

"A ship manned by fools," wrote Marx in 1844, "might drive before the wind for a good long time; but it would drive onward to its fate for the very reason that the fools did not believe that such a fate was in store for them. The fate is the impending revolution."

Marx has thus determined the course of history. It is reasonable to ask for the basis of his prophecy; to inquire whether or not he is star-gazing. We are told that his conclusions are "scientific", the result of Marxian Dialectic!

The word "dialectic" first meant conversation to the Greeks. It became a parlor game in time and the rules of the game were called "dialectic." Heraclitus was one of its advocates. Going back to the method of dialectical thought, Hegel replaced the principle of the old logic "Everything is identical with itself, nothing contradicts itself," by the new principle "Nothing is identical with itself and everything contradicts itself." This philosophy views everything in a state of flux, movement; everything is transient, becoming and disappearing, moving always from a lower to a higher level. All movement is change, a passing from what *has* existed to a *new* existence.

Hegel, in his *Encyclopaedia*, states that true dialectic is the inner and progressive transition of one explanation into another, each of them containing its own negation. It is peculiarly characterized by doing away with itself. In his *Logic* he describes the process as being brought about by the play of internal opposition. Beginning with abstract and simple concepts there is a forward movement passing into subsequent concepts, which continually become richer and enlarged, until the whole mass of its earlier content resurges so that the absolute idea, the climax of the process, is an enriched condensation. He has more to say about it in his *Science of Logic*. It is a complex, metaphysical formula. If you do not understand it, do not worry about it. Even the Marxists do not understand it. It is not scientific and there is no evidence that true science ever used the dialectic method in its inquiries. The propositions propounded by the dialectic methods are fantastic and prove nothing. Marx and Engels merely added the "class-struggle," the "bourgeoisie" and the "proletariat" and determined the result by wishful-thinking.

The Hegelian dialectical process contemplates a thesis (an affirmative proposition), an antithesis (a proposition in opposition) and the snythesis (the combining and reconciling of separate elements in the thesis and the antithesis). Thus, each historical movement (the thesis) gives rise to the contrary or opposing force (the antithesis) which, as it develops, overcomes the former. As a result of the struggle a new historical movement or trend (the synthesis) is created. The new historical movement or tendency is always on a higher plane and remnants of the old trend or movement are always absorbed in the new. The process is conceived as an evolutionary movement created by the struggle of opposites, preceding always forward and upward. Every Communist metaphysician has deluded himself into believing that he *thinks* dialectically. He is under the illusion that his thinking is dual; that each concept includes its opposite. There is no such thing as "dialectic thinking."

Marx took over the Hegelian concept of the dialectic process, but rejected Hegel's "wishful-thinking" conclusion that history was the evolution of the genius of each state which must necessarily make

Prussia dominant in Europe. Marx substituted his own "wishful-thinking" and concluded that history consisted only of the "class struggle" out of which would come the destruction of all existing states, the dictatorship of the proletariat and world-wide Communism. "(Marx) abandoned the economic man," says Max Eastman in *Marxism: Is It Science,* "because he had an economic god—the self-active dialectic development of the forces of production—who was far more reliable for ideological purposes than anything so specific and dubious as a formula for human nature. The Marxian ideology consists of fitting the abstractions of the classical political economy, as amended but not transcended by Marx, into Hegel's philosophy of the universe as a dialectic evolution of abstractions—this also amended, but not transcended by Marx—and thus arriving at a mystical conviction of the 'iron necessity' of the revolution that he desired. . . . Like all religions, Dialectic Materialism rests fundamentally not on investigation and rational calculation, but on the will to believe. As Gisors says in Andre Malraux's novel: 'Marxism is not a doctrine, it is a *will* . . . you must be Marxists not in order to be right, but in order to conquer without betraying yourselves.' Trotsky has said a more extreme thing: 'The will to revolutionary activity is a condition indispensable (even) to understanding the Marxian dialectic.'"

The Communist believes that intelligent action results only when there is harmonious cooperation with the historical course of events. He must look into his crystal-ball—Marx's dialectic materialism—to ascertain the material forces at work. *Theory* and *action* are declared to be inseparable in the Marxian system. The task of the Communist, aided by dialectic, is to analyze trends in history, ascertain their direction, and then shape the strategy of revolution accordingly. Thus, until Soviet Russia is attacked by Nazi Germany, the war is a "British imperialist war" and President Roosevelt is a "war-monger." Russia is invaded and the war becomes a "people's war". The Teheran Conference changes the American "party" into a "political association." Marxian tactics are to be kept flexible at all times and the sole test of every contemplated move is whether the action, under the circumstances and at the time in question, creates a proletarian "class-consciousness" and furthers the revolution. (See heading "Schneiderman on Marxism").

The obvious weakness in the Marxian dialectic process is, that after establishing the flux and movement of history, the struggle between the thesis and the antithesis,—the eternal conflict moving always from a lower to a higher plane, that Marx brings his "immutable law" to a dead stop with the establishment of the dictatorship of the proletariat. Max Eastman sums it up brilliantly in his book, *Marxism: Is it Science:*

> "The Hegelian philosophy, which professed to portray an eternally fluid and evolving universe, nevertheless managed to bring that universe to a stationary goal in the knowledge of this very Hegel's philosophy, and the tempered blessings of the limited monarchy so generously and so long promised by his gracious sovereign, Frederich William the Third. And Marx's equally fluid although material universe, boasting an equally perfect and eternal evolution, comes to a dead stop when the dictatorship of the proletariat over the bourgeoisie has been resolved by the formation of 'an association

which excludes classes and their antagonisms.' Is it a mere coincidence that Marx's economic and inward knowledge of the laws of history can not extend a little forward toward another contradiction, or that it does not fall a little short, or lose a trifle of its iron certainty, before that perfect point is reached? *Is it not quite obvious that it is not Marx's knowledge, but his purpose, that is being expressed.*" (Italics ours.)

MATERIALISTIC INTERPRETATION OF HISTORY

The chief Marxian postulate in the materialistic interpretation of history is laid down by Marx himself. "Not criticism, but revolution," says he, "is the motive force of history."

It is to be noted that the entire Marxian system is permeated with an indiscriminate interchange of "limiting conditions" and "determining causes," stamping the entire process as illogical and unscientific. The following quotation from Marx's *German Ideology* clearly illustrates this point. In one breath he asserts that the mode of production "*conditions* the social, political and spiritual life process," and then declares "It is not the consciousness of men which *determines* their existence, but on the contrary their social existence *determines* their consciousness." He sums it up as follows:

> "Finally we obtain the following results from the fully developed conception of history. 1. In the development of the forces of production a stage is reached at which productive forces and means of intercourse are evolved which, under the extant conditions, only do harm; which are no longer forces of production, but forces of destruction (machinery and money). In association with this we find that a class is evolved which has to bear all the burdens of society without enjoying its advantages, which is forced out of society into the most contrast of all other classes; a class which forms the majority of all the members of society, and one from which the consciousness of the necessity for a thoroughgoing revolution, the communist consciousness, proceeds—a consciousness which, of course, can only arise in the other classes thanks to the comprehension of the position of this particular class. 2. The conditions within which determinate forces of production can be applied, are the conditions of the dominion of a specific class of society, of a class whose social power (arising out of ownership) secures practical-idealist expression in the extant form of State, with the consequence that every revolutionary struggle is directed against a class which has up to that time been dominant. 3. In all revolutions that have hitherto taken place, this kind of activity has remained inviolate, so that there has never been anything more than a changed distribution of this activity, with a new distribution of labour to other persons; whereas the communist revolution is directed against the kind of activity which has hitherto been exercised, and does away with labour, and makes an end of class rule when it does away with classes, the reason being that this revolution is brought about by the class which no longer counts in society as a class, is not recognized as a class, but is the expression of the dissolution of all classes, nationalities, etc., within extant

society. 4. For the widespread generation of this communist consciousness, and for the carrying out of the communist revolution, an extensive change in human beings is needed, which can only occur in the course of a practical movement, in the course of a revolution; so that the revolution is not only necessary because the ruling class cannot be overthrown in any other way, but is also necessary because only in a revolution can the uprising class free itself from the old yoke and become capable of founding a new society." For us, communism is not a condition of affairs which 'ought' to be established, not an 'ideal' towards which reality has to direct itself. When we speak of communism, we mean the actual movement which makes an end of the present condition of affairs. The determinants of this movement arise out of the extant presupposition."

Hegel conceived human beings as puppets. Feuerbach cut the strings that jerked them hither and yon, put sails on their boats but forgot the rudders. Marx, taking the Feuerbachian materialism of nature, believed he added the rudders, thus making human beings independent actors on the stage of history. God is disenthroned and man is no longer subject to a higher will. He divides human beings into two classes, the bourgeosie and the proletariat and views all history as a bitter struggle between these two groups. He charts the destination of the proletarian class in accordance with his own wish-determinism and states that their ultimate aim is the establishment of a socialist society. The route to be followed, according to Marx, is marked by violence and revolution. His "materialistic interpretation of history" is deemed a "new dialectic" and is considered "scientific" by Communists. It is not scientific. It is wishful-thinking and metaphysical. To assert that the "contradiction" in capitalism must inevitably be "resolved" by an expropriation of the capitalists, the creation of the dictatorship of the proletariat and the collective ownership of the means of production, without the consideration of obvious concrete factors, is dogmatic.

Marx asserts that the consciousness of human beings have nothing to do with the determination of their existence. It is the social existence of human beings, he declared, that determines their consciousness. Hegel had offered the pious metaphysical assertion that "Spirit is the only moving principle in history." Marx paraphrased Hegel by the impious but equally metaphysical assertion that "The forces of production are the only moving principle in history."

The material productive forces of society, contends Marx, eventually conflict with the existing productive relations. The social revolution then begins. The existing social structure does not disappear until material conditions of existence necessary for the new forces of production are fully developed and matured.

The entire social structure, we are told, is conditioned by its *economic fate*. The laws are written by the ruling class to safeguard existing property relationships. "In every epoch," Marx says, "the ruling ideas have been the ideas of the ruling class." He contends that the State always *reflects* the will of the dominant economic group, and that foreign policy is always guided by industrial needs. Morality, according to Marx, is only the expression of materialistic factors.

Max Eastman, commenting on this phase of Marxism, completely explodes its alleged "science." He states:

> "There is only one way to escape from these bonds. That is to take the revolutionary motive back out of history, where Marx and Engels surreptitiously projected it, and locate it in the human breast where it belongs. It was *Marx*, and not history, *that was determined to produce a social revolution* (italics ours), and his investigation of history was an attempt to find out the method by which it could be done. When that simple truth—as obvious to a child as it is inaccessible to a Marxist—has once been acknowledged, the whole discussion loses its mystifying character at once."

It is important to note that, although Marx calls for armed insurrection, he nevertheless advocates collaboration with "bourgeois" elements for the purpose of achieving immediate gains. The "united front" and the "popular front" and Communist support of reform measures stem from this principle.

An understanding of Marx's materialistic interpretation of history and his method of dialectic is essential, if one is to understand the deceptive "sharp turn" of *Communist Party* policy. Briefly stated, as a practical process, it is a continuous analyzation of current events in order to ascertain and predict the direction of trends. The entire strategy of *Communist Party* revolt is then planned *in accordance* with the trends and the laws of movement, socially and economically, of people, nations and events. *Flexibility* is the key to Marxian tactics. The Hitler-Stalin Pact, "the British Imperialist War," "the People's War," the Teheran Conference, etc., are all events and trends analyzed through the spectacles of Marxian dialectic. The alleged disaffiliation of the Communist Party of the United States from the *Third Communist International (Comintern)*; the alleged "dissolution" of the *Third Communist International* itself; the abandonment of the Communist political party; the creation of the new *"Communist Political Association"*; the dissolution of the *Young Communist League* and the formation of *American Youth for Democracy*,—are all recent illustrations of the result of Communist materialistic interpretation of history and Marxian dialectic.

THE CLASS STRUGGLE

In *Misere de la Philosophie*, Marx stated: "Just as a necessary condition for the liberation of the third estate, of the bourgeois estate, was the abolition of all estates and of all orders, to the necessary condition for the liberation of the working class is the abolition of all classes." The "class struggle," he believed, would result in the abolition of all classes, the triumph of the proletariat, the ultimate "withering away" of the state, and the emergence of a new socialistic, classless society.

The bourgeois revolutions of the Nineteenth Century were looked upon by Marx as the prelude of the proletarian revolution. These revolutions, Marx believed, must eventually lead to the annihilation of the bourgeois system of society and he advocated Communist assistance in these struggles. Bourgeois wars and bourgeois internal conflict accelerated the tempo of annihilation. Every bourgeois victory created new political weapons for the proletariat. Bourgeois wars weakened exist-

ing governments, whether the bourgeois were defeated or victorious. The termination of each conflict placed the proletariat in a stronger political position, regardless of its outcome. "The relationship of the Revolutionary Labour Party," Marx said, "to the petty-bourgeois Democracy is as follows: It joins forces with petty-bourgeois Democracy against the fraction whose overthrow it aims at effecting; *but it opposes both the one and the other* in matters it wishes to establish on its own account." (Italics ours.)

It will be seen from the foregoing that Communists everywhere ally themselves with those they seek to destroy, for the sole purpose of hastening their destruction. Marx expresses this ruthlessly in the following language: "From the first moment of victory, those whom we shall have to regard with suspicion will not be members of the conquered reactionary party, *but those who belong to the party with which we have been allied*, those who will try to exploit our joint victory on their own account alone." (Italics ours.)

Marshal Stalin is considered the world's most outstanding Marxist today.

"A new revolution," Marx wrote, "is only possible as the sequel to a new crisis. But the one is as certain as the other."

The class struggle, according to the Marxists, is confined to the economic field for a time but soon spreads to the political field. New relationships are believed to develop gradually creating demands for a transfer of control of government. The dominant ruling class in each state never abdicates its political dominance to the challenging group. The "class struggle" is, therefore, intensified. The subservient class, now emerging from the conflict, is ultimately forced to seize political power by force and violence. It does so, and erects a new state in conformity with changed economy and, thus, creates new property relationships. "The history of all hitherto existing society," Marx asserts, "is the history of (such) class struggles."

THE COMMUNIST MANIFESTO

The following extracts are quotations from the *Communist Manifesto* by Karl Marx and Friedrich Engels. The *Communist Manifesto* is considered the proletarian "Bible" and *is now*, and always will be so long as a Communist Party fraction exists, the blueprint for the Communist revolution and the dictatorship of the proletariat. Communist Party theologians praise the *Communist Manifesto*, holding it as important and as "contemporary" as though written in 1945 instead of nearly a hundred years ago.

> "The history of all human society, past and present, has been the history of class struggles."
>
> * * * * * * *
>
> "Modern bourgeois society, rising out of the ruins of feudal society, did not make an end of class antagonisms. It merely set up new classes in place of the old; new conditions of oppression; new embodiments of struggle."
>
> * * * * * * *
>
> "Our own age, the bourgeois age, is distinguished by this—that it has simplified class antagonisms. More and more, society is

splitting into two great hostile camps, into two great and directly contraposed classes: bourgeoisie and proletariat."

* * * * * * *

"Each step in the development of the bourgeoisie was accompanied by a corresponding political advance * * * The modern State authority is nothing more than a committee for the administration of the consolidated affairs of the bourgeois class as a whole."

* * * * * * *

"The weapons with which the bougeoisie overthrew feudalism are now being turned against the bourgeoisie itself."

* * * * * * *

"But the bourgeoisie has not only forged the weapons that will slay it; it has also engendered the men who will use these weapons—the modern workers, the proletarians."

* * * * * * *

"Those who have hitherto belonged to the lower middle class—small manufacturers, small traders, minor recipients of unearned income, handicraftsmen, and peasants—slip down, one and all, into the proletariat. They suffer this fate, partly because their petty capital is insufficient for the needs of large-scale industry and perishes in competition with the superior means of the great capitalists; and partly because their specialized skill is rendered valueless owing to the invention of new methods of production. Thus the proletariat is recruited from all classes of the population."

* * * * * * *

"All classes that have hitherto won to power, have tried to safeguard their newly acquired position by subjecting society-at-large to the conditions by which they themselves gained their possessions. But the only way in which proletarians can get control of the productive forces of society is by making an end of their own previous method of acquisition, and therewith of all the extant methods of acquisition. Proletarians have nothing of their own to safeguard; it is their business to destroy all pre-existent private proprietary securities and private proprietary safeguards."

* * * * * * *

"All earlier movements have been movements of minorities or movements in the interests of minorities. The proletarian movement is an independent movement of the overwhelming majority in the interest of that majority. The proletariat, the lowest stratum of extant society, can not raise itself, can not stand erect upon its feet, without disrupting the whole superstructure comprising the strata which makes up that society."

* * * * * * *

"The Communists everywhere support every revolutionary movement against extant social and political conditions."

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"In all these movements, the Communists bring the property question to the fore, regarding it as fundamental, no matter what phase of development it may happen to be in."

* * * * * * *

"Communists scorn to hide their views and aims. They openly declare that their purposes can only be achieved by the forcible

overthrow of the whole extant social order. Let the ruling classes tremble at the prospect of a Communist revolution. Proletarians have nothing to lose but their chains. They have a world to win.

"Proletarians of all lands, unite!"

THE FIRST, SECOND AND THIRD INTERNATIONALS

The *First International* was organized in 1865 and collapsed after the Congress held at Geneva, September 8, 1873. The date of its official demise is said to be 1876. For a time the headquarters of the *First International* were located in New York City.

Karl Marx organized and was the moving spirit of the *First International* during its short life. He worked with a subcommittee on a draft of rules and regulations, and a statement of principles for the organization in September and October of 1864. He had no scruples in deceiving both the subcommittee and the organization itself. Writing on the matter to Engels he stated: "Under the pretext that all factual matters were contained in this address, and that we need not say the same things thrice over, I modified the introduction, cut out the declaration of principles, and finally reduced the four and twenty propositions to ten." His contempt for bourgeois virtue is contained in this same report to Engels: "Only one thing," he wrote, "I had to pledge myself to insert in the preambles of the rules two phrases about 'duty' and 'right'; also, about truth, morality and justice—but they are all so placed that they cannot do any harm."

The French Commune was proclaimed on March 18, 1871. It established new principles of strategy for European Communists which Marx introduced into his system. The struggle of the proletariat against the bourgeois was to be extended to the political field while being accentuated in the economic and industrial fields. The "class struggle" in bourgeois Democratic or quasi Democratic states were to be injected into the platform of bourgeois politics and carried into parliament (legislatures). Electoral campaigns were to be inaugurated by Communists. Marx now advocated the tactics of a law-abiding policy in conformity with the methods and trends of the bourgeois state.

This change or extension of tactics was inaugurated in the session of the General Council of the *International Workingmen's Association (First International)* held in London September 17 to 25, 1871. The preamble to the provisional rules had stated "That the economical emancipation of the working classes is therefore the great end to which political movement ought to be subordinate as a means." The London Conference, under domination of Marx, adopted the following resolution:

> "Considering that, against this collective power of the propertied classes, the working class cannot act as a class except by constituting itself into a distinct political party, distinct from and opposed to all old parties formed by the propertied classes; that this constitution of the working class into a political party is indispensable in order to ensure the triumph of the social revolution and its ultimate end, the abolition of classes; that the combination of forces which the working class has already effected by its economical struggles ought at the same time to serve as a lever for its struggles against

the political power of the landlords and capitalists—this conference recalls to the members of the International that, in the militant state of the working class, *its economical movement and its political action are indissolubly united.*" (Italics ours.)

The *Second International* was created in 1889. This International represents a conservative, reformist socialist movement of affiliated bodies organized after 1872. The Socialist Party of the United States is affiliated with this International.

The *Third International* (Communist International-*Comintern*) was created in 1919 in Moscow, Russia. In accord with Marxian dialectic and the materialistic interpretation of history the *Third International (Comintern)* went through the motions of dissolution in May of 1943. Any student of Marxism recognizes a Leninistic "sharp turn" in the expedient application of Marxian dialectic to world events and for the furtherance of Soviet foreign policy.

COMMUNIST REVOLUTION BY FORCE AND VIOLENCE

Marx contends that history proves that no class ever surrendered its power and property without violent resistance. *This is the substance of the Communist revolutionary doctrine.* No class has ever consented to its own destruction and the proletariat is warned by Marx and his disciples that they must not be deluded by the vain hope that capitalism is any exception. Concessions are not enough. *There is no compromise!* Temporary gains for the proletariat are not sufficient. Reforms are to be recognized as efforts on the part of Capitalism to entrench and preserve itself. The dictatorship of the proletariat and the destruction of all states is the ultimate Communist goal. The fight cannot be won until the bourgeois state has been completely and ruthlessly crushed. When the final test comes, the state will use every force at its command for its self-preservation—its wealth, the Army and the Navy, its gigantic organs of propaganda. The proletariat, therefore, must prepare itself for a violent, bloody revolution; a revolution that will completely destroy the bourgeois state.

"LENINISM" OR "BOLSHEVISM"

"Leninism" and "Bolshevism" are terms used to describe the application of Marxism to the Russian experience.

Nikolai Lenin was a practical, conspiratorial revolutionist. Marxism was the "opiate" at hand and he used it liberally. Yet, he undoubtedly believed himself to be a real Marxist. He praised George V. Plekhanov's writings as "the best in the whole international literature of Marxism." Plekhanov criticizes Lenin's Marxism in the following language: "The disputed question consists in this: Does there exist an economic necessity which calls forth in the proletariat a demand for socialism, makes it instinctively socialistic, and impels it—even if left to its own resources—on the road to social revolution, notwithstanding the stubborn and continual effort of the bourgeoisie to subject it to its own ideological influence? Lenin denies this, in face of the clearly expressed opinions of all the theorists of scientific socialism. And in that consists his (Lenin) enormous mistake, his theoretical fall into sin."

Socialism divided itself into two groups, the *"Bolsheviks"* and the *"Mensheviks"*—the "majority" and the "minority." The Mensheviks believe that Communism is inevitable, whether or not man exerts himself to bring it about. Lenin's "Bolsheviks" conspired and planned for the event.

The most distinctive feature of Lenin's tactics (which explains the recent tortuous twists and turns of the Communist Party "line") was his policy of *"sharp turns."* Changing events call for changed slogans; new trends call for new policy. Changing an "imperialist war" to a "people's war" in 24 hours becomes understandable when Lenin's policy of "sharp turns" is understood. Since 1919 the directives for "sharp turns" have been made in Moscow's Kremlin. Soviet foreign policy has always been the starting point for each "turn." The fact that Lenin's policy of "sharp turns" is contradictory to Marx's philosophy of historic determinism matters little to Communist revolutionary conspirators. Lenin described it forcefully as follows:

> "The dictatorship of the proletariat is a relentless struggle, bloody and bloodless, violent and peaceful, military and industrial, pedagogical and administrative, against the forces and traditions of the old society. The force of habit of millions and tens of millions is a formidable force. Without a party of iron, tempered in struggle, without a party possessing the confidence of all that is honest in the class in question, without a party able to detect the moods of the mass and influence it, it is impossible to wage such a struggle with success. . . .
>
> "Not one important political or organizational question is decided by any state institution in our republic without the governing instruction of the central committee of the party."

The socialist state established by Lenin in Russia in the October revolution completely discredited Marxian dialectic. If Marx is right, the political structure established by Lenin in Russia must be the reflection of *economic conditions existing* at the time of the October revolution. It is obvious that this was not the case. Max Eastman sums it up succinctly: "Never did a *reflection* put forth such gigantic efforts to produce its likeness in the *object reflected.*" *(Italics ours.)*

Instead of the *"withering away"* of the state, predicted by Marx, the Russian revolution gave birth to a super-state of commissars and bureaucrats. The "dictatorship of the proletariat" became state capitalism under Stalin. Leon Trotsky, who worked shoulder to shoulder with Lenin in establishing the socialist state of Russia, sums up the result as follows:

> "The realities of Soviet life today can indeed be hardly reconciled even with the shreds of old theory. Workers are bound to the factories; peasants are bound to the collective farms. Passports have been introduced. The freedom of movement has been completely restricted. It is a capital crime to come late to work . . . The frontiers are guarded by an impenetrable wall of border-patrols and police dogs on a scale heretofore unknown anywhere. To all intents and purposes, no one can leave and no one may enter. Foreigners who had previously managed to get into the country are being sys-

tematically exterminated. The gist of the Soviet constitution, the 'most democratic in the world,' amounts to this, that every citizen is required at an appointed time to cast his ballot for the one and only candidate hand-picked by Stalin or his agents. The press, the radio, all the organs of propaganda, agitation and national education are completely in the hands of the ruling clique. During the last five years no less than half a million members, according to official figures, have been expelled from the party. How many have been shot, thrown into jails and concentration camps, or exiled to Siberia, we do not definitely know. But undoubtedly hundreds of thousands of party members have shared the fate of millions of nonparty people. It would be extremely difficult to instill in the minds of these millions, their families, relatives and friends, the idea that the Stalinist state is withering away. It is strangling others, but gives no sign of withering. It has instead arrived at a pitch of wild intensity unprecedented in the history of mankind."

Another important feature of *Leninism* is the concept of the "professional revolutionary." The official history of the Russian Communist Party states: "If you inquire, from the standpoint of the personal staff of leaders, what our party lives by at the present time, and even our states, it will become clear that to a significant degree even now after 20 years the party, so to speak, nourishes itself upon that group of professional revolutionists, the foundations of which were laid at the beginning of the century."

The professional revolutionists in the United States are the *Communist Party* functionaries, those amazing individuals who continually pop up as "executive secretaries" of this or that "front" organization; those peculiar "labor leaders" who, with no knowledge or experience in the trade or craft they purport to represent, move from one union to another. The Jeff Kibres and the Oscar Fusses are in this category.

3

DEVELOPMENT OF COMMUNISM IN THE UNITED STATES

Communism is essentially international. *"Proletarians of all lands, unite!"* is the order of the *Communist Manifesto.* Marx, Engels, Lenin and Stalin prepared the blue-prints for the world revolution. Following the strategy of these conspirators, Communists everywhere engaged in deception, and switched their position from time to time with bland unconcern. Communist ethics are summoned up in the statement: Dishonesty is justified if such conduct furthers the revolutionary cause of the proletariat.

As has been pointed out before, the terms *"Third Communist International"* and the *"Comintern"* are synonymous. The *Comintern* was established in Russia in 1919 under the leadership of Lenin, Trotsky and other *Bolsheviks.* It is a controlling central organization to which Communist Parties throughout the world affiliate. It is actually a high board of strategy for universal revolution. The Communist Parties throughout the world, affiliated with the *Comintern,* are subordinate and subservient to it, and are pledged to abide by the decisions of the executive board in Moscow and to abjectly submit to its disciplinary power. In

the section of this report on the formation and activity of the C. I. O. *Political Action Committee,* it will be seen that this condition existed from 1919 to 1940, when the *Communist Party* of the United States announced that it had severed all connections with the *Comintern.* It was another Leninistic "sharp turn" and no one familiar with Marxian dialectic was deceived by the announcement.

When the news of the Communist revolution of 1917 in Russia reached the United States, certain leaders of the American *Socialist Party* were filled with admiration, awe and reverence for the *Bolshevik* strategists. The more radical wing of the American *Socialist Party* believed that the Russian *Bolsheviks* had demonstrated "scientific" socialism and that a new impetus had been given to world revolution. The leaders of Bolshevism became the leaders of world revolution.

Marxism indicates three necessary steps on the road to Communism. First and foremost of these is the penetration of the laboring masses in capitalist countries, indoctrination and the creation of "class consciousness" in the minds of the workers. The second step is the seizing of power by the laboring masses and the establishment of the dictatorship of the proletariat. This is merely to say that the working masses, trained and disciplined by Communist leaders, overthrow by force and violence the capitalist form of government and establish a soviet of workers. The third and final step is the transition from state socialism to the classless estate—*Communism.*

As has been seen by the foregoing, Marxism conceives capital and labor in continuous conflict. This struggle, says Marx, must continue so long as the profit system exists. The profit system will continue so long as the capitalists dominate government. It can only be abolished by the forceful destruction of all capitalist states. The American Socialist sought the reformation of the government of the United States and looked forward to the establishment of a Socialist form of government. Efforts in this direction had been limited to educational campaigns designed to popularize the American *Socialist Party* as a political organization. The *Bolshevik* revolution in Russia drove a wedge sharply through the middle of the American Socialist group. One faction called for the organization of a *Communist Party* in the United States and clamored for violent revolutionary activity patterned on the strategies that had been so successfully used in Russia. The other faction, adhering to *evolutionary socialism,* preferred to travel along its established conservative line as a political movement.

John Reed, a journalist, was in Russia prior to the October revolution. He returned to the United States an ardent Communist, full of contagious enthusiasm for the Russian experiment. He spoke at meetings sponsored by the left-wing radical element of the American *Socialist Party.* Many leaders of the left-wing group became desirous of emulating the *Bolshevik* revolution in the United States and were convinced that the revolutionary technique of the *Bolsheviks* could be successfully employed in overthrowing American capital and the government that protected it. This meant a clean break with the *Second International.* It contemplated a program of penetration into the trade union movement of the United States for revolutionary indoctrination. Delegates were finally selected and sent to an International Conference at Moscow. The organization was perfected in Chicago in 1919, offices of the Party

were opened, and John Reed, the first American Communist, launched a propaganda campaign through the columns of *"The New York Communist."*

Early in 1919 C. A. K. Martens arrived in New York representing the new Soviet government of Russia. Martens immediately set out to assist in the organization of the *American Communist Party*. He provided substantial financial support with money channeled into the United States from the Soviet Union.

It soon became apparent that the Russian element in the *Socialist Party* in the United States was capitalizing on the prestige established by their countrymen in Soviet Russia. The *Communist Party* that emerged from the conference in Chicago came to feeble life in the midst of petty bickering and bitter factional disputes among its leaders. The struggle was watched by Communist agents from Russia's Kremlin, and the radical element amply supplied with Russian funds. Leaders of the nearly defunct *International Workers of the World* (I.W.W.) were rallied to the cause and a National conference was called for June 21, 1919 in New York City.

The reverence manifested by the radicals in the American *Socialist Party* for the professional revolutionaries of Russia is amazing. Communism had been a religion from the beginning and now it was to have a deity and a constellation of saints. A halo was placed around the head of Lenin and he became an infallible oracle. C. A. K. Martens was quick to realize the potential power dormant in the reverential awe for things *Bolshevik* by American radicals, for furthering the policies of the new Soviet Government. This factor is important. From 1919 henceforth American Communists were dominated, watched, and controlled from the Kremlin in Moscow. This domination and control has never been relaxed and the American Communist is dominated and controlled by Moscow at the present time to a greater extent than ever before, although the technique is more subtle.

Socialists of Russian and Slavic descent were most enthusiastic in clamoring for the immediate formation of an *American Communist Party*, functioning as a section of the *Communist Party* of Russia. Most of the Americans in the Socialist organization, however, preferred to run the show independent of the Soviet Union. One group urged that the *American Communist Party* be led by Americans in the same manner that the *Russian Communist Party* was led by Russians. Another faction insisted that the American Communists should simply affiliate with, and be subservient to, the Russian organization. As a result of these conflicts, the conservative element in the *Socialist Party* were shunted into the discard.

Meanwhile a conflict for control of the *American Communist Party* grew in intensity between the two radical factions. Ultimately, delegates from both factions went to Moscow. The outcome was the formation of an *American Communist Party* as a section of the *Communist International*—a section of the *Communist International* functioning in the United States.

The organization was first known as the *Communist Labor Party*, but the word "labor" was eventually dropped and the party continued as the *Communist Party*, a section of the *Communist International*.

The organization has had a stormy history in the United States. Factional strife constantly developed and party bickerings were frequent. Soviet agents, watching quietly in the background, came forth at the proper time, and, with the voice of authority, summarily put a stop to internal dissension.

COMMUNIST BEGINNINGS IN THE UNITED STATES

William Z. Foster, a charter member of the *Communist Party of the United States,* was charged with the task of directing the penetration and indoctrination of the trade union movement in the United States. *The Trade Union Educational League* was the organization created by Foster for this purpose. The funds for the activities of this front were furnished in part by the Communist Party members in the United States, and from Moscow's *"Red International of Trade Unions," (Profintern).* As a matter of fact most of the money was furnished by the Russian organization. *The International Labor Defense* was organized as a section of the *International Class-War Prisoners Aid Society* (MOTR). A representative from the Soviet Union was sent to America with the necessary funds for the organization of the *International Labor Defense.* These organizations were the first in a series of Soviet Branch offices established in the United States by Russian emissaries with Russian funds. The *International Labor Defense* provides legal assistance to members of the Communist movement who find themselves involved with the law. *The Trade Union Educational League* (propagandizing for industrial unionization) served its initial purpose. The same strategy of trade union penetration by *Communist Party* functionaries has continued and has achieved considerable success. The most recent triumph of this Communist technique is the *Political Action Committee* of the C. I. O.

The members of the American *Communist Party* were sent to Moscow where they attended a school maintained for the purpose of instructing international revolutionists in the Bolshevik technique.

By 1923 the members of the American *Communist Party* considered themselves under the iron discipline that was frequently exercised by the Executive Committee of the *Comintern.* The Moscow Board of Directors had the power and the right to expel an entire *Communist Party,* or any section thereof, or individual Communists, with or without cause. It assumed the right to contermand any activity, decision or resolution, of any *Communist Party* affiliated with the *Third Communist International.* It was regarded by Communists everywhere as the source of all authority. Lenin, while he lived, and Stalin, after Lenin's death, was the infallible last word in Communist affairs. Russia became the *"Red Fatherland,"* the only country to which Communists everywhere owed their allegiance.

The youth movements of Soviet Russia were duplicated in the United States by the *American Communist Party.* The youth movement in Russia is called the *Comsomols.* Soviet children of primary school age are organized into a group known as the *Young Octobrists.* The *Young Communist League* in the United States parallels the *Comsomols* and the *Young Pioneers* of the United States are patterned after the *Young Octobrists.* These youth organizations are Communist training schools for the youth of America.

IRON CONTROL

Many individuals are attracted to Communism by the conspiratorial character of the movement. The *Communist Party of Russia,* before the revolution of 1917, was a creature of mystery, of intrigue and plotting. The Russian organization was held together during those turbulent times by dictatorial directives. The two absolute rulers were Lenin and Trotsky. The members of the party were trained to accept discipline blindly and to follow every directive without hesitation. The same iron control was experienced by the first Communists in the United States. This control has become stronger as the party has grown. A Communist believes that he is a member of a secret, conspiratorial organization and that he is playing a vital role in weakening and undermining the Government of the United States. The American Communist is convinced that the American revolution can only be achieved by blindly and fanatically pursuing the intricate technique of Marx, Lenin and Stalin. The American Communist's mind is literally saturated with foreign ideologies, German ponderosities and Oriental intrigue. He must attend beginners classes, study Marxism, dialectic and materialistic interpretation of history; he must spend many hours in Communist activities; he must attend fraction, branch and unit meetings. He must join a union of some kind. He participates in open forums. He is assigned to tasks designed for revolutionary training, such as peddling *Communist Party* publications in wealthy residential districts; and in driving *Communist Party* resolutions through meetings of his trade union. He is directed to join many organizations and is instructed in the technique of dominating and controlling their actions. His entire mental outlook upon life and events is altered and changed. Conservative friends and acquaintances soon avoid the Communist convert and he finds himself associating exclusively with Communists and fellow-travelers. A break with the *Communist Party* is not a small matter and entails an emotional upheaval that is not pleasant to contemplate.

COMMUNIST DISCIPLINE

The *Communist Party* proceeded along its troublesome path, gathering more and more members. Disciplinary control was intensified. The Communist parties throughout the world maintain what they call *control commissions.* A Communist who waivers in his activities or thought is immediately under the scrutiny of the *control commission.* Every Communist is under the continuous observation of his "Comrades" and the most trivial anti-Communist action or word is reported. *Communist Party* members fear the *control commission* more than they fear the police. The most potent threat that can be made against a member who violates party discipline is the threat of expulsion from the organization. Disillusioned Communists who muster sufficient courage to bluntly withdraw from the organization are hounded from one job to another and harassed in every possible manner. Prospective employers are told that they are hiring ex-Communists, persons who are emotionally unstable, unreliable, and can not be believed under oath. Anonymous letters are dispatched to employers and every sort of artifice is practiced to embarrass and harass the ex-member. By whispering "smear" cam-

paigns the *Communist Party* charges that the ex-Party member is suffering from some sort of mental disability. An ex-Communist who criticizes the party or who reveals its secrets is immediately branded as a psychopathic case, a pervert, a chronic liar, a criminal, a stool-pigeon, a red-baiter, a witch-hunter—a miserable wretch suffering from practically every ailment known to humanity, including vitamin deficiency. It is remarkable that a person, by merely severing his affiliation with the Communist Party, is immediately afflicted with the same variety of ailments and vices.

DEMOCRATIC CENTRALISM

Theoretically, the Communist organization enjoys what it terms "Democratic Centralism." The doctrine is rather intricate and, while the term indicates Democracy in procedure, its *"Centralism"* is its contradiction. Hand-picked delegates from the lowest stratum of Communist organizations compose the membership of the next stratum. Hand-picked delegates from this group compose the membership of the next highest, and so on to Stalin. The group at the top is the governing body of the whole and all decisions are made at this central point, the apex of the pyramid. The orders and directives pass downward through each stratum of the party. Although completely totalitarian in character it is considered "democratic" because the delegates to each higher group are theoretically selected by the membership of their respective units. It is authoritarian and autocratic in operation.

SUPPORT OF SOVIET FOREIGN POLICY

The interests of the Soviet Union, during the Hitler-Stalin Non-Aggression Pact, were served by their representatives and affiliates in the United States by the launching of a campaign to keep America out of the "imperialist war." The *Communist Party* called for an embargo on the shipment of materials of war to belligerent countries. They opposed conscription and fought military training. They called President Roosevelt a "war-monger," created and directed the *American Peace Mobilization*, joined with isolationists and German Bundsters. They held frequent peace demonstrations and shouted that "The Yanks are not coming!" Simultaneously an epidemic of strikes was launched by Communist-controlled union organizations in key defense plants throughout the United States.

When Germany invaded Russia on June 22, 1941, a typical Leninistic "sharp turn" was executed by the *Communist Party* in the United States. Immediately the *American Peace Mobilization* was dissolved. The epidemic of strikes ended abruptly. The "imperialist war" became a "people's war" and the Communist slogan of the day was "All aid to the Soviet Union, Great Britain and the Allies." They were no longer interested in placing an embargo on the shipment of materials of war to belligerent nations and became particularly anxious that such materials be shipped to the Soviet Union. They no longer opposed military training or conscription. President Roosevelt ceased to be a "war-monger" and the *Communist Party* wanted all the "Yanks" they could get. A howl went up from American Communists for the immediate opening of a "second front."

LEGAL AND ILLEGAL ORGANIZATIONS

The *Communist Party* originally divided the United States into 20 Communist districts. Each had its governing structure. California, Arizona and Nevada was designated as District Thirteen. Headquarters for this district was located in San Francisco and for many years was maintained at 121 Haight Street in that city. Each State had its subordinate structure and was in turn divided into county organizations, which were broken down into a labyrinth of sections, branches, units, cells, fractions, commissions and committees.

In recent years this system of dividing the country into districts has been abandoned and each State has maintained its Communist organization with a general secretary in charge, each county having its own chairman, secretary and treasurer. During the last few years in which the movement functioned as a political party it followed the laws applicable to political organizations. In California the *Communist Party* held its conventions at about the same time and in the same manner as the *Democratic* and *Republican* Parties. Their candidates for State elective offices appeared on the ballot at general elections. In the larger cities candidates were nominated for municipal offices. At all times a secret or underground Communist organization was maintained, not only for the purpose of creating the peculiar attraction found in a secret, conspiratorial revolutionary organization, but also for the practical purpose of always having an organizational structure under iron discipline ready in the event that the open organization above-ground should be broken up or demoralized by legal action.

REPORT OF CALIFORNIA PEACE OFFICERS ASSOCIATION

In October of 1940 the *Peace Officers Association of the State of California* held its twentieth annual convention in Fresno. Delegates to this convention represented the law enforcement agencies of the State of California. They had long been concerned with the activities of the *Communist Party* and had given serious study to its aims, objects and techniques. On page 6 of the report appears the following statement:

> "Contrary to its ridiculous claims the Communist Party is not intrinsically a political party. It utilizes the political angle as a means of procuring legal protection while it engages in constant efforts to win over the American people to Communism as opposed to American Democracy. And while on this subject, it should be pointed out that Communists claim in a righteous manner that they want to preserve American Democracy. That statement is all right as far as it goes, but it does not go far enough; it should go further to include this phrase: 'We want to preserve American Democracy until we have at last gained control of the government, and no longer need the Democratic form of government to provide protection for our undermining activities'."

On pages 12 and 13 of the report, the following statement is made:

> "The stream-lined Communist Party which we see in operation today is scarcely recognizable on the surface as the hard-bitten, fighting, sneering and threatening organization it was some years ago. In those days the party made no bones of saying right out loud

that it advocated the overthrow of this government by force and violence. The Communists believed that the overthrow could be accomplished only through a bloody revolution, as the 'capitalist class' would not relinquish its wealth and possessions without a struggle.

"That old-time party was an open challenge in the teeth of its enemies by refusing to recognize National Holidays, by refusing to permit the American flag to be displayed at its meetings and by flaunting its theories of promiscuity in the faces of decent citizens.

"By these defiant tactics more enemies were made for the party than converts, so the next obvious move was made; the entire face of the party, as well as its tactics, were changed. It was 'Americanized' to the furthest extent possible, considering the material the Communists had to work with.

"First, the party began denying that it advocated force and violence; next it threw off its sickly revolutionary cloak and donned a robe embroidered only with the word 'political party.'

"Next came the adoption of the practice of always displaying the American Flag at Communist and subsidiary meetings. It was now seen at the head of parades, in all party centers, etc.

"The Communists who had been sneering, 'We don't celebrate capitalist holidays' or 'We don't observe bourgeois traditions,' now began closing shop on National Holidays and began flying the Stars and Stripes from their windows, in fake deference to our National traditions and institutions.

"Next came the positively startling and amazing proclamation that Communists love the American traditions and institutions and want to preserve them and also want to preserve democracy.

"While not of importance, it is amazing to note that these pronouncements by the party stimulated its natural enemy—the Trotsky group—to some of its highest achievements in sarcasm and irony; the Trotskyites, exposing this knavery and deceit, with masterful strokes of the pen and with caustic words, caricatured Earl Browder wrapped in the American Flag and fraternizing with the capitalist class.

The California Peace Officers Association's report on the embarrassment experienced by the Communists in its "line" switching is described as follows:

"But there remained the advocacy of indiscriminate carnality for the party to live down. This was more or less of a problem, for the membership had both the *Communist Manifesto* and the program of the Communist International, no less, for its authority on this subject; and the said program set forth that the myth of the 'Sanctity' of the 'Home' was a pack of nonsense, and something that the bourgeoisie had cooked up; that children should not be burdened upon parents, but should be wards of the State; further, it gave the general impression that human beings should have no limitations or inhibitions imposed upon their personal desires.

"So here was a pretty kettle of fish: Here was the Communist Party trying to discard its more barbarous and loose libertinism for the attempted appearance of respectability. But within the party's ranks there existed a situation where white women openly consorted

with Negro men; white, black, Japanese, Mexican and Filipino members had set up their own little personal alliances with the full approbation of the party. 'Communist marriages,' not blessed by benefit of clergy, founded upon this color-and-race combination basis abounded and were not to be easily dissolved by a sweeping mandate of the party, so the party had no alternative other than to permit them to continue—while the party leaders held their breath and hoped in the names of Marx, Engels, and Lenin that the public would not learn of them!

"Meanwhile the party had gone through some extremely unpleasant experiences because of its encouragement of interracial affairs; jilted Negroes, who had been discarded by jaded 'Comrades' in more cases than one took revenge through vindictive retaliation in the form of physical violence. These embarrassing situations were kept as quiet as possible, with a significant forebearance from any form of punishment for the aggressor, setting a precedent in the annals of Communist Party history. It is interesting to note that there are no present allusions to the odoriferous section of the Communist theory which endorses salacity and which decries restraint of any personal lust.

"Even the Communist press came in for a wash-day renovation. The 'Daily Worker', long admitted as the official organ of the Communist Party, went through the suds of deception and came out as white as snow with the announcement that three American women (whose ancestry dates way back to there) had purchased the paper and would continue its publication in the interests of 'giving the truth' to the working class. It was to be a purely respectable and humanitarian venture, of course! (In the absence of a better known punctuation mark which would indicate sarcasm and irony, we must be content with the exclamation point.)

"In California a similar action was taken. The 'Western Worker' which had previously been the official organ of the Communist Party of the West Coast, also went through the wash and returned to the newsstand as the 'People's World,' completely freed from the tell-tale red of the Communist soil.

"But—looking behind the scenes we still find the 100 per cent Communist staffs on both of these publications; and we still hear the old familiar instructions to Party members to 'raise $50,000 for the *People's World* at once and to work hard to build up the sustaining fund for the *'Daily Worker'*."

THE COMMUNIST PRESS

William Schneiderman, former Secretary of the *Communist Party of California*, and presently the Secretary of the *Communist Political Association of California*, was examined in San Francisco in reference to many matters, among which was the *"People's Daily World."* His testimony in this connection, is as follows (Com. Tr., Vol. XXIV, pp. 313-319):

Q. By Mr. Combs: Now, Mr. Schneiderman, here's another question that may seem somewhat naive—I spoke to you about it before you were sworn to testify—in response to a great many questions that have been asked by the Committee during the four years

of its existence regarding the status of the *People's Daily World*, as to whether it was or was not an organ of the Communist Party, the answer has been universally that it was not. We have run across some excerpts from the Communist Party publications, official publications, that would indicate it is. I'm going to read the excerpts to you and ask you whether or not you are familiar with them, and by way of foundation I'll ask you if you are familiar with the old Western Worker?

A. Yes.

Q. That was unquestionably the official organ of the Communist Party of this State, was it not?

A. Yes, it was.

Q. And it went out of business in 1938, did it not?

A. Yes, the end of '37.

Q. And it was succeeded by the People's Daily World, was it not?

A. May I explain that?

Q. Yes.

A. Originally it was our intention to publish the Western Worker as a daily newspaper. When we began to go over the budget of how much it would be to run a daily newspaper it became obvious to us that we ourselves couldn't support and finance a Communist daily newspaper, so we gave up the idea and agreed to support the launching of an independent progressive newspaper, in which the Communists participated in its launching, so that the People's Daily World never had the same status as the Western Worker, which was the official organ of the party.

Q. Did you ever hear of the California Guide, which was published by the California Communist Party in 1938?

A. I believe so, yes.

Q. I'm reading from the California Guide of 1938 (reading): "We open the New Year in California with a daily people's voice—a voice which will be heard in every corner of our State, championing the rights of all the oppressed and exploited—our own People's World." Are you familiar with that excerpt?

A. It sounds familiar.

Mr. Combs: The next excerpt is from the Communist Bulletin—I don't have the exact title of this here, I copied it verbatim and I don't have the exact title. The excerpt is as follows (reading):

"In the first instance in 1938, three steps were necessary in bringing about a big circulation of the People's Daily World. The first step was to establish a circulation drive committee for the several forces"—I don't understand it, it seems ungrammatical—(continuing to read):

"2. To organize a plan around which this unit and branches could mobilize their work"—the person who wrote this is not as glib as you are, Mr. Schneiderman—(continuing to read):

"3. To make the '42 drive successful by seeing to it that every section, unit and branch shall make up a small committee to direct the work." Did you ever hear of anything like that?

A. I can't place that. We have never made a secret of the fact we are interested in building the People's World circulation, since other people in other political parties wouldn't.

Q. The Party Organizer was issued by the Communist Party of the United States—you knew that, didn't you?

A. Yes.

Q. From page 10 of the March, 1938, issue is the following (reading): "We have repeatedly emphasized the necessity of utilizing our press for the recruiting of new members. We now stress the need for making use of our press for the education of those who join. We have not only the Daily Worker and the Sunday Worker, but the Mid-West Daily Record and the West Coast People's Daily World. We must strive to make our new members readers of our daily press. That is not all. We should see that these new comrades receive at least a minimum of necessary party literature and strive to popularize The Communist and the Party Organizer among them."

That was the March issue. In the April issue of the Party Organizer on page 24 was the following (reading): "The Party press is indispensable in recruiting. Give or sell copies of the Daily Worker, and Sunday Worker, the Midwest, the Daily Record, the western People's World to your contacts, your friends and fellow workers. Follow up the list of readers of our Party press."

That is from an article "How to Recruit" as told by the delegates to the National Party Builders Congress. The next excerpt is from the Party Organizer for April, 1938, page 38 (reading):

"Another trade unionist among the same group became so enthusiastic about finding the Party that he immediately asked us to bring some one down to his neighborhood to talk about the Party. We had three sessions with some people and recruited two more. Another important new member is a Negro woman who formerly did important work in the Democratic Party. I worked with this woman, helped her build a woman's group, and explained how we helped build organizations. She became very enthusiastic about this and promised to arrange classes where we will speak to progressive Negroes in Los Angeles about the Party.

"I want to speak about one of our other comrades' experiences. There is a Chinese laundry in her neighborhood and all of our comrades had been collecting clothes and money for the Chinese people. The comrade immediately made it her business to take something there every week, and she took our press with her, the People's World." The next is from the Party Organizer for April, 1938, page 5 (reading):

"We have broken into the trade unions with our People's World, which I now handle instead of the Daily Worker. I have special customers for the Sunday Worker. It has been much harder to sell the Daily Worker in A. F. of L. unions than in C. I. O. unions, but I still sell the Daily Worker there too. I asked the workers if they know about the Communist Party and about Communism. They say, 'No!' I say: 'Read that paper, read something for your own interest.' That is how I get them to read the People's World and I have steady customers for the paper in the A. F. of L."

Would those expressions in the Party Organizer tend to make it appear to the layman that the People's World was an official organ of the Communist Party?

A. I think that bears out the statement I made that we had originally intended to publish a daily newspaper of our own. Just the term "our press" doesn't mean it is an official organ of the Communist Party. As a matter of fact, we call it our press, it is the only newspaper that gives a fair and objective view of Communism without red-baiting and without distortion such as we usually expect from the daily newspapers.

Q. Who is the owner?

A. It's owned by a corporation, the Pacific Publishing Foundation.

Q. That corporation was formed when?

A. I think two or three years ago.

Q. Before that it was a co-partnership?

A. Before that, yes.

Q. Isn't it owned by a co-partnership, which is doing business under the name and style of the Pacific Publishing Company?

A. I don't know. It is a ——

Q. (Interrupting) You are sure it is a corporation?

A. Yes.

Q. How do you know that?

A. The masthead says owned by West Publishing, Inc.

Mr. Combs: I thought it used to be known by the name of the World Publishing Company.

Chairman Tenney: Do you know any of the stockholders in the foundation.

A. Yes, some of them.

Q. Are you a stockholder?

A. No.

Mr. Combs: Q. Mr. Schneiderman, the People's World just went into a new building, did it not, not long ago?

A. Yes.

Q. Moved to a new building?

A. Yes.

Q. When was that about, how long ago?

A. A few months ago.

Q. Where is that located?

A. I don't recall the address. On Folsom Street.

Q. Do you write for the paper from time to time?

A. No, although they have published extracts from my speeches or articles from other publications.

Q. Do you have anything to do with the policy?

A. Only so far as I know the editors, and we, naturally, exchange views on questions.

Q. What I mean, we're not trying to insinuate anything, but what I'm trying to get is an expression whether you do or do not—do you have anything to do with the formation of the editorial policy from time to time?

A. I'm not connected with the editorial board, no.

Q. Not officially—what I'm trying to get is this: Harrison George is the editor?

A. Yes.

Q. You have known him for a long time?

A. Yes.
Q. Does he ask your advice about the editorial policy of the paper from time to time?
A. Sometimes, yes.
Q. Does he follow it?
A. Not always.
Chairman Tenney: Was Mr. George a member of the Party?
A. Yes.
Q. He is a member of the Communist Political Association?
A. Yes, I believe so.

The *"People's Daily World"* of the West Coast and the *"Daily Worker"* of New York constitute but a small part of the printed material constantly distributed by the Communists in the United States. Each of the "front" organizations, under innocent names, publish their own organs. *"The Communist"* is a monthly publication carrying articles by prominent Communists in America. In line with the current policy of the Communists, the monthly publication, *"The Communist,"* will appear in a new format in January, 1945, under title *"Public Affairs."*

Most authoritative and most revered of Communist writers and modern Marxian theoreticians is Lenin. Stalin is considered just as authoritative and is second only to Lenin. *Communist Party* propaganda pamphlets, containing the philosophy of Marx, Lenin and Stalin, can be purchased in any of the many book stores sponsored by the Communists in California. The *Progressive Book Shop* in Los Angeles and *the Twentieth Century Book Shop* in San Francisco are two of the prominent distribution centers for Communist propaganda in California. In the most remote corners of California Communist literature can be obtained from a *Communist Party* member assigned to that task by his superiors.

HAND-BOOK FOR REVOLUTION

In 1939 a Soviet Commission announced the publication of a work which was to be the textbook for Communist Parties throughout the world. This work includes in condensation the writings of Lenin and Stalin and embodies the philosophy of Karl Marx and Friedrich Engels. It traces the history of the abortive Russian revolution of 1905 and the successful revolution of October, 1917. It describes in minute detail the step by step strategy used by the *Bolsheviks* in their struggle for power in Russia. It describes Communist infiltration into the Army and Navy of Russia; its struggle to control transportation and communication facilities. The book was printed in many languages and distributed in every country where a *Communist Party* was organized. Its publication was hailed in the *Communist Party* press of the United States as a work to be used as a guide for revolutionary action. It was immediately adopted for Communist beginner's classes and study groups throughout the United States.

COMMUNIST POSTWAR STRATEGY

The book carefully admonishes Communists everywhere to be prepared to take full advantage of internal conflicts. They are told that in the event of a world war they must be alert to entrench themselves solidly

in order to be prepared to take advantage of post-war economic confusion. On page 68 of "*The Communist*" for November, 1935, appears the following statement:

> "The Soviet Union will be *forced*, in case of war, *to ally* herself with *Capitalist power*. If the Soviet government, even now, is forced to adapt its diplomatic methods to those of Capitalist allies; if the Communist Party of the Soviet Union, even now, *disapproves* of the Communist Parties of the countries allied to the Soviet Union *in order to please Capitalist allies* and asks them to submit to the demands of their Capitalist war ministers—if this is happening now, there will certainly, in the event of war, be a still greater danger that the war policy of the Soviet Union may be influenced by the pressure of her Capitalist allies, and that therefore her revolutionary working-class character may be obscured or diluted. In view of this danger, international Socialism must insist that the Soviet government *conduct the war as a revolutionary war, a war of propaganda* with a view to bringing about the working-class revolution in Germany, and to facilitate in the other countries *the use of war for the overthrow of the Capitalist regime*. . . . Socialism must not forget that the aims of the Capitalist governments allied on the side of the Soviet Union are entirely different from its own. It must therefore maintain, with regard to these governments, its complete independence. It must not accept political responsibility for their conduct of the war. *It must not enter into a 'civil peace' with them.*" (Italics ours.)

The Communist plan for the control of the countries of Europe, after the anticipated world war, is set forth in "*The Communist*" for November, 1935, at page 1065:

> "The capitalist governments will go to war with the intention of destroying Germany's power forever. . . . *Our aim can only be to bring about the working-class revolution* in Germany, and, as soon as the revolution is victorious, immediately to make peace with the new working-class Germany . . . and to bring about the union of all the European nations and the federations of Socialist workers and peasants States. . . .
>
> "The capitalist governments will at first try to defeat Germany in alliance with the Soviet Union. Every victory of the Soviet Union will add to her reputation in Europe and Asia, and thereby endanger the Capitalist system. Soon the countries allied to the Soviet Union will be more afraid of the victories of their ally than of the victories of the common enemy. Having first tried to defeat Germany they will, on the very day after the common victory, turn on the Soviet Union in order to save the Capitalist system. Against this, our aim must be first to defeat Fascism by a common effort, *and then to organize in common with the Soviet Union and the victorious German revolution the Socialist economy of Europe.*
>
> "Therefore the Socialist parties of the democratic countries allied to the Soviet Union, from the first day of the war, must make the masses understand the *difference* between their own aims and those of the Capitalist classes." (Italics ours.)

In *"Foundations of Leninism"*, at page 54, Stalin declares:

> "Today, both in England and America, 'essential for every real people's revolution', is the break-up, the shattering of the 'ready made' big machinery. In other words, the war of violent revolution, the war of destruction and the machinery of the bourgeois States, as a condition precedent for such revolution, is an inevitable law of the revolutionary movement of the imperialist countries. . . . Lenin is right in saying: 'The proletarian revolution is impossible without the violent destruction of the bourgeois big machine, and its replacement by a new one'."

The Communists of California were quick to capitalize on the distress of the unemployed during the depression. When the migration of agricultural workers from the so-called dust bowl region began to seriously aggravate the unemployed situation in California, the Communists immediately launched a campaign designed to control the *State Relief Administration* of the State. Party members were successful in securing appointments and jobs in this agency, at the same time clamoring vociferously for greater appropriations from the State Legislature. They sought to increase the personnel of the staff of the Relief Administration and to extend qualifications for relief, thus necessitating the need for greater appropriations. Communist employees of the *State Relief Administration* affiliated with the *"State, County and Municipal Workers of America"* (SCMWA), a Communist-inspired and dominated organization. Applicants for relief soon learned that their appeals to the *Relief Administration* were postponed and disregarded until they became affiliated with *"The Worker's Alliance"*, a Communist organization headed by Alexander Noral, a registered member of the Communist Party. An Assembly Investigating Committee was created, and after a series of public hearings and reports to the Legislature, the Communist members were dismissed from their positions in the *State Relief Administration*. As a result, the Communists plan to use an economic crisis for recruiting hundreds of thousands of unemployed people into the Party was thwarted.

The policy of the world-wide Communist movement in taking advantage of major conflicts, such as the present war, for the purpose of getting control of one country after another, is being revealed in the daily press as this report is written. Within the past few days a commission of the United States Government has been ordered out of Bulgaria by the Soviet Union. British troops are being compelled to fight in Greece against a group of Greek Communists who are endeavoring to forcibly overthrow the tottering vestige of government and seize permanent control for themselves. Italy had barely surrendered when emissaries from the Soviet Union appeared and started to conduct huge mass meetings for the purpose of seizing control of the government. In France, Maurice Thorez, the Communist leader who fled to the Soviet Union in exile when the war started in 1939, has returned and is now organizing the Communists in that country. The Soviet Union has organized a group of Germans into a "Free Germany Committee" for the purpose of Bolshevizing postwar Germany.

For a great many years the countries of India and China have been fertile fields for Communist agitation. The situation in these countries

is similar to the situation that existed in Russia prior to the revolution of 1917. In both India and China the governments are weak. The Communists of both countries are working for the destruction of the respective governments under Moscow directives and are making headway.

William Schneiderman, Secretary of the *Communist Political Association* of California, was examined by the committee October 27, 1944, in San Francisco, concerning the International aspects of Communism. As the basis for this examination he was asked about the textbook compiled by the Soviet Commission, published in 1939, and distributed in every country in which a *Communist Party* was functioning. Schneiderman stated that the volume was printed in 27 languages. He denied that the book was being extensively used at the present time. He admitted that there were Communist Parties functioning in the United States, Mexico, South America, China, India, Canada, Germany, Italy and France. He stated that all of these Parties were founded on the same philosophy, that their members studied the same textbooks, followed the socialism of Karl Marx, and, generally, conformed to the *Communist Party* "line" as it developed and changed from time to time.

SCHNEIDERMAN ON MARXISM

Examined on the subject of Marxian dialectic, William Schneiderman testified as follows (Com. Tr. Vol. XXIV, pp. 285-288):

Q. By Mr. Combs: Isn't it a fact that the essence of the Communist ideology is found in chapter four of the textbook that I have just mentioned, the chapter being entitled historical and dialectical materialism?

A. That gives a basis for the philosophy of Marxism. Not necessarily all of the Marxian ideology.

Q. What is meant from a Communist standpoint or a Marxist standpoint by dialectical materialism?

A. It's a scientific method of thought which describes the laws of motion of society, and that's about the limit that I could give you verbally. If you want a more precise definition, I'll be glad to write it and have it included in the record.

Q. No, it was a preliminary question. My next question: Do they teach embryonic students historical and dialectic materialism?

A. I have never taught the subject, so I couldn't say. It's a rather complicated subject.

Q. Yes, I know.

A. It's a subject for more advanced students. We don't in public activities discuss philosophy, naturally. A small minority of the people are interested in the philosophy.

Q. But the Communist ideology was essentially predicated on philosophy?

A. Yes, materialistic philosophy.

Q. And still is?

A. Yes.

Q. Now, Mr. Schneiderman, you recall when the Comintern or the Third International was dissolved, do you not?

A. Yes.

Q. Was there any change in the essential attitude of the Communist Party after the dissolution of the Comintern, so far as its basic ideas and objects were concerned?

A. No.

Q. It remained the same afterwards as it did before?

A. That's right.

Q. Has there been any change in the basic objectives and purposes and ideology of the Communist movement in the United States after the formation of the Communist Political Association?

A. Yes, there has. As a matter of fact, even before the formation of the Political Association.

Q. How long before?

A. I would date it about January of this year.

Q. January 1st?

A. The month of January.

Q. And what event brought about that change?

A. The event which caused us to revise our estimates of what is likely to happen was the Teheran Conference that took place between the American, British and Soviet Governments.

Q. Now, Mr. Schneiderman——

A. (Interrupting) Just another sentence or two—we came to the conclusion that this marked a basic and fundamental change in the whole world situation by bringing about a world coalition, and instead of fighting each other we saw a long and indefinite period of peace and stable relations in all countries as a result of the victory in this war, and we came to a conclusion as a result of this coalition and cooperation on an international scale that resulted from the conference at Teheran that American capitalism had a very bright future of prosperity, strength and stability, for the first time it found a world market which could take care of all the goods this country could possibly produce.

Q. You have given an excellent example of the process of dialectic materialism?

A. I suppose you could call it that.

Q. In other words, the attitude of the party in this country changed because of the fact they view these events through the lenses of Marxism or dialectical materialism, isn't that true?

A. That's right.

Q. Did the same change of attitude occur when the Germans invaded the Soviet Union in June, 1941?

A. What do you mean, the same change of attitude?

Q. Was it again the application of dialectical materialism that resulted in that change of attitude?

A. No. I believe that many people who are not Marxists developed a change of attitude on the world situation.

Q. Unquestionably we could——

A. (Interrupting) We found the change of the history that was marked by Munich, that is, appeasement—appeasement of Hitler, and that this had changed into an entirely different war because of the attack by the Germans on the Soviet Union, and it was recognized by the American Government, and they changed their views and pronouncements very considerably after June, 1941.

Q. Getting back to the basic question, wouldn't you say that was a change of attitude of the Communist working of dialectic materialism again?

A. I suppose so.

Thus, no less an authority than William Schneiderman, former secretary of the *Communist Party of California*, and presently secretary of the *Communist Political Association of California*, tells us in Marxian language that the *Communist Political Association* is just the same as the *Communist Party* that preceded it. Its change of name and change of policy is in strict conformance with Marxian dialectic and a result of the Marxian materialistic interpretation of history plus a Leninistic "sharp turn." The painted leopard is a leopard still.

The Teheran Conference where Stalin, Churchill and Roosevelt met to discuss the problems of their respective nations regarding the common war effort, was proclaimed by Communists throughout the world as a breath-taking and profound event. There was nothing exciting to the Communists in the meetings which had previously taken place between Churchill and Roosevelt and between Churchill and Stalin. But when Marshal Stalin, Secretary of the *Third Communist International*, the infallible head of the Communist religion, leaves Moscow and travels to Teheran for the purpose of conferring with Churchill and Roosevelt, the event becomes earth-shaking and Marxists everywhere view it through the spectacles of dialectical materialism.

American Communists again removed their proletarian overalls, donned dinner-jackets and attempted to assume an air of respectability. They had made the change before and they did it again with the same bland indifference that characterized their leap from "The British Imperialist War" to "The People's war."

At its New York Convention the "Party" went through the motions of committing political suicide. The *Communist Party* of the United States was dissolved. In the same breath and in the same convention the *Communist Political Association* of the United States was born. Shortly thereafter the *Young Communist League* met in convention, apparently committed *hari-kari* and in the same meeting brought forth a new organization, "*American Youth for Democracy.*" The same thing happened in Canada. All of these "quick changes" took place, according to Communist reasoning, because Roosevelt, Churchill and Stalin had met and discussed international affairs at Teheran.

The sixth period of Communist strategy in the United States may have ended with the Teheran Conference and the frantic name-changing in official *Communist Party* organizations. The committee is entirely too close to the picture at this writing to definitely state whether the sixth period closed with this event or whether it was a logical development of the same period. Whether it was merely a continuance of the sixth period or the ushering in of the seventh, the committee states unequivocally that a new period in Communist strategy in the United States will begin when the war is concluded. The Communists of America have carefully laid the ground work and are prepared for the events that are to come. They expect social upheaval and economic disruption to follow in the wake of war. They believe that there will be a bitter and discontented people throughout this broad country of

ours; widespread unemployment, rising prices and staggering public debts. Hundreds of thousands of war veterans will be attempting to adjust themselves to civil life. The groundwork for race riots is already laid. There will be confusion and chaos. Hundreds of thousands of workers will be discharged from closing wartime factories, swelling the army of the unemployed. They believe they will be in a position to foment dissension. The Communists of the United States and of the world have a program. Although, as has been shown in this Report, there is nothing "scientific" about Marxism, it is, nevertheless, a blueprint for revolution.

An informed public is the only obstacle in the path of the dictatorship of the proletariat; the only power that can stop the march of Red Fascism.

The Communist fight against legislative committees investigating subversive activities is understandable. They know that the dark corners of their alleged philosophies can not stand sunlight; that their machinations and intrigues can not withstand exposure. They know that once the people learn that their "scientific socialism" is "phoney" and that their "dictatorship of the proletariat" is slavery and Red Fascism, they will be compelled to go out of business. The F. B. I. can only arrest them when they break the law. They have the *International Labor Defense* for these occasions and "defense committees" which collect money and create causes celebre—and it's good propaganda for the revolution. The people do not understand.

The Communist fight against legislative committees investigating subversive activities, we repeat, is *quite* understandable.

4

COMMUNIST STRATEGY IN THE WESTERN HEMISPHERE

Communist strategy for the conquest of North and South America has lost none of its cunning since the beginning of its sixth period marked by Hitler's invasion of Russia. The committee finds that plans for the destruction of the institutions and democracy of the United States, as well as for the destruction of Mexican, Central and South American republics, are being carefully laid and worked out with vicious exactitude, even while Communist spokesmen call for "unity" and "world peace." The committee finds that the Communist objective for the violent and forceful overthrow of the Government of the United States, and of the Governments of Mexico, Central and South America, is being carried forward *now* and that Communist strategists believe their efforts will be crowned with success within a decade.

The June 24, 1944, issue of the Mexican pictorial publication, *Manana*, contained the speech of a Chilean Senator, Elias Laferte, before the ninth Congress of the *Communist Party* of Mexico. The May 22, 1944, issue of the *New York Times* states that Chilean Senator, Elias Laferte (which is the correct spelling) is President of the *Communist Party* of Chile, and that he attended the 1944 National Convention of the *Communist Party* of the United States of America held in New York City, in May, 1944, at which time the name of the organization was changed to the *Communist Political Association.*

The *"Corporation Carp,"* mentioned in the translation of Laferte's speech, is apparently the *Carp Export and Import Company,* headed by Sam Carp, whose brother-in-law is Molotov, the Soviet Premier. (See the Dies Committee Report for extensive details on *Carp.*) The *"Lombardo,"* mentioned frequently, is Vincento Lombardo Toledano, head of the *Confederation of Latin-American Workers.*

The translation of the editorial note preceding Elias Laferte's speech is as follows:

> "On the 18th of last May, somewhere in Mexico City, the most important leaders of National Communism, in company with other foreign comrades — Sokolov — among them — met mysteriously to bring to a close, by secret session, the Ninth Congress of the Communist Party of Mexico, which had been openly begun in the Palace of Fine Arts. The culminating speech was to be delivered by one of the most important Red Leaders of America, Lafferte, Chilean Deputy, invited to dictate assignments to the Mexican companions. Days earlier, another prominent Marxist figure — Sokolov — had explained how the sovietization of Mexico had been thoroughly studied and planned from Moscow ("Excelsior" Friday, June 16, first page). Lafferte went farther: He singled out *Catholicism* as the most formidable enemy of Communism in its struggle to get control of power in America, and in a sensational passage of his speech, he pointed out the methods which Communism must employ on this continent, to disparage first, and to destroy later, the religious forces which stand in the pathway of Moscow's Bolshevizing of America. One of the most important continental Communist leaders of European stock, Lafferte, explained what had been until now the political assumption for Marxism in America; what tactics must be used; what procedure must be followed to obtain in a brief time the control of a continent which—he explains—is found at the present time under the yoke of two imperialisms: the Catholic and the Anglo Saxon. After an intensive reporter effort *Manana* has secured the authentic documentation of the historic gathering of the 18th of May and presents in these following pages the opinions poured out by Lafferte, according to the stenographic version of the above mentioned closing session.
>
> "America—Mexico particularly—is on the point of receiving the blow!"

The article as it appears in *Manana* is titled *"A Sensational Document, The Plan For The Sovietization of America."* The English translation of the entire article follows:

> "C. Blas Manrique: Due to the absence of Comrade Livinson the lecture is postponed. Comrade Lafferte has the floor and will dictate his lecture as the final act of our Congress. It is requested that the comrades who have not yet received their *stipend* for expenses, will report to the offices of Licenciado (Attorney) Livinson in the Workers' University from 6 to 8 at night, bearing their corresponding receipts and expense accounts. It is requested of the comrades that before leaving the hall, they will come by and get their supplies of propaganda and final instructions for their respective zones. The comrades of the Federal District, Jalisco and Nuevo Leon,

have been designated to accompany Comrades Lafferte, Duran and Davies Ben to the airport tomorrow when they will leave on urgent business for the United States. The delegates only, will accompany the Presidium on a courtesy visit to the high functionaries of Mexico—which was solicited and granted by them—the Generals Maximino Avila Camacho, Lazaro Cardenas, Antonio Villalobos; then all comrades must attend the banquet at Pena Montanese in honor of Comrade Lafferte. On the 19th and 20th, the secretary of the Party will receive and dispatch the Zone Chiefs dealing with local affairs. Comrade Lafferte now has the floor.

ADDRESS OF COMMUNIST LAFERTE

"C. Lafferte: In a few words, in order not to tire the Assembly's attention I shall refer to the general situation of the American Continent, of England, and of Russia, for what it is doing to our World Communist Party. To clarify concepts it is necessary to point out that the U. S. S. R., the government of Marshal Stalin continues faithful to the legitimate orientations which you have just listened to. She continues being faithful a hundred per cent, and it is not convenient among ourselves to attach any importance to the tactics of the fight which from time to time is promulgated from Moscow and other places controlled by Marxism, with the purpose of appeasing the distrust and suspicion of the capitalist system. In these moments in which the war effort of the United Nations must be harmonious in order to end the might of the Axis, the opportunities for the infiltration of Communism throughout the world are superb, not only the proletarian field, but also in the intellectual and cultural field, *in the military field*, in the field of finance and international commerce. In regard to the proletarian field, our base consists of the Union of Soviet Syndicates which maintains relations with some countries such as the Workers' Congress of England, the labor organizations of India, Australia, New Zealand, Africa, the C. I. O. of the United States, the Railroad Brotherhood of that country, and the C. T. A. L. in Latin America. Within these organizations the Communist units have a sufficient control to permit us to have hopes of triumph. If it is true that the English labor leader is not adapted to ideological orientation in our cause, we have in Hillman and in Lombardo two prominent authorities on this continent. In order to succeed in Latin America we have contingents in the General Federation of Labor organized in Argentina through councils and national federations of industry. We all know what the present situation in Argentina is, and for that reason it is clear to say nothing. But their Marxist chiefs have succeeded in escaping from the persecution of the government, and only a few of the most prominent have been taken prisoner as have been a few of the workers' leaders. Nevertheless the crisis which will be provoked by the Argentine expropriations by the Anglo Saxon governments will favor Communist infiltration. It is to be studied in the case of Argentine how hatred of the Anglo Saxons can be taken as an advantage in favor of our cause when they see they must fall under the domination of the Anglo-American arms. Other countries which have fallen under the influence of the present nationalistic

Argentine government are Paraguay, Peru, Bolivia, and in part the Government of Chile, my own country. Nevertheless all this wooden frame will crumble when the Argentina Government falls. *The revolution which is being germinated under our direction and aid in those countries will be aided by the United States, England, and Brazil.* The directive elements of the federation of workers in Paraguay are at present in exile because of the persecution dealt them by the new government, *but there as in Bolivia we have succeeded in having the Anglo Saxon diplomacy* not recognize the new government, placing it in the same position as Argentina. In Chile the Communist Party and the Federation of Labor work in open cooperation, and we take part in the government. Economic necessity has forced the Rios Government to recognize Argentina. Nevertheless, we have great hope that the very government of Rios will aid the communistic revolutions which will take place in those countries utilizing the above mentioned conditions. *The case of Venezuela and Colombia, countries perfectly controlled by Anglo-American Imperialism, are difficult because there we do not, as yet, have the situation very well controlled.* It has been necessary to insist that the present President of Colombia not renounce his office because new elections could be fatal for the liberal regime which permits the existence of the Communist Party. The Colombian Federation of Labor is organized by Communist councils and we have the control of the organization. Not so in Venezuela where the laws which have lately been promulgated are contrary to us; but are unable to make an open fight against the present government of Venezuela by virtue of the fact that it would signify our complete defeat in that country. In Ecuador we have organized the National Committee of Ecuadorian Labor which is in the phase of agitation and union propaganda. Also in Peru, there only exists a National Committee of Unification of Workers, formed by our units, but which has found a very strong resistance from government and the other social classes.

Communist International Intrigue

"The revolutions set for El Salvador have placed the plutocratic government on the alert, and I have information that the persecutions against our clubs have intensified. Notwithstanding, in the United States I shall utilize this information to get the Department of State, in Washington, to intervene in favor of our units, designating them as democratic revolutions struggling for democracy and in favor of the United Nations. The same gestures were successfully obtained here in Mexico, and we have been assured that Mexico will intervene in favor of revolutionists seized in Nicaragua, Puerto Rico, Dominican Republic, Peru, Ecuador, and Venezuela.

"In respect to Costa Rica the government will be organized by elements in sympathy with our ideology in union with President Picado P.; and the strengthening of our cause has been favored by the establishment of relations with the USSR. I consider it convenient to indicate that the activities of the units in all these republics of the South are being favored by the diplomatic activities of the Minister of Foreign Relations of the Government of Moscow,

supported by the Department of State in Washington, and the Secretary of Foreign Relations in Mexico, because at the time of establishing diplomatic relations, the cultural missions, the commercial and financial missions which now have their main office in the embassy of Oumansky and in the financial offices of Corporation Carp and Agency Amtorg of Washington: and those which possibly may be installed in Canada favor the Communist infiltration in Latin America. As fighting tactics, there has been installed a branch of both agencies in Canada, in order to place in competition the American industrialists and business men against the industrialists and business men of the Federation of the British Nations. All the English business interests of Latin America will try to sell in the U. S. S. R. through the offices of Carp Corporation and Amtorg Agency of Canada. All North American interests will do the same in the respective offices in Washington. On the other hand, the financial, industrial, business Russian experts will travel throughout the American continent accompanied by Canadian, English and American financiers, business men and industrialists. Thus our work will be facilitated for controlling the countries of this continent.

Communist Infiltration

"With reference to the cultural tasks, the infiltration of units in the student masses of all countries will permit a sweep toward the Russian culture, supported by the diplomatic offices. The intellectuals, who by monetary necessity will accept collaboration with the Government offices of the USSR on this continent and with the newspaper agencies of our propaganda parties in all countries, also will give a cultural character to Communist infiltration. We have societies of friends of the USSR in Brazil, Colombia, Uruguay, Chile, Costa Rica, El Salvador, Mexico, the United States and Canada. The intellectual groups which are working in favor of the liberation of France, Germany, Poland, Spain, etc., also will become agents of our Cause as are those which are already organized.

Military and Religious Opposition to Communism

"Let it not be believed that the success which we have attained in the proletarian, cultural, and financial fields is placing triumph within our grasp. The military and religious organizations, the same as the capitalistic interests, are our strongest enemies. In Argentina and in Brazil, the military and the Catholics are strongly united in power. There, only the cultural and financial missions are working tranquilly in our favor. In Chile the military question is serious enough, although the religious is very weak. In Colombia, the reverse is true, the religious question is very strong and the military is almost in our favor. But, while in Brazil, Argentina, and Chile, the capitalist interests do not pay much attention to social struggles, in *Colombia and in Venezuela where there are elements prepared for the struggle against our cause,* we find interests alert to anything which signifies the infiltration of our ideology and they will fight us to the bloody finish. Of that we have proof by the way in which our comrade Lombardo has been treated in his visits to those countries. The press became enraged against him.

Nevertheless, *at least as far as Colombia is concerned the Government is on our side.* In the United States, Mexico, Cuba, Costa Rica the government sympathizes with our cause, and we can say that the military problem does not exist for us; but there does exist and in a form quite strong, the religious problem and the capitalist interest, especially the Anglo-American investments which have already permitted at their cost our triumphs. The capitalistic interests which are most against us are the petroleum interests of all continents, for they guard jealously against Communist infiltration. But we are opposing our enemies, in the first place the Democrats and the Republicans, since our tactics have always been to accuse the capitalists of being imperialists, *whether they are or* not; afterwards, we oppose the Socialist Democrat political parties and the labor unions. In many cases we have utilized the governments themselves, showing them the danger which can exist for the nation in which foreign enterprises, especially Anglo Saxon can take advantage of national wealth. These tactics have served us to place in a disadvantageous position throughout the American continent capitalistic Anglo-American investments. Now we have proceeded in the very government of Argentina in such a manner that some elements disguised as nationalist have succeeded in expropriating the Anglo-American interests. (laughter). It is true that many elements will consider that we have given arms to a totalitarian and Fascist enemy such as the present Argentina government; but it must be remembered that one of our fighting principles consists in attaining for the Latin American countries full economic and political economy, and in liquidating the semifeudal vestiges which characterize those Latin countries through the existence of Anglo-American interests which have always looked upon them as colonies. At the same time it is fitting to insist that we are obliged to provoke situations which can favor the expropriation of all enterprises which currently belong to the bosses, especially in a time of international crisis of those bosses whose nationality can be a future danger for our fighting program. It is for this reason, although it may seem an aberration, that the disappearance of English and North American capitalists from Latin America means a triumph for our cause, and in this way, we shall fulfill one of the postulates of the *World Communist Party,* which postulate is becoming synthetized also in one of the principles of the Campaign Program of the Federation of Workers in Latin America, when it says in its declaration No. III that: The Manual Laborers and the Intellectual Workers of Latin America declare that the principal task of the working class of Latin America consists in attaining full economic and political economy for the Latin American nations and in liquidating the semifeudal vestiges which characterize their countries, with the purpose of raising the economic, social, and moral conditions in which the great masses of the people are found. This declaration of principles which is fixed in the Postulates of our *World Communist Party* in the campaign program of the workers of Latin America must be explained in two parts: first, that on trying to point out that the principal task of the working class is to attain full economic and political autonomy, this means that the working

class must liquidate the economic oppression which exists in each nationality; at this moment, those economic pressures on the Latin American countries are represented by Wall Street and by the City of London, for French and Spanish capital since it is not invested in the principal national wealth never will be a danger for the Communist movement nor for the workers' social movement; however, our attack must be, even though we are in favor of the United Nations' struggle against Hitler and Japan, our attack and our watchword in regard to Latin America must be to liquidate Anglo-American capitalism and to obtain full economic autonomy and with it full political autonomy. Later, when the State shall have expropriated for itself all those natural resources and all enterprises of the Anglo-American countries we shall take control of the State by means of political movements. In the second place, when our declaration of principles refers to liquidating the semi-feudal vestiges which characterize the Latin American countries, we are referring especially to the spiritual and political power of the Catholic Church, Apostolic and Roman. The more than 400 years of spiritual control of the people can not mean for us an easy overthrow of the Catholic Church which has always been characterized as an enemy of our Cause. Campaign tactics make it necessary for us to appear as sympathizers of Religion and even in the U.S.S.R. the Soviet Government has been itself obliged to ease up on religion.

Catholics Not Deceived by Communists

"But it is not possible that either we or the Catholics are deceived. It is very dangerous to make declarations of this nature in countries where the political and spiritual power of the Church is above the government, but in the case of Mexico, where the government is our ally, and where there have been bloody struggles with the Church, with the Church left in defeat, it is necessary to convert this country basically to the Communist and ideological socialist struggle against the Church.

The United States and Catholicism to Be Attacked

"In the course of my constant travels through Latin America, studying in detail the general problems and the problems of each nation which are obstructing us from reaching the triumph of our Communist cause, I have been fully convinced that these two are our worst enemies: (1) American capitalism which has dreams of imperialism and colonizing in South America; English capitalism which feels itself strongly supported by the war machinery of the imperialistic and totalitarian Federation of British Nations; and (2) the Catholic Church which has its strong control both spiritual and political over the majorities in each country, especially in the lower classes where we will have to displace the Catholic Church with the purpose of making proselytes to our cause.

"These two factors are our international and inter-American problems which we must attack. Already I have spoken of how capitalism must be displaced; also our illustrious comrade Sokolov has already explained our campaign tactics, making a brilliant comparison between the historic struggles of our Bolshevik Com-

munist Party in Czarist Russia and our present and future struggle on this American continent in order to bring to an end socially the capitalist ideology, and to bring to a finish politically the governments which protect that capitalist ideology. It is necessary now to refer to the problem of the Catholic Church because it is not a problem of one single Latin-American nation but rather a problem of all this Continent, especially *in the key countries, which are Mexico, Brazil, Argentina, Venezuela, and Colombia.*

"We have explained that in Argentina the coalition of the military, or the capitalist, and Catholics are our principal enemy; we have explained that in Brazil the coalition equally tripartite of the Catholics, the military, and the capitalists are obstructing our path, in spite of the initial intentions of some of our elements and units which have infiltrated themselves into the intellectual and student class, just as there are some also among the workers and natives especially among the latter, who are perpetuating the brilliant memories of the famous acts of Carlos Prestes in his revolutionary march toward the high States. In Venezuela and in Colombia only the capitalists and the Catholics are confronting us, and the same is happening in Mexico. But here we have the resurgence of the Catholic spiritual power being sufficient to organize two parties which although they are not to be feared because of the insignificance of the personality of their leaders, they can present us future problems by which I consider that this chosen group of units and leaders of the Communist Party here gathered will review their knowledge of the weakness and defects of the spiritual power of the Catholic Church, and I hope that also you may be able to say you are increasing your knowledge of the same. In all my travels through the Continent I have been sharing my knowledge in lectures similar to the present, either in gatherings, or in watchword circles, with all our campaigners of each city, of each village, or each ranch large or small, of each Indian community, of each union, of each factory, of every city or rural school, of every university; let this knowledge be repeated in articles, bulletins, books, motion picture plots, plots of the legitimate stage, etc., all of you protecting yourselves by having it deal with advanced studies in science or civilization, of the future order, and for the good of learning and culture, as a struggle against ignorance, and as a struggle against fanaticism, for the good of the people.

Campaign Against the Catholic Church

"These watchwords I have divided in three parts, as follows: Roman Catholicism is essentially immoral; Roman Catholicism is idolatrous; and the Catholic Priesthood is an agent of immorality. It is urgent *as campaign tactics that we infiltrate in the mind of the children, in the mind of the natives, in the mind of the workers, in the mind of the students, the worst accusations against the Catholic Church, in order that they draw away from her and enroll in our ranks* as fervent sympathizers of the cause of the future of the world, which we ourselves must present as the cause of Communism protecting the cause of humanity. We must say that the system of iniquities, held, taught, and practiced by the Catholics, has no

equal. It is audacious, aggressive, intolerant, and cruel, blind obstinate and blasphemous; nevertheless, it is also insidious, adaptable, and at times conciliatory; it is pompous, servile, royal, and a cheat. There is no other religion or philosophy which is launched on a task so tremendous of corruption, or universal degradation, no less.

"In the study of the Roman evil, one thing we must always keep in mind, the iron authority of the Pope, the theologians, and the saints. In Romanism the individual must give account to his masters, authorized in spite of the consequences, and the base of the Catholic system of morals rests on the iniquitous teachings and the immoral example of the saints, converting to that religion by a virulent code of laws, a priesthood that is wicked and a power bloodthirsty and cruel.

"We must say, shout, and insist that with a celibate priesthood, the Catholic leader never will be able to live a normal religious life, nor even a normal human life, and that it is *impossible* for him to set an example of good living. We must say and shout, we must insist that the plan of Romanism in the life of each country is to hold supremacy over the civil government in order to enslave all the inhabitants, and that in order to acquire that control over the civil government, it has to use fraud, deceit, and injustice; we must insist that the Catholic notion of universal dominion requires that its leaders adulate and protect these politicians who are ready to sell their soul, their honor for money and power; that the Romanists have taken on themselves the task of fighting free men in a manner most impious; that they can not alter that policy; the pretension that the salvation of the soul by which they deceive the inexpert, depends on ceremonies, and not on the faith of humanity gives rise to the discredit of morality in favor of the ritual; that the confession degrades the confessor and the penitent; that the channel of worldliness which passes continually through the mind and the heart of the Catholic priest, almost necessarily carries him to his corruption, insofar as his instructions relax the moral level of the devoted; that the necessity imposed by the confessional on the priest, of labeling and classifying sins according to superficial appearances brings him to all sorts of difficulties and contradictions. If the priest would allow that all powerful God, which they say exists (invention for fools), to take sole charge of his most delicate work, free from the bad practice of the spiritual quacks, a great number of difficulties would be spared and several million sick souls which the Catholics have sunk in darkness would have the opportunity to be cured. That the shame of having to confess ones sins to a corrupt man frequently results in a real sadness and humiliation plunging a free soul into inferiority complex, converting his life into an eternal suffering. That this is a shame especially in respect to women. That the theologians have elaborated a system of specious reasoning which is not only ridiculous and vile, but terribly corrupting. That the first frightful effect which the system produces is the corruption of the priests themselves. That the fact that they hide, evade, deny, and are infuriated when this said system of specious reasoning is exposed is clear evidence that they

are already corrupted. That the system of specious reasoning is argued out because it is founded on the so-called notes of saintliness. That Catholicism must prevail or fall with its pretensions of saintliness and because its vaunted saintliness is only the blackest of evils. That the very fact that the Catholics give themselves free rein in their confusion on the revelations of the intrinsic evils of their doctrines constitutes a death clink for the impious Christian Catholic Church of Rome. That the ultimate plan of Romanism is not moral character or salvation from the power and exercise of sin, but salvation from a hell and an imaginary Catholic purgatory.

"We must add that it is not certain that Catholic theologians authorize universal evil; for example, they do not teach that every good Catholic has the privilege of stealing everything that he can lay hand on, that they have certain rules for robbery, and that everything must be practiced in accordance with these rules. Moreover, they do not hold that faithful Catholics can or must lie all the time; it must be for a worthy motive. That Catholic theologians will frown on a rash prevarication if it has no motive. But that these limitations serve double purpose: to establish the authority of the holy fathers as specialists in the art and science of lying and stealing, and at the same time they give a place to a vestige of conscience which even the Catholic spiritual guides cannot exterminate absolutely.

"We ought to say that if anyone doubts the practical effects of the Catholic system of immorality, he has only to observe the fanaticism, the pride, the obstinacy, the savage obduracy of the devout Catholics when confronted by genuine iniquities taught them by their leaders with ostentation of authority and with perfect clarity. It seems that the typical Catholic has some kink in the brain. This is his argument: Catholicism cannot contain any error; therefore, it has no error. Besides, if a thing is erroneous, it is not catholic, because Catholicism cannot teach error.

"The refined hypocrisy of the Popes and Bishops of Catholicism date from epochs quite remote. More than 200 said in substance the following: 'Another of the papal skills is that after having founded their own cause on so many falsehoods and having sustained them with so many lying allegations in order to make the people believe that we cultured and free men are liars and that nothing we say can be believed, they accuse us of slandering the priests and of bearing false witness to Catholics and for that reason no man must read our books and converse with us nor believe us well-intentioned. They forbid us free men from quoting their own Catholic writers, by teaching ignorant people to say that we are slandering them. Although we quote the book, the page, and the line and tell them that those books are printed in Rome and not in the French University or in the Sorbonne, and that they were written by Catholic writers, they do not believe us because the ignorant have been instructed from the pulpits to take us for liars and incapable of doing good. If we quote any one of the priests, they say we change or corrupt what they have said or that they do not say such a thing. If we show them the books published by their own doctors and licensed by their superiors and printed by the papists, they force the ignorant not to believe us, accusing us of falsification.'

"This situation which seems unreal, I have found in my journey throughout Latin America. I have had conversation with cultural elements which seem not to be contaminated by religious fanaticism, and in all seriousness they have wanted to oppose my ideas with these futile arguments. I have come across workers and farmers, women, comrades, and even professors, in whom one should expect a certain degree of culture. These were in Valparaiso, Buenos Aires, Quito, Antofogasta, and after listening to my lectures and after reporting them to the priests in the confessionals, instructed by the priests, they would approach me in all seriousness, and in blind faith ask me for the salvation of my soul, requesting that I stop slandering the poor old priests, that I cease corrupting their wholesome predictions, that I leave off counterfeiting their texts, stop attacking the Catholic Church and that with resigned repentance I go to ask pardon from the parish curate or district priest. What must be done with cases like these? Ignorance and credulity thus united on purpose are a brass wall opposed to our efforts. With what hope will we be able to speak to those who do not wish to hear us? Against that wall there are no other arms except tenacity and patience. Avoid brusk attitudes, persevere in faith, and work as if the obstinacies of those minds submerged in a fanatical lethargy did not strike us. Already I have said that it is no easy task to bring to an end a labor like the Catholic which has lasted 400 years in the soul and the mind of the people. Fortunately, utilizing books, schools and all propaganda facilities, infiltrating ourselves tenaciously in the fields, the unions, seeking out the Indian even to his refuge in the forest or on top of the mountains, entering the mind of the ignorant worker by means of bulletins, of books, of leaders' speeches, taking advantage of their economic struggles, we must little by little go *killing in them* the heritage of fanaticism which they received from their parents, from their grandparents and their great grandparents. *Under the pretext of culture, of learning, of civilization, of philosophy, and of the modern sciences, we must launch attacks against religion.*

"Fortunately for some time now there has been a change favorable to our plans. That is to say, one half of the Catholics of the world are more or less heretics. We must thank God for that. (Laughter).

"In addition to those Catholics more or less susceptible to our arguments, we have already a great number of free thinkers, of atheists who are very susceptible of falling in the ranks of our subordinates as Communists *because now they have no religious defense.*

"Our people ought to know that the extensive evil which is found among Catholics is not the incidental result of abuse of a good religion, but is a logical and necessary product of a religion whose heart is rotten. Some of the possible consequences of the Catholic moral theology would be tragic if they were not amusing. We take for example, the doctrine of venial sin in stealing. The Catholics give the rule that stealing, except what would be necessary to sustain the family one day, is a venial sin for one who falls thus a victim, and he goes to purgatory. (Laughter.) To steal more would be a mortal sin, for which the delinquent one would go to hell, and never would get out of there.

"Let us suppose that a good Catholic on a dark night steals and kills the goat of his neighbor in the belief that the animal is of ordinary breed; that the owner of the goat on the same night kills instantaneously the thief without giving him a chance to confess or to receive that extreme unction of which the innocents boast so much. (Laughter.) And let it be said that the goat was one of the finest Angoras, and that it had a value greater than that necessary to sustain for a day the family from which it was stolen. The poor but faithful Catholic would be eternally lost, but without his knowing it, and without having been able to repent before his priest. How would the village priests answer this problem? Surely they would be unable to decipher it. This has happened on many occasions. I set these simple examples before you *because they are the best arms to cast doubt,* among the Indians, the workers, and the ignorant. I suggest that you use simple examples like these, to sow doubt, because they are the ones that give the best results.

Communist Conquest of the World

"It is conspicuous that the governments of Catholic countries almost always are enemies of priests, because they know that they are perfectly imbued with the theories of the Jesuits. Their idea (the Jesuits) is that the Church is good although the priests are bad. The governors and the presidents of Mexico and other Latin American countries generally consider the Catholic priests as one of the greatest obstacles to the progress of education and morality. In Spain the same thing almost is true, in spite of the fact that Franco is considered one of the pillars of the Church; but the Jesuits consider him an enemy. In all South America there is sustained also the same ancient struggle of free men, of the laymen against the priests. The group of ignorant and degraded priests has much to do with the weakness and illiteracy of the American Indians and since the United States threw off the Spanish yoke, that country has demonstrated the superiority of democracy and socialism over those countries dominated by a conservative Catholicism and Jesuits. But, to conclude, I wish to point out a very special case which may come to our aid. The laws of the republics of this continent permit the freedom of worship. In this form it is convenient for our authorities to permit the entry into our countries of bodies of other religion, as the Mormons, the Angelicans, Protestants, Buddhists, Jews, Mohammedans. These sects are allowed to have their temples open and free. They will help us to sow confusion in the minds of the Indians and workers. They will help us to lose respect for religion. In this manner, little by little, we shall infiltrate our theories of positivism and individual and collective economy in order that the new generations will consider that all these religions are no more than garbage, and must be cleared away as soon as possible in order to permit a better life. It is suitable then, comrades, that we keep in mind these orientations in order that when you return to your zones, you may give instructions to your units on the form of combatting the power of the Catholic Church, assisting the rest; and that you may prepare yourselves for the crusade which must carry us to triumph. The road of salvation of Mexico only has one sure road. Let us prepare ourselves for Mexico and Latin America to be ready to play a dom-

inant role in the *future Communist conquest of the world.* From this Nation let there go out the conquistadores (conquerors) to other countries less prepared. Let Mexico convert herself into a centrifugal force for all this continent; let Mexico be the country of freedom for the proletariat and the American Soviet. Let us launch from here the first shout of freedom, and on hearing this battle cry, this daring voice of our people, all the other peoples of America may run immediately, raising very high the red and black banner of social revindication. Our work is to aid, to aid more and more all those in the Americas who fight for our Cause, to integrate all their forces to the contribution of the struggle; to organize a great political movement of unity, which consolidated with the struggle of the people and the *Communist Patriots, faithful to the Fatherland of the World Proletariat, faithful to the U. S. S. R.*, will impel us and draw us to that glorious happy day which is about to arrive; the radiant day of liberation for all the World which will arrive with the overthrow of capitalism. Comrades, cheerio! (Applause and shouts.)''

5

WRITERS' CONGRESS AT U. C. L. A.

In late August of 1943, under the auspices of the *University of California* at Los Angeles and the *Hollywood Writers' Mobilization*, a letter signed by Marc Connelly and Ralph Freud as co-chairmen of the Congress Committee, announced a *Writers' Congress* to be held at Royce Hall, *University of California*, on the Los Angeles campus, October 1, 2 and 3, 1943. The fee for the entire Congress, including public meetings, general meetings, lectures, panels and seminars, was set at $5, payable in advance.

A superficial investigation of the project soon disclosed its Communist inspiration and guidance. Every precaution had been taken in an attempt to disguise the purpose of the Congress and the Communists had gone further than usual in ''window dressing'' its committees. Many of the names included in the Congress and advisory committees were ''innocents,'' clearly unaware of the Communist origin and purpose of the Congress. NonCommunist news commentators and radio personalities, blissfully ignorant of the nature and character of the proposed Congress, were snagged under one pretense or another into permitting their names to be used in advertising the Congress. The chairman of the *Joint Fact-Finding Committee on Un-American Activities* checked with one such individual who expressed amazement when he was told that his name was included on the printed letterhead as a member of the advisory committee.

The letter is as follows:

''DEAR WRITER: The Writers Congress on the Los Angeles Campus of the University of California will conduct a search for greater usefulness and will seek to establish firmer international understanding of democratic objectives by professional writers in all media.

The Congress is being organized by joint committees of the University of California and the Hollywood Writers Mobilization. The latter was formed immediately after Pearl Harbor to channel the war efforts of the eight writers' guilds of the West Coast. It cooperates constantly with our armed services, the Red Cross, the O. W. I. and other governmental agencies, as well as many non-political, civilian organizations requiring professional writing for motion pictures, the radio, newspapers and magazines, camp shows, etc.

Writers must understand recent enormous changes in techniques as well as basic social and political concepts if they are to communicate the virtues of these changes and expose their faults. The Congress offers its facilities for such an understanding.

The speakers and leaders of discussions in the panels and seminars will be outstanding writers from all the United Nations. Many will represent governmental and semi-governmental agencies. Others of international distinction will speak only for themselves.

The Invitations Committee hopes you will be able to participate. We have therefore enclosed an application card for your convenience. If you will be kind enough to fill this out and return it to the Congress Committee officers, your name will be registered. Further details of the Congress Agenda are being forwarded to you.

Sincerely,

(Signed) MARC CONNELLY
RALPH FREUD
Co-chairmen, Congress Committee"

The following names were printed on the letterhead as members of the Congress Committee:

Marc Connelly,
Francis Edwards Faragoh,
Gustave Arlt,
Bill Blowitz,
Richard Collins,
Franklin Fearing,
Paul Franklin
Sheridan Gibney,
Talbot Jennings,
Howard Koch,
John Howard Lawson,
Melvin Levy,
Alfred E. Longueil,
Milton Merlin,
Joseph Mischel,
Sam Moore,
Arch Oboler,
William Oliver,
H. R. Reynolds,
Allen Rivkin,
Robert Rossen,
Zachary Schwartz,
Ralph Freud,
Sidney Buchman,
Fox Case,
William Dozier,
John B. Hughes,
Joris Ivens,
Stephen Longstreet,
Kenneth MacGowan,
Mary C. McCall, Jr.,
William Morris, Jr.
Dudley Nichols,
Carl Sandburg,
Dore Schary,
Arthur Schwartz,
Robert G. Sproul,
Rex Stout,
Lamar Trotti,
Walter Wanger,
Walter White,
Pauline Lauber Finn,
Jane Mead.

The guilds participating in the *Hollywood Writers Mobilization*, under the chairmanship of Robert Rossen, were listed as follows:

Screen Writers Guild,	Screen Cartoonists Guild,
Radio Writers Guild,	American Newspaper Guild,
Screen Publicists Guild,	Independent Publicists,
Screen Readers Guild,	Song Writers Protective Assn.

Although the "window" for the Writers' Congress "front" was carefully dressed, a number of the persons acting as "committeemen" were known. Francis Edward Faragoh is a prominent member of the left-wing group of Hollywood and promotes the cause of the Soviet Union and meets with Soviet visitors in Los Angeles. Richard Collins was registered as a Communist in Los Angeles in 1936 from 2106 North Las Palmas Avenue. The *"People's Daily World"* for August 30, 1941, announced that Collins was one of the sponsors for a state-wide conference on civil rights to be held in San Francisco September 27, 1941, protesting the "Tenney Committee and the Tenney bill outlawing the Communist Party." Paul Franklin was the executive secretary of the *National Radio Writers' Guild* in New York in January of 1942. Howard Koch was reported by the *"People's Daily World"* (June 26, 1943) as the author of the screen version of Davies' book *"Mission to Moscow."* He presented his views on the authenticity of the film at a *League of American Writers* (Communist front organization) symposium on Sunday, June 27, 1943, in Hollywood. William Oliver was the dramatic editor of the *"Los Angeles Herald"* in 1940. He was said to be a member of Unit 140 of the Professional Section of the Communist Party when Rena Vale was a member of that Unit. He was also a member of the Communist fraction of the *Newspaper Guild*. (See pages 153 and 154 of the report of the *Joint Fact-Finding Committee on Un-American Activities* in California for 1943.) Allen Rivkin is a Hollywood left-wing writer. He was a member of the *Anti-Nazi League*. His name has been used from time to time for "window-dressing" Communist front organizations and activities.

Sidney Buchman is a screen writer and a member of the *Screen Writers' Guild*. He was announced as a signer for the *Third American Writers' Congress* in *"Direction"* magazine for May-June, 1939. Joris Ivens is reported to have made documentary films in Spain and China which were distributed and exhibited through *Communist Party* channels in California and the United States. Dudley Nichols was the President of the *Writers' Guild* in Hollywood in 1938. His name was carried on the letterhead of the *Hollywood Anti-Nazi League for the Defense of American Democracy* (Communist front organization) as a sponsor in May of 1939. He is a Hollywood screen writer. On January 21, 1940, he was a sponsor for the *Conference for Democratic Action* in Fresno. He has permitted his name to be used for various Communist front organizations and activities from time to time and has taken part in many Communist dominated programs. In 1941 he was a sponsor of the *Citizens Committee for Harry Bridges*. In May of 1941, he signed a call for the *Fourth American Writers' Congress*.

The committee and *Communist Party* members consider John Howard Lawson one of the most important Marxist strategists in Southern California. Rena M. Vale (former Communist Party member), stated that she knew Lawson as a member of the Communist Party fraction of the *Screen Writers' Guild* in Hollywood. Miss Vale stated that he had given advice on the *Communist Party* program in the writing of the play, *"Sun Rises in the West."* He wrote the screen play *"Blockade"* which advanced the *Communist Party* line. John Leech, former secretary of the *Communist Party* for Los Angeles County, testified before the Los Angeles County Grand Jury (94369; 8-15-40) that Lawson had been sent from New York to Hollywood by the Central Committee of the *Communist Party* in company with V. J. Jerome (Isaac Romaine), a member of the *Communist Party* National Committee. Lawson had immediately become active in Hollywood Study Clubs and in the Communist fraction of studio unions, particularly in the *Screen Writers' Guild.* Leech stated that Lawson had met *Communist Party* members at the home of Communists Davida and Fred Franchi. In May of 1937 Lawson was reported as Secretary of the American office for *Technical Aid to Spanish Democracy.* He became a dominant figure in *Communist Party* drama groups and attended *Communist Party* fraction meetings in New York and Hollywood. He was one of the sponsors of the *Citizens Committee for the Defense of Harry Bridges* and a frequent speaker for the *League of American Writers.* He signed the call for the *Fourth American Writers' Congress.* He was an instructor in the *American League Writers' School* and became Vice President of the *League of American Writers' Congress.* In the fall elections of 1942 he appeared in a paid advertisement in the *Los Angeles Times* as an endorser of La Rue McCormick, Communist candidate for election to the State Senate. He answered attacks on the film *"Mission to Moscow"* before the *League of American Writers.*

HISTORY OF COMMUNIST PARTY WRITERS' CONGRESSES

The *Revolutionary Writers' Federation* was the American Section of Moscow's Communist *"International Union of Revolutionary Writers"* (of the *International Bureau of Revolutionary Literature*). The *Workers' Cultural Federation* was an outgrowth of this organization, in reality, an amalgamation of Communist revolutionary cultural groups composed of at least 130 societies. The *Revolutionary Writers' Federation* included the *John Reed Club* writers' group, *Proletpen, Hungarian Proletarian Writers', Worker Correspondence Association, Japanese Cultural Federation, Finnish Cultural Federation, Lithuanian Literary Dramatic Club, Jack London Club, Pen and Hammer Club* and *Student Review.* The *Workers' Cultural Federation* adopted the slogan *"Toward an American Revolution."* On November 15, 1930, the Second Conference of the *International Union of Revolutionary Writers* was held in Kharkov, Russia. The American delegates were instructed to form a National organization of revolutionary writers and artists upon their return to the United States. (*Daily Worker*, December 6, 1930.) Among the American delegates at this conference

were Fred Ellis, Michael Gold, William Gropper, Joshua Kunitz, A. B. Magil and Harry Allan Potamkin.

Pursuant to the directives of the Kharkov Conference, a meeting was held in New York City on June 14, 1931, out of which emerged the *Workers' Cultural Federation.* An honorary Presidium was elected, among whom were Maxim Gorki and N. Krupskaya (Lenin's widow), U.S.S.R.; Ludwig Renn of Germany; Henri Barbusse of France; Tomas of Hungary; Lo Hsun of China and Theodore Dreiser, John Dos Passos, Upton Sinclair and William Z. Foster of the United States. William Gropper, Alexander Trachtenberg (Communist *Workers' Library* publisher), R. B. Glassford, Michael Gold, K. Marmor, J. Shafer, A. B. Magil, Harry Allen Potamkin and T. H. Li, a Chinese Communist, (held at that time for deportation), were elected to an active Presidium. Headquarters for the organization was established at 63 West 15th Street, New York City. The *John Reed Club* and *"New Masses"* magazine were at the same address and it was designated by the *"New Masses"* as *"The first American Revolutionary Center."*

A cablegram from Moscow was read at the June 14, 1931, conference which said, in part:

> "International Union Revolutionary Writers Welcomes Launching of Federation Workers' Cultural Organizations America Stop . . . Before Federation Stands Task of Creating Proletarian Culture in Womb of Capitalist System Stop Launching Federation Is Most Significant Event in History American Revolutionary Culture," etc.

Whitaker Chambers, Charles Yale Harrison, Melvin P. Levy, Harry Alan Potamkin and K. Wallace were among the American writers serving on the 1932 staff of the *International Union of Revolutionary Writers.*

In August of 1932, *"Literary Service,"* edited by Keene Wallis of the *John Reed Club,* made its appearance as a monthly publication of the *International Union of Revolutionary Writers.* Indicative of the type of "cultural literature" is the following poem by the Communist Negro poet, Langston Hughes:

Goodbye Christ

"Listen, Christ,
You did alright in your day, I reckon—
But that day's gone now.
They ghosted you up a swell story too,
Called it Bible—
But its dead now.
The popes and the preachers've
Made too much money from it.
They've sold you to too many.

"Kings, generals, robbers and killers—
Even to the Czar and the Cossacks,
Even to Rockefeller's church,
Even to The Saturday Evening Post.

You ain't no good no more.
They've pawned you
Till you've done wore out.
"Goodbye,
Christ Jesus Lord God Jehova,
Beat it on away from here now.
Make way for a new guy with no religion at all—
A real guy named
Marx, Communist Lenin, Peasant Stalin, Worker Me—

"I said, Me!

"Go ahead on now,
You're getting in the way of things, Lord.
And please take Saint Ghandi with you when you go,
And Saint Pope Pius,
And Saint Aimie McPherson,
And big black Saint Becton
Of the Consecrated Dime.
And step on the gas, Christ!
Move!
Don't be so slow about movin'!
The world is mine from now on—
And nobody's gonna sell Me
To a king, or a general,
Or a millionaire."

American writers serving on the 1933 staff of the *International Union of Revolutionary Writers,* included Upton Sinclair, Michael Gold, A. Magil, John Dos Passos, Emjo Basshe, Walter Carmon, Theodore Dreiser, Fred Ellis, Ed Falkowski, Joseph Freeman, Josephine Herbst, Langston Hughes, Joseph Kalar, Joshua Kunitz, Louis Lozowick, Norman MacLeod, Myra Page, Horace Gregory, Agnes Smedley, Mary Heaton Vorse, Jack Conroy, John Hermann and Herman Spector.

The *John Reed Clubs* were named in honor of the so-called "first American Communist," John Reed. These clubs were affiliates of the *International Union of the Revolutionary Theatre* and a section of the Communist *International Union of Revolutionary Writers.* The New York *John Reed Club,* formerly at 430 6th Avenue, organized the *Workers' Cultural Federation* with which all John Reed branches were affiliated.

THE FIRST AMERICAN WRITERS' CONGRESS AND THE BIRTH OF THE LEAGUE OF AMERICAN WRITERS

The call for the first *American Writers' Congress* suggested the formation of the *League of American Writers* and boldly stated that the organization to be formed would be "affiliated with the *International Union of Revolutionary Writers.*" It declared that the Congress "Will provide technical discussion of the literary applications of Marxist philosophy and of the relations between critic and creator."

The objective of the Congress was further stated in the proceedings: "We believe such a Congress should create the *League of American Writers,* affiliated with the *International Union of Revolutionary Writers.* In European countries the *International Union of Revolutionary Writers* is in the vanguard of literature and political action."

The "call" was signed by the following:

Nelson Algren,
Arnold B. Armstrong,
Nathan Asch,
Maxwell Bodenheim,
Thomas Boyd,
Earl Browder,
Bob Brown,
Fielding Burke,
Kenneth Burke,
Robert Coates,
Erskine Caldwell,
Alan Calmer,
Robert Cantwell,
Lester Cohen,
Jack Conroy,
Malcolm Cowley,
Theodore Dreiser,
Edward Dahlberg,
Guy Endore,
James T. Farrell,
Kenneth Fearing,
Ben Field,
Waldo Frank,
Joseph Freeman,
Michael Gold,
Eugene Gordon,
Horace Gregory,
Henry Hart,
Clarence Hathaway,
Josephine Herbst,
Robert Herrick,
Granville Hicks,
Langston Hughes,
Orrick Johns,
Arthur Kallet,
Lincoln Kirstein,
Herbert Kline,
Joshua Kunitz,
John Howard Lawson,
Tillie Lerner,
Meridel Le Sueur,
Melvin Levy,
Robert Morss Lovett,
Louis Lozowick,
Grace Lumpkin,
Lewis Mumford,
Edward Newhouse,
Joseph North,
Moussaye J. Olgin,
Samuel Ornitz,
Myra Page,
John Dos Passos,
Paul Peters,
Allen Porter,
Harold Preece,
William Rollins, Jr.,
Paul Romaine,
Isidor Schneider,
Edwin Seaver,
Claire Sifton,
Paul Sifton,
George Sklar,
John L. Spivak,
Lincoln Steffens
Philip Stevenson,
Genevieve Taggard,
Alexander Trachtenberg,
Nathaniel West,
Ella Winter,
Richard Wright.

It will be noted that John Howard Lawson and Melvin Levy were listed as signing the call for the *First Writers' Congress* in New York City. Both men have been active in subsequent Writers' Congresses and appear as members of the committee for the *Writers' Congress* which was held on the Los Angeles Campus of the University of California, October 1, 2 and 3, 1943.

The committee is in possession of a photostatic copy of the proceedings of the *First American Writers' Congress.* The most naive spectator

and quarter-witted participant of this first *Writers' Congress* could not have been deceived as to its Communist revolutionary character.

A report by Moissaye J. Olgin, author of *"Why Communism?"* (one of the most inflammatory and revolutionary pieces of modern Communist literature in existence), was read to the Congress. The report was on the *First All-Union Congress of Soviet Writers,* and glorified Karl Radek and Nikolai Bukharin, old Bolsheviks who were "liquidated" by Stalin's purge in 1937-38.

Joseph Freeman, under the heading *"The Tradition of American Revolutionary Literature,"* stated:

> "These ideas were prevalent in left-wing literary circles in this country in the early twenties. During the boom period, many intellectuals who had allied themselves with the workers under the impact of the war and the October Revolution, were absorbed into the then prosperous middle classes. A small group of left-wing writers, influenced by the Communist movement as their predecessors had been influenced by the socialist and syndicalist movements, agitated for a revolutionary art and literature in America. Conditions imposed upon them a task which was primarily propagandistic, educational, organizational. They wrote, lectured and organized with a view to circulating basic Marxian ideas in literature. They founded the New Masses, the Theatre Union, the New Theatre, Partisan Review, the John Reed Clubs, the Film and Foto League; they taught literature in the Workers' School and wrote about it in the Daily Worker, partly to acquaint the workers with contemporary literature, partly to acquaint writers with the viewpoint of the workers and its significance for culture in general and literature in particular. They developed young poets, critics, journalists and novelists who subsequently did creative work of distinction. They published and encouraged revolutionary writers not only in New York, but also in the Middle West, the Coast, the South, among them talented Negro writers like Langston Hughes and Eugene Gordon. In doing so, they were not—as their enemies said—importing a Russian idea imposed upon them by the Kremlin. They were developing in their own country an international idea as old as the proletarian party—an idea that had its own specific American traditions."

John Howard Lawson and Waldo Frank were dominant figures in the Congress. Clarance Hathaway was, at the time of the Congress, editor of the *Communist Party* New York publication, the *Daily Worker.* Hathaway was enthusiastic about the Congress and expressed himself in the following language:

> "I greet this Congress of writers in the name of the entire staff of the Daily Worker. From the outset of the preparations of your Congress the Daily Worker has given the closest attention to preliminaries required to bring together the cream of American writers. We have run all of the advanced material on the Congress, and many articles dealing with it, and the action it must take to advance the struggle against war and Fascism. The Daily

Worker did so, because, as the organ of the Communist Party of the United States, it was conscious that we must not only win the overwhelming mass of the American workers and farmers for the revolutionary position, but that the writer, the intellectual generally, and the middle class, must be made active allies of the working class in its struggle against Capitalism."

Congratulatory telegrams and cablegrams were received from leading Communists. Karl Radek sent the following cablegram from Russia:

"We, the Congress of Soviet Writers, extend our brotherly hand to all of the writers who are on the road toward us, no matter how far they still are from us, and if only we see in them a will and a wish to help the working class in its struggle to help the Soviet Union. We say to them: the best aid you can render us will be that you place yourselves shoulder to shoulder with the working class of your country, with its revolutionary minority."

Waldo Frank was so enthusiastic that he imagined the "revolution" right around the corner. Speaking on the *"Values of the Revolutionary Writer,"* he declares:

"My premise and the premise of the majority of writers here assembled is that Communism must come, and must be fought for. If a writer doubts this, I doubt he is an artist; and I doubt he is a Marxist. If we believe that Communism is the organic next step of the world to be released by freeing the world's forces of wealth, we must believe in the art of revealing man's depths which bear this destiny. We will embody in our work the substance of life; the blood, the bone, the eye, the conscious embrace of necessity whose child is freedom—knowing that insofar as we create this truth, we are moving, and moving those who hear us, toward the Revolution."

Edwin Seaver discussed the *"Proletarian Novel,"* and in attempting to distinguish between his subject and its bourgeois prototype, he broke down and came to cases. "What are we here for?" he cried. "What do we believe in? The fight against war and fascism? True enough. But this is largely a negative statement. Are we not here because we believe in forming a new and Communist ideology within the shell of the old and decaying capitalist society, because we seek the way out of capitalist anarchy toward that socialist order which is now in the process of construction in the Soviet Union, because in essence we subscribe to the Marxian revolutionary analysis of historical change?"

As might well be expected, Earl Browder, Secretary of the Communist Party of the United States, was one of the speakers. He said, in part:

"Writers who are coming into this cultural stream are traditionally not interested in political life and problems. In their vast majority they are skeptical of all political parties, if not contemptuous. They find, however, in the new life in which they participate, there is a political party which plays an increasingly influential role, the Communist Party. They find it necessary to define their atti-

tude toward this Party which actively participates in their chosen world. They see that this Party is a force in fine literature, as well as in strikes, in unemployment struggles, in battling for Negro rights, even in a reactionary Congress where it rallied through mass pressure 52 votes for the Workers' Insurance Bill without having a single Communist congressmen—as yet. Yes, the Communist Party is a force, in every phase of life of the masses, even that of poets, dramatists, novelists and critics.'

"We are all of us bound together, forced to work out our common problems collectively, by the menace of a common enemy which threatens to destroy everything that we hold dear. The fight against reaction, against fascism in the inner life of nations and against imperalist war internationally, is our common bond . . . We are not alone. We have brothers in every land. We have a mighty stronghold in this battle, in the land where socialism is being built, where a new culture is blossoming—the Soviet Union. This fortress against reaction is at this time our greatest protection against the wave of reaction sweeping the world. We must protect it as it protects us. . . .

"It is with these thoughts that the Communist Party greets this historic Congress of American Writers. We are all soldiers, each in our own place, in a common cause. Let our efforts be united in fraternal solidarity."

Langston Hughes, already referred to, called for immediate violent revolution in verse. His contribution is as follows:

Revolution

"Great mob that knows no fear
Come here!
And raise your hand
Against this man
Of iron and steel and gold
Who's bought and sold
You
Each one
For the last thousand years.

"Come here,
Great mob that knows no fear,
And tear him from limb to limb,
Slit his golden throat
Ear to ear,
And end his time forever
Now—
This year—
Great mob that knows no fear."

Eugene Clay, in *"The Negro in Recent American Literature,"* states that Richard Wright's poem *"I Have Seen Black Hands"* is one of the

finest poems that has appeared in the *"New Masses"*. It is partly as follows:

"I am black and I have seen black hands
Raised in fists of revolt, side by side with the white fists of white workers,
And some day—and it is only this which sustains me—
Some day there shall be millions and millions of them,
On some red day in a burst of fists on a new horizon!"

Moishe Nadir, following the Communist line of the day, placed President Roosevelt and Hitler side by side as hirelings of the "war-mongers." "The proletarian writer of today," he declared, "must above all unceasingly call attention to the fact that the old war-mongers of the Stinnes, Morgan, Deterding, DuPont and Krupp stamp, as well as their hirelings, Wotan, Hitler, Father Coughlin, Brother Roosevelt, are once more plotting to rid themselves of the 'over-production' of laboring men, by dumping them into the hell fires of the coming imperialist war, a most 'convenient' way, no doubt, of liquidating the contradictions inherent in capitalist economy." Comrade Nadir insisted that they all *love* America. "Above all," he said fervently *and in italics*, "We love America as one of the most beautiful flowers in the bouquet of the world Soviets of tomorrow."

John Howard Lawson kept the proceedings moving toward the predetermined objective. He reminded the assembled writers "that detailed technical analysis is the most urgent need of Marxist criticism." He was aware that the revolution was not quite as close as Waldo Frank believed, and that Communist Party strategists had much yet to accomplish. The organization of the *League of American Writers* was the principle objective of the *First American Writers' Congress*. When this momentous event had taken place Lawson reminded the delegates of the work ahead. "This is a very solemn moment," he said. "Exciting and stimulating and important as the proceedings of this Congress have been, we now enter on a much more serious task—the actual carrying out of the permanent development and growth of the Congress. I think that if there is one thing more than anything else that has been impressibly demonstrated at these meetings, it is the depth and breadth and magnitude of the tasks of the working class, of the Revolutionary movement."

When the applause of the final session died down, James Farrell arose and suggested the singing of the *International*. The concluding sentence of the photostatic copy of the report of the proceedings in the possession of the committee states that: *"This was done."*

The *League of American Writers* was born. Before the final session of the *First Writers' Congress* came to a close, Jack Conroy announced to the delegates that the nominating committee had named for its head,

Waldo Frank. The nomination was unanimously approved. The executive committee elected is as follows:

Kenneth Burke,
Malcolm Cowley,
Joseph Freeman,
Henry Hart,
Granville Hicks,
Alfred Kreymborg,
Albert Maltz,
Edwin Seaver,
Alexander Trachtenberg,
Harold Clurman,
Waldo Frank,
Michael Gold,
Josephine Herbst,
Matthew Josephson,
John Howard Lawson,
Isidar Schneider,
Genevieve Taggard,

National Council was then elected composed of the following:

Nelson Algren,
Maxwell Bodenheim,
Michael Blankfort,
Van Wyck Brooks,
Sterling Brown,
Alan Calmer,
Harry Carlisle,
Merle Colby,
Edward Dahlberg,
James T. Farrell,
Angel Flores,
Robert Herrick,
Orrick Johns,
Tillie Lerner,
Robert Morss Lovett,
Lewis Mumford,
Clifford Odets,
Joseph Opatoshu,
Rebecca Pitts,
George Sklar,
Lincoln Steffens,
Richard Wright,
Fielding Burke,
Robert Cantwell,
Eugene Clay,
Jack Conroy,
Leonard Ehrlich,
Kenneth Fearing,
Horace Gregory,
Sidney Howard,
Joshua Kunitz,
Meridel Le Sueur,
Grace Lumpkin,
Moishe Nadir,
M. J. Olgin,
Paul Peters,
William Rollins, Jr.,
Agnes Smedley,
James Waterman Wise.

The first *American Writers' Congress* became a thing of the past as the last note of the *"International"* faded away, a memorable milestone in the Red history of the United States. The *League of American Writers* carried on the work of the Congress, calling new Congresses as often as *Communist Party* strategy demanded. The second *American Writers' Congress* was held in 1937. The same Communist influences and domination were present at its sessions.

The Third Congress was held in New York City June 2, 3, 4, 1939. The call was signed by the following:

Benjamin Appel,
Newton Arvin,
Helen Merrell Lynd,
Kenneth Fearing,
Arthur D. Ficke,
Millen Brand,
Joseph Freeman,
Mauritz Hallgren,
Dorothy Parker,
Van Wyck Brooks,
Genevieve Taggard,
Dubose Heyward,
Erskine Caldwell,
Katherine G. Chapin,
Alfred Kreymborg,
John Wexley,
Muriel Rukeyser,
Vida D. Scudder,
Edwin Seaver,
John Howard Lawson,
Donald Ogden Stewart,
Viola Brothers Shore,
Guy Endore,
Henry Pratt Fairchild,
Albert Bein,
Bruce Minton,
Ruth McKenney,
Marjorie Fischer,
Harvey O'Connor,
S. J. Perelman,
Leland Stowe,
Frederick Prokosch,
Lorine Pruette,
Samuel Putnam,
W. L. River,
Jess Kimbrough,
Humphrey Cobb,
Lester Cohen,
Ella Winter,
Richard Wright,
Stanley Young,
Leane Zugsmith,
Meyer Levin,
Nora Benjamin,
Francis Faragoh,
Tess Slessinger,
Philip Stevenson,
Carey McWilliams,
Irving Stone,
Dorothy Brewster,
Henry Hart,
Sidney Buchman,
Frank Tuttle,
Jean Starr Untermeyer,
Ralph Roeder,
Arthur Kober,
Malcolm Cowley,
George Dillon,
Muriel Draper,
Philip Dunne,
Vincent Sheean,
Upton Sinclair,
Albert Maltz,
Aline Bernstein,
Bessie Breuer,
Louis Bromfield,
Daniel Fuchs,
James Thurber,
Lillian Hellman,
Kenneth Burke,
Eugene Holmes,
Louis Untermeyer,
Carl Van Doren,
Harold J. Rome,
Joshua Kunitz,
David Lamson,
Jesse Lasky, Jr.,
Irwin Shaw.

Waldo Frank was myteriously absent from the *Third American Writers' Congress*. Eugene Lyons, in his book *The Red Decade*, clears up the mystery. "As a footnote to the story," says Mr. Lyons, "I offer in exhibit Mr. Waldo Frank. When Mr. Frank exchanged his private mysticism for the fashionable mysticism of the Muscovite aberration, he was hailed as a hero in the Communist press. He was made chairman of one of the principal planets in Stalin's solar system, the *League of American Writers*. All went well until the Soviet bloodletting touched Mr. Frank's conscience. He wrote a letter to the *New Republic* sug-

gesting an international labor and socialist inquiry into the whole matter. Immediately his services to the cause were forgotten and his name was mud. He had committed the deadly sin of doubting. When the next *American Writers' Congress* foregathered, he was mysteriously missing. Let the innocent literati who continued to claim that the League and its Congresses were independent, explain the technique by which Waldo Frank was eliminated after his slip, and his place taken by one of Hollywood's best, Donald Ogden Stewart."

The first Pacific Congress of "American Writers," a direct attempt of the Communist *League of American Writers* to extend the original plan to West Coast left-wing writers, was held in San Francisco October 23, 24, 25, 1936. Using the same technique as that so successfully used in the *First American Writers' Congress*, the Pacific Coast Congress gave birth to the Pacific Coast branch of the *League of American Writers*. This branch was headed by Carey McWilliams and Clara Weatherwax. Haakon Chevalier was reported as one of the most active members of the Committee in San Francisco.

The Hitler-Stalin Pact, the rape of Poland and the Soviet invasion of Finland created a furious retreat of literary "innocents," parlor-pinks and cocktail revolutionaries who had permitted their names to be used for the Calls of the Writers Congresses. As a result the Fourth Congress, held in New York early in June of 1941, was a dismal affair, attended only by such stalwarts as Donald Ogden Stewart, Dashiell Hammett, John Howard Lawson and Dudley Nichols. Orson Welles and a number of obscure writers were recruited for this Congress by Communist scouts after much barrel-scraping. The dubious "Oscar" of leadership of the *League of American Writers* passed from Donald Ogden Stewart to Dashiell Hammett.

Alexander Trachtenberg has been a Communist functionary since the *Communist Party* was organized in the United States in 1919. John Howard Lawson is considered something more than a mere "functionary" of the *Communist Party*. He is held in reverential awe by ordinary *Communist Party* members. Alexander Trachtenberg, head of the *Workers' Library Publishers, Inc.*, is regarded as the leader of the *agit- prop* (agitational propaganda) division of the *American Communist Party*.

COMMUNIST RIGHT-ABOUT FACE

The sixth period of Communist strategy in the United States was launched in a cloud of confusion June 22, 1941. American Communist strategists were in a dither attempting to adjust their Marxian spectacles for a peep into the crystal ball of world events for a "scientific" and "materialistic" interpretation of history. They were pathetically bewildered until directives arrived from the oracle in Moscow's Kremlin. The Leninistic "sharp turn" was not only "sharp" and breath-taking; it was practically a hair-pin turn. Many of the Comrades bringing up the rear were nearly stomped to death as the "vanguard of the proletariat" executed the death-defying maneuver. It took a little time to reform the ragged ranks of the confused proletariat and to restore order and discipline. New names, costumes and credentials had to be prepared. It ordinarily takes time to change from the role of a wild-eyed revolutionist, mobilizing inferiority-complexed literary men for red hack-writing, to an American patriot mobilizing the literati for

its war efforts against a common enemy. John Howard Lawson, Alexander Trachtenberg and the hierarchy of Communist strategists were equal to the task. Once the program was formulated, new names supplied and credentials cleverly manufactured, "innocents," fellow-travelers and trembling opportunists were easily found. It would be done with Hollywood trappings, at a State institution of higher learning and to the strains of the *Star Spangled Banner* instead of the *International*. Stalinistic "power-plays", Leninistic "sharp-turns", Marxist dialectic and the materialistic interpretation of history would be subtly explained and reconciled under the benevolent noses of naive "progressive" professors while the "capitalistic" press paid tribute and homage to the Hollywood setting for the launching of the new Communist "line."

John Howard Lawson was not quite so skillful with the *Joint Fact-Finding Committee* as he is reputed to be with Communist devotees. He testified that he had come from New York City and that he had resided in Southern California for approximately 15 years. He admitted attending the *First Writers' Congress* in New York in 1935, that he had spoken at some of its sessions, contributed articles and that he had been acquainted with Alexander Trachtenberg for many years. When asked whether or not he had ever heard of the Second Conference of the *International Union of Revolutionary Writers* at Kharkov, Russia, he replied: "I have heard it mentioned in relation to certain charges made by this committee in regard to the Writers' Congress in 1943." The answer might have been cleverly evasive if the photostatic copies of the proceedings of the First *Writers' Congress* in possession of the committee did not reveal that the *League of American Writers*, to be created by the Congress, was to be "affiliated with the *International Union of Revolutionary Writers*." Lawson had signed the call. He stated that he had probably met Clarence Hathaway but that he could not place him at the time of testifying. This "evasiveness" might have been successfully practiced on the members of the committee if it had not been in possession of documentary evidence that Lawson was a staff writer on the New York *Daily Worker*, East Coast Communist publication, at the time that Clarence Hathaway edited the publication. His memory conveniently failed him at times.

> " * * * Do you recall that the congress," Mr. Combs asked, "the one we were talking about, closed with the singing of the International—or did it?"
>
> "I have no idea," Mr. Lawson replied. "I presume it did, but I don't know."
>
> "Why do you presume it did?"
>
> "Because I also saw some charges that were made by this committee previously in which the statement was made, and I assumed you had some basis for the statement. It is very likely true."

The official proceedings of the Congress (p. 12) concludes with the following: "When the applause died down James Farrell arose and suggested that the Congress conclude its final session by singing the *International*. This was done."

Lawson admitted knowing James Farrell for approximately 12 years.

Lawson admitted that he was familiar with the *League of American Writers* and that it had been created by the *First American Writers'*

Congress. He stated that he was a member of the National Executive Committee and that at the time of testifying (1944) he was serving in the capacity of national vice-president, which office he had held for six or seven years.

Carl Winter was chairman of the *Communist Party* of Los Angeles County until the party changed its name to the *Communist Political Association* of California. When the change was effected Winter held a comparable office in the "Association" and Max Silver became secretary. Lawson admitted being acquainted with both Winter and Silver. He had been a guest, together with Max Silver and others, at Carl Winter's birthday party. Lawson had no desire to stress his association with these official functionaries of the *Communist Party.* (Com. Tr., Vol. XXIII, pp. 150-151):

> Q. By Combs: Did you ever meet with Silver and Mr. Winter on any other occasions?
> A. Not that I recall, no.
> Q. It is possible you may have met with them and forgotten?
> A. I may have met them in certain social gatherings, but I don't remember it.
> Q. Around at people's houses from time to time you may have met them?
> A. It's possible. It was so casual I have forgotten it.
> Q. You have known each of them for approximately the same period of time, have you?
> A. Yes.

HOLLYWOOD WRITERS' MOBILIZATION

As heretofore reported by the committee, the Japanse attack at Pearl Harbor December 7, 1941, supplied the impetus for Communist strategy made necessary by Germany's attack on Soviet Russia in June of that year. For the first time a Communist slogan meant something to American ears. "Unity" in the war effort for victory made sense and the *Communist Party* launched the slogan fully cognizant that it gave them a supreme advantage in revised strategy. Under this convenient guise of "unity" *Communist Party* functionaries went to work on the creation of a series of new "front" groups. The *Hollywood Writers' Mobilization,* allegedly composed of the guilds connected with the motion picture industry, was one of the first to emerge. John Howard Lawson appeared to be the dominating figure in the creation of the "Mobilization," assisted by Robert Rossen and Marc Connelly. The alleged purpose of the organization, under the guise of assisting the war effort, was to provide scripts, speeches, skits, plays and similar material for bond drives and similar activities. Its true purpose, of course, was the creation of a clearing house for Communist propaganda.

Strategy for "Window Dressing" Congress

By 1943 the *Hollywood Writers' Mobilization* had attracted a considerable membership. It is not to be assumed that the members of Communist front organizations are all Communists or that the majority of them are remotely interested in Communism or sympathetic to it. Quite the reverse is true, as the committee pointed out in its 1943 Report. The bait used by Communists in snagging innocents into "front" organiza-

tions is considerably varied. The so-called "intellectual" appears to be easy prey for Communist functionaries. All of the planning is done in closed Communist meetings. Steering committees are created and fellow-travelers are contacted. Innocents are then snagged for "window-dressing" and committees are then selected for the job in hand. The usual procedure was followed in the creation of the *Hollywood Writers' Mobilization* and the *Writers' Congress.* John Howard Lawson and Marc Connelly contacted the University of California in Westwood and successfully solicited the assistance of Professor Ralph Freud of the Dramatic Department. Reinforced by Freud the three men called upon the chairman of the English Department with the proposal that the University join with the *Hollywood Writers' Mobilization* in sponsoring the *American Writers' Congress* at the University. As a result of these maneuvers a University Committee was appointed to work with the committee of the *Hollywood Writers' Mobilization* for the preparation of the Congress. Lawson, Connelly and Freud apparently did most of the work (as was to be expected) and it appears that the several professors of the University Committee had little to do with the plans.

Marc Connelly testified before the committee October 13, 1944 (Com. Tr. Vol. XXIII, pp. 112-120) that Lawson had been active in organizing the *Hollywood Writers' Mobilization.* He stated that the *Mobilization* was composed of the *Screen Writers' Guild,* the *Radio Writers' Guild,* the *Screen Publicists' Guild,* the *Screen Cartoonists' Guild, American Newspaper Guild, Independent Publicists' Association* and the *Song Writers' Protective Association.*

Questioned on the activities of the *Hollywood Writers' Mobilization* in connection with the war effort, Connelly testified (Com. Tr., Vol. XXIII, pp. 118-119):

> A. By Connelly: The war effort—oh, it has been supplying the Office of War Information, the Army and Navy, with material, U.S.O. with material, the Red Cross. It supplies material for actors on the bond raising tours, it supplies spot announcements on radio for any drive that happens to be on at the moment, paper saving and so forth. It supplies articles following the directives of the war agency that certain accents must be made for conservation of this or the aid of this, if there is a Russian relief or a French relief or an Italian relief clothing drive, or anything that we are asked to assist in, our membership is at their disposal and volunteers its service for that purpose.
>
> Q. By Mr. Combs: As a matter of fact, judging from the list of guilds and unions which comprise the Hollywood Writers' Mobilization, that work, that activity would cover music, radio scripts and skits and plays, and all sorts of creative material of that type, even cartoons, would it not?
>
> A. Yes.
>
> Q. And is there a present program being carried out by the mobilization to write moving picture scenario scripts for use by the Office of War Information?
>
> A. So far as I know, yes.
>
> Q. Are those pictures which will be made from those scripts to be exhibited in the United States or overseas?
>
> A. I believe both.

Rena M. Vale, a writer by profession and formerly a member of the *Communist Party* of Los Angeles County, was engaged, in collaboration with others, in preparing the script for the production *"The Sun Rises in the West"* at the time she was a member of the *Communist Party*. The chief task of the Communists, engaged in this work, was to weave *Communist Party* propaganda and policy into the lines and action of the production. Miss Vale's affidavit is set forth in its entirety in the Committee's 1943 Report. At page 148 of the report, Miss Vale states:

> "That in the throes of playwriting, John Howard Lawson, and a Professor Lewis, met with our fraction to assist in the problems of converting Communist propaganda into play form; that these so-called experts in the dramatic field offered no concrete suggestions in so far as I could see; they merely ranted about our responsibilities as Communist Party members."

Lawson's subtlety and evasiveness and convenient lapses of memory are typically illustrated in his answers to questions concerning the episode mentioned by Miss Vale. (Com. Tr., Vol. XXIII, p. 153):

> Q. By Mr. Combs: Do you recall a production called, "Sun Rises in the West"?
>
> A. I recall hearing mention of it, yes.
>
> Q. It was produced about 1937 or '38—late in '37 or early in '38?
>
> A. I couldn't answer that.
>
> Q. Did you ever read the play?
>
> A. No.
>
> Q. Did you ever advise on it?
>
> A. No, not that I recall.
>
> Q. Are you positive you never did?
>
> A. No, I am not positive.
>
> Q. It isn't your testimony——
>
> A. (Interrupting) I don't know, because I have advised people on many, many plays and productions. I know I never saw that or read the manuscript, so I doubt if I could have advised with any detail.
>
> Q. Did you advise about the method of staging the production without reading it, could somebody have told you about it?
>
> A. I don't know.
>
> Q. By whom was the production produced?
>
> A. It was a production of the Federal Theatre. I don't know by whom it was produced.
>
> Q. By the Federal Theatre. That was a part of the WPA program, wasn't it?
>
> A. Yes.

Lawson was able to recall that he had been connected with the *Committee for Technical Aid to Spanish Democracy*. He admitted having been a sponsor for the *Citizens' Committee for the Defense of Harry Bridges*. He was able to remember signing the Call for the Fourth *American Writers'* Congress in 1941 and having been an instructor in the *League of American Writers School*. He admitted supporting and sponsoring the candidacy of La Rue McCormick, an admitted and regis-

tered member of the *Communist Party*, for election to the California State Senate in 1942.

He became vague and evasive when questioned concerning his connection with the New York *Daily Worker*, the official publication for the *Communist Party* of the United States. (Com. Tr., Vol. XXIII, pp. 156-158):

> Q. By Mr. Combs: Did you ever hear of the Daily Worker in New York?
>
> A. Yes.
>
> Q. Would you assume that is the official publication of the Communist Party of the United States prior to the change—of its change to the Communist Political Association?
>
> A. I can't testify to that. As far as that goes, you are asking me a great many questions which are purely assumptions and in regard to which I have no personal knowledge.
>
> Q. Have you ever read the publication?
>
> A. Yes, frequently.
>
> Q. Have you ever read the Masthead?
>
> A. No.
>
> Q. Would it refresh your memory at all if I were to tell you, which is a fact, on the Masthead appears the hammer and sickle and words in effect, "The official Communist publication of the United States"?
>
> A. I would like to say at this point in your questioning you are telling me. If you want to ask me questions, I'm very delighted to answer any questions, but the presentation of assumptions and opinions, assumptions regarding people whom I know nothing about or publications about which I know very little——
>
> Q. (Interrupting) You wrote for the Daily Worker?
>
> A. That's correct.
>
> Q. I show you a photostat dated December 21st, 1935, and call your attention to page 2 and ask you if that is about the time you were a contributing writer for the New York Daily Worker?
>
> A. I have no way of knowing this photostat is accurate, but I presume that I was at that time.
>
> Mr. Combs: I wish to read some names into the record from the photostat, reading from page 1 (reading):
>
> > Editors C. A. Hathaway, Joseph North, James Olgin, Edwin Seaver, Sender Garlin, A. B. Magil, Michael Quinn, Earl Browder, Erskine Caldwell, Malcolm Cowley, James Farrell, (who is the one who suggested the singing of the International at the closing of the first congress), William Z. Foster, former vice president of the Communist Party of the United States, Waldo Frank, who presided at the first Writers' Congress, Corliss Lamott, John Howard Lawson, Clifford Odets, M. J. Olgin, whose name was read into the record as the reporter of the Kharkov conference, George Sklar and Anna Louise Strong, Jack Stachel, Meridel Le Sueur, whose name has been read into the record, Lincoln Steffens, Ella Winter, Clara Weatherwax.

Lawson admitted having been a subscriber to the West Coast Communist publication, the *People's Daily World*, since it started publication. He was familiar with *American Youth for Democracy*, the new name for the *Young Communist League*, and admitted having been a sponsor of the organization. He admitted being a member of the *American League for Peace and Democracy*. He was familiar with the *Labor Defender*, published by the *International Labor Defense* and admitted that he had contributed articles to the publication on occasion.

The Attorney General of the United States, Francis Biddle, made an investigation of the *Writers' Congress* and the *League of American Writers* and issued a confidential written report on these organizations in 1942. It subsequently was made public and the Committee reproduces it in full:

"The League of American Writers, founded under Communist auspices in 1935, for some years attracted to its fold many of the most prominent American writers, Communists and non-Communists. In 1939 the League began openly to follow the Communist Party line as dictated by the foreign policy of the Soviet Union, and at that time most of the non-Communists disaffiliated themselves from it and declared their opposition to its policy.

"The League of American Writers was founded at a congress of American revolutionary writers held in New York City April 26-27, 1935. The call for the congress was signed by members of the John Reed Club, including such well-known Communists as Earl Browder, Isidor Schneider, John L. Spivak, and Michael Gold. The congress greeted Gold as the best loved American revolutionary writer and Gold in turn told the gathering that, 'Our writers must learn that the working class which has created a great civilization in the Soviet Union is capable of creating a similar civilization in this country.' The leading speakers at the congress were all prominently identified with the Communist movement in the United States and featured such men as M. J. Olgin, editor of the Communist Yiddish Daily, Morning Freiheit, Alexander Trachtenberg, head of the Party's publishing house, International Publishers, Inc., and Clarence Hathaway, editor of the Daily Worker whose masthead then proclaimed it the official organ of the Communist Party, U. S. A. section of the Communist International. The league was created, among other things, to enlist writers in a national cultural organization for peace and democracy and against fascism and reaction, to support progressive trade-union organizations and the people's front in all countries, and to cooperate with the progressive forces.

"Soon after the league was established, the Seventh World Congress of the Communist International in Moscow decided upon the Trojan horse policy for Communist parties everywhere. By this policy Communists sought to infiltrate existing organizations without revealing their identity. Accordingly, it became necessary to conceal the Communist influence in the League of American Writers. The revolutionary slogans and resolutions were discarded. In the years from 1936 to 1939 the league made an effort to secure as members the leaders of liberal thought among American writers. Although its Communist control was deliberately obscured, it spon-

sored a policy which accorded with the Communist Party line in those years, including condemnation of the Franco revolution in Spain and an interpretation of that revolution as presenting an issue of Communism vs. Fascism. In its congresses held in these years the league condemned fascism and praised the 'Soviet peace policy.' It sought to make its program attractive by sponsoring the Federal Arts Project and attacking those who were opposed to any of the social legislation then being enacted in the United States.

"At the time of the Russo-German pact in August, 1939, the League of American Writers began once more to follow the Communist Party line openly and without much attempt at dissimulation. It was in this period that most of the prominent non-Communist writers resigned from the league. Thomas Mann stated that the league 'thinks too much about politics and not enough about literature.' In 1940 and up until June 22, 1941, the league devoted its efforts principally to keeping the United States out of the 'imperialist war.' Its activities were featured in the Daily Worker, and it in turn complimented the Daily Worker for the recognition it was giving to the league's anti-war program. Many leading Communists were openly active in the league at this time.

"On June 6, 1941, the league held its Fourth Annual Writers' Congress in New York City. It condemned the 'imperialist war,' which it called a war for world markets. Speakers charged that the President was attempting to lead the country into war, and condemned the administration for its action in sending troops to quell the North American Aviation Co. strike and for its prosecution of Harry Bridges.

"The American Peace Mobilization and its picketing of the White House was endorsed. Less than a month later the league issued a call to all writers and writers' organizations for 'all immediate and necessary steps in support of Great Britain and the Soviet Union.'

"Not only did the league follow the Communist Party line in regard to foreign affairs, but its program since 1940 has shown a close parallel to the leading domestic issues supported by the party, including a campaign in behalf of Negro rights, opposition to what is called political persecution in the United States, and praise of the Soviet Union and its leaders.

"The League of American Writers maintains an annual writers' school in New York City, featuring courses in labor journalism and pamphlet writing taught by Communists. Once each week it sponsors a 'work in progress' reading by some author. The Daily Worker, in its regular reports of these readings, indicates that the majority of invited readers are known Communists or fellow travelers.

"The overt activities of the League of American Writers in the last two years leave little doubt of its Communist control. The resignations of many writers who had affiliated themselves with it in the era of the Trojan horse and their statements at the time of disassociating themselves from it largely remove all possible speculations as to the facts."

6

PEOPLE'S EDUCATIONAL CENTER

J. Edgar Hoover, Director of the Federal Bureau of Investigation, addressing the annual commencement exercises at *Holy Cross College*, Worcester, Massachusetts, June 29, 1944, stated:

> "Over the years, the American Communists have developed a propaganda machine and a nefarious and elaborate school system of their own. Their officials in secret and public meetings urge that the propaganda phase of their work must be accelerated. Brazenly, they have urged the development of courses, lectures, and assemblies as media to espouse the ideologies of Marxism and to establish Marxism as a school of thought in the United States. . . ."

For the first time, Earl Browder has assumed absolute and direct control of the *"Workers' Schools"* of the United States. It is reported that in New York City, V. J. Jerome and Elizabeth Lawson are the key people in the Communists' "elaborate school system." V. J. Jerome (alias Isaac Romaine) has been the secret educational director of the *Communist Party* for many years. He was formerly the editor of *The Communist*. Jerome is considered one of the outstanding dialecticians in the United States and is considered by many members as the "brains" of the *Communist Party*. He was one of the instructors in the New York *Workers' School*. It is estimated that the *Communist Party* schools will graduate about 5,000 students a year.

The *People's Educational Center*, new Communist Party propaganda school, was launched in Los Angeles the latter part of 1943. There is good reason to believe that this Communist front is an offshoot of the *Writers' Congress* held on the campus of the *University of California at Los Angeles*. The *Workers' School* is to be absorbed by this new educational "front."

A letter under date of October 20, 1943 was addressed to many individuals, associations and labor organizations. The letter is as follows:

> "The People's Educational Center would like your organization to have a hand in its program, a voice in its policies. To this end we cordially invite you to investigate the aims and purposes of the Center, to become familiar with our tentative courses in education and our means of carrying the program to completion.
>
> "The provisional committee of the People's Educational Center is drawn from many phases of Los Angeles life—men and women from business, the university, civic affairs, labor, the professions, women's affairs. It was organized to give Los Angeles a new type of adult education, education in a changing world, to meet fast changing conditions where, as the Red Queen said to Alice in Wonderland 'You have to run awful fast if you want to stay in one place.'
>
> "The Center is a nonprofit, nonpartisan organization. Already lined up for its teaching staff are leaders in the field of university education, scientists and professional men and women. The varied courses in its curricula will be taught by men and women who know their subject by actual experience.
>
> "We will be most pleased to send you complete information on request. We would like to meet with representatives of your organ-

ization—to get their views on our program, to learn from their experiences how to make this center a more living force for the future good of Los Angeles and the Nation. We would like your help in bringing to the people generally the most satisfying of all experiences in human affairs—the happiness that comes with learning something new and keeping abreast of the times."

Under the title "Provisional Committee for the People's Educational Center," appear the following names:

John Allard,
Fay E. Allen,
R. S. Avery,
Charlotta A. Bass,
George Bradley,
Philip M. Connelly,
O. W. E. Cook,
Frank C. Davis,
Rev. Martin S. Eidsath,
Harry Holjer,
John Howard Lawson,
Louis Levy,
Arnold Manoff,
Dean E. McHenry,
Russell L. McKnight,
Carey McWilliams,
M. William Pomerance,
Ruth S. Ryan,
Eva Shafran,
Albee Slade,
C. L. Vanderbie,
Ralph D. Winstead,
William Wolff.

The address on the letterhead is "812 Broadway Arcade Bldg., 542 South Broadway, Los Angeles, 13, California."

The Communist character of the organization is clearly revealed by the personnel of the Provisional Committee. Philip M. Connelly is said to have joined the *Communist Party* in June or July, 1938, and was attached to Unit 140, Professional Section, of the *Newspaper Guild*. During the Hitler-Stalin Pact he appeared in support of various peace rallies. His devotion to the *Communist Party* publication, *The People's Daily World*, is indicated by the announcement that he had donated a day's pay to the paper. He has been active in many Communist front organizations and has assiduously followed the *Communist Party* line for many years.

Frank C. Davis is assistant professor at the *University of California*, at Los Angeles. In 1939, 1940 and 1941, he sent telegrams to District Attorney Matthew Brady, in San Francisco, in defense of Sam Darcy, Communist. He is reported to have formerly been a professor at the *University of Washington*.

The Communist record of John Howard Lawson is set forth in considerable detail in this report under the title "*Writers' Congress at the University of California.*"

Carey McWilliams is a member of nearly every Communist front organization in the State of California. His record is treated at some length in various parts of this report.

Mrs. Ruth S. Ryan is a Los Angeles teacher. She was registered as a Communist in Los Angeles County June 15, 1940 at 4306 La Clede Avenue, Los Angeles. In August of 1940 she sponsored Celeste Strack for the *Communist Party* nomination to the office of Congress for the Thirteenth Congressional District. She sponsored Louis Baron for the *Communist Party* nomination to the office of Congress for the Thirteenth Congressional District in August of 1938. She also sponsored Pettis

Perry for the *Communist Party* nomination to the office of the State Board of Equalization for the Fourth District in August of 1938. In 1942 she appeared as a member of the *Los Angeles Consumers Council*, Communist front. (See page 104, Committee's Report for 1943).

Eva Shafran merits particular notice in this report. For some time she was the active organizer of the *Communist Party* in Los Angeles County. She was registered as a Communist in Los Angeles County in June of 1940. She wrote for the *Western Worker*, West Coast Communist predecessor to the Communist publication, *The People's Daily World*. In October, 1936, she wrote an article for the *Western Worker* entitled *"The Socialist Party and Trotskyites."* In December of 1936 she wrote an article for the *Western Worker* entitled *"Unity of Negro and White Urgent in Maritime Strike."* Eva Shafran is known among Communists as an outstanding Marxist. For many years she has taught advanced classes on Marxism-Leninism in the Communist *Workers' School* in Los Angeles. According to the testimony of John Leech, former Secretary of the Communist Party in Los Angeles County (before the Los Angeles Grand Jury, 94369-8-15-40) Eva Shafran was transferred to Los Angeles by the *Communist Party* from the New York *Workers' School* in 1935 or early in 1936. She was immediately assigned to the California State Committee of the *Communist Party* and has devoted herself to the task of raising the political level of Communists in Los Angeles. Her name is variably spelled *"Shafran," "Shaffron"* and *"Shiffman."*

Albee Slade is an organizer and publicity man for the *Congress for Industrial Organization*. He has been editor and commentator on a radio program "Our Daily Bread" (C. I. O. newspaper of the air).

Carl Winter, former secretary of the *Communist Party* of Los Angeles County, is advertised as a lecturer at the *People's Educational Center*.

The committee finds that the *People's Educational Center* is inspired and controlled by the Communists; that it is, in fact, a Communist organization for the dissemination of Marxism—part of the "elaborate school system" of Communism mentioned by J. Edgar Hoover, Director of the *Federal Bureau of Investigation*.

7

WEST COAST COMMUNIST PRESS

The People's Daily World, in its July 9, 1943, issue announced:

> " . . . now, in this crucial summer of 1943, as we prepare for the greatest military offensives to smash the Axis enemy, as we fight to hold the home front against the fifth column, as we look ahead to the 1944 elections—we feel that the *People's Daily World* will be more needed than ever. . . . The *People's World* must be improved, its circulation extended, its finances bolstered. . . . "

A "call" was subsequently issued by the *People's Daily World* for a "Pro-War Press Conference on Behalf of the People's Daily World" for Wednesday, August 4, 1943, at 8 p.m., at the *First Unitarian Church*, located at the corner of 8th Street and Vermont Avenue in the City of Los Angeles.

The letter for the call was signed by Ed Robbin, editor of the *People's Daily World* in Los Angeles and Judith Schmidt, the Los Angeles manager for the Communist newspaper. The letterhead contains the following names as "endorsers" of the "call":

Joseph W. Aidlin,
Fay Allen,
Charlotta Bass,
Gray Bemis,
Revels Cayton,
Parley Parker Christensen,
Grover Johnson,
Pete King,
John Howard Lawson,
Joe Marty,
La Rue McCormick,
Lester McMillan,
Dorothy Connelly,
Frank Corona,
James Daugherty,
Ernest Dawson,
Theodore Dreiser,
Kenneth Eckert,
Pearl Fagelson,
Leo Gallagher,
Ed Gilbert,
Augustus Hawkins,
Martin Hourihan,
Carey McWilliams,
Richard Otto,
Pettis Perry,
William Rosenthal,
Rev. Clayton Russell,
Chaim Shapiro,
Vincent Sherman,
Max Silver,
Herb Sorrell,
Al Waxman,
Cone Young.

Joseph W. Aidlin is a member of the Communist front organization for attorneys, the *National Lawyers' Guild.*

John Leech, former Secretary of the *Communist Party* of Los Angeles County, testified before the Grand Jury of Los Angeles County (Grand Jury testimony, 94369-8-1540) that Aidlin was a member of the *Communist Party* and that Leech, as secretary of the party, knew him as a member. Leech testified that Aidlin had worked for Leo Gallagher on *International Labor Defense* cases.

Mrs. Fay Allen was formerly a member of the Los Angeles Board of Education. She followed the *Communist Party* line consistently. She was a member of the *California League for Democratic Action* and a member of various Communist "front" organizations. On August 30, 1941, the *People's Daily World* lists Mrs. Allen as a sponsor for a state-wide conference to be held in San Francisco, September 27, 1941, for the purpose of protesting the "Tenney Committee and the Tenney Bill outlawing the Communist Party."

Charlotta Bass has been mentioned many times in the pages of the committee's report. She is the editor and owner of the Los Angeles Negro newspaper, *The California Eagle.* On August 30, 1941, the *People's Daily World,* lists Mrs. Bass as a sponsor for a state-wide conference protesting the "Tenney Committee and the Tenney Bill outlawing the Communist Party." On October 3, 1942, the *People's Daily World* announced that Mrs. Bass would be the principal speaker for a "Win-the-War-Rally" at the Los Angeles Breakfast Club under the auspices of the *International Workers Order,* a *Communist Party* organization. This particular meeting was attended by the Soviet Consul, Clarence Muse, Carey McWilliams and Ellis E. Patterson. On November 2, 1942, Mrs. Bass appeared in a paid political advertisement in the *Los Angeles Times* endorsing La Rue McCormick, Communist candidate for State

Senator from Los Angeles County. She recently was appointed to the National executive committee of *the International Labor Defense.*

Gray Bemis is an officer in the *International Workers Order,* a Communist organization. On November 2, 1942, Bemis endorsed La Rue McCormick, Communist candidate for State Senator for Los Angeles County in a paid political advertisement in the *Los Angeles Times.*

Revels Cayton was a registered Communist in San Francisco in 1940. He was one of the many Communists and Communist fellow-travelers who endorsed the San Francisco conference protesting the "Tenney Bill outlawing the Communist Party and the Tenney Committee." He served as secretary for the Bay Region District Council of the *Maritime Federation of the Pacific in 1941.* He was a pallbearer at the funeral of James McNamara, confessed dynamiter. In May of 1941, he was reported as the Vice President of the San Francisco C. I. O. Council.

Parley Parker Christensen is a Los Angeles City Councilman. He was endorsed by the *Communist Party* and the *People's Daily World* for the Los Angeles City Council from the Ninth District in May of 1939. He voted against the charter amendment barring from city service persons advocating the overthrow of the Government in February of 1941. He supported the Los Angeles City Board of Public Works' action in issuing a permit to the *American Peace Mobilization* (Communist front organization collaborating with Hitler and Stalin during the Stalin-Hitler pact).

In supporting the rally for the Communist publication, the *People's Daily World,* Christensen is quoted as stating:

> "We have great need in this community for an independent paper devoted to labor and the underprivileged generally. The *People's Daily World* has met that need splendidly, things that need to be said—truths that the people need to know—are found in the columns of the *People's Daily World.* Hope your conference on August 4 is successful. It deserves the support of every patriotic American. More power to you."

James Daugherty is a National representative for the C. I. O. *Utility Workers* Organizing Committee. He has protested the "Tenney Committee" and the bill outlawing the *Communist Party.* He opposed California's *Subversive Registration Act of 1941.* He ran a paid advertisement in the Labor Day edition of the *People's Daily World,* August 30, 1941. He represented the C. I. O. *Utility Workers* on a committee for the *People's Daily World* Fund Drive. He was a representative for the C. I. O. "Night For *People's Daily World* Fund Drive," September 27, 1941.

Ernest Dawson is a book dealer in the City of Los Angeles. He has continually permitted his name to be used in *Communist Party* programs and "front" organizations. He was a member of the State Sponsoring Committee for the *Schneiderman-Darcy Defense Committee,* with headquarters at 127 South Broadway, Room 318, Los Angeles, in May of 1940. In 1939, 1940 and 1941 he sent communications to San Francisco's District Attorney, Matthew Brady, in defense of Sam Darcy. He signed a preliminary petition for the *Committee for Citizenship Rights for William Schneiderman* in 1941 and endorsed the *Committee for Citizenship Rights of William Schneiderman* in January of 1942.

Theodore Dreiser is a novelist. He contributed articles to *The Clipper* (formerly *Black and White*), Communist publication, in 1940. He continually lends his name to Communist front organizations and programs. He spoke at the first *Tom Mooney Defense Committee* meeting held under the auspices of the Communist Party in San Francisco. He appeared with Dorothy Parker and Donald Ogden Stewart as a guest of honor at the *State, County and Municipal Workers of America* (S. C. M. W. A.) Defense Committee reception, January 19, 1941, in San Francisco. On January 26, 1941, Dreiser appeared as the signer of a petition protesting "Un-American Actions Against Communists" and the outlawing of the Communist Party. (*New Leader*, January 26, 1941). *People's Daily World* for January 27, 1941, reports Dreiser as the principal speaker at a meeting in San Francisco. At this meeting he is reported as stating that Soviet workers are far better off than American workers. On March 5, 1941, Dreiser signed a petition addressed to the President of the United States and Congress, defending the Communist Party.

On July 7, 1941, Dreiser was listed as the National Vice Chairman of the *American Peace Mobilization*, Communist front organization in support of the Hitler-Stalin Pact. On April 18, 1941, the *People's Daily World* reported that Dreiser denounced the Dies Committee and J. B. Matthews for stating that the *American Peace Mobilization* was a "Communist front group." He signed the call for the *Fourth American Writers' Congress* in an advertisement appearing on the back of *The Clipper* for May, 1941. He was elected an honorary President of the *League of American Writers*, Communist organization. He was a member of the Sponsoring Committee for the *Schneiderman-Darcy Defense Committee*, August 14, 1941. He eulogized Leo Gallagher, an admitted and registered member of the *Communist Party*, at a testimonial dinner at the Wilshire Bowl, June 4, 1941.

Pearl Fagelson is a member of the County Council of the *International Workers Order*, a Communist organization. She was a member of the *Los Angeles Consumers Council* as of March 27, 1942, a Communist front organization. She sent postal cards to San Francisco's District Attorney, Matthew Brady, defending Sam Darcy, a Communist, in 1939, 1940 and 1941.

Leo Gallagher is an admitted and registered member of the *Communist Party*. His Communist record is long and need not be repeated here.

The Communist record and activities of John Howard Lawson are set forth at considerable length in this report under the title *"Writers' Congress."*

Mrs. La Rue McCormick is an admitted and registered member of the *Communist Party*.

The Communist activities and record of Carey McWilliams are set forth in detail in this report. The *People's Daily World* for July 21, 1943, reports McWilliams as saying:

> "In my opinion the *People's Daily World* is doing a very good job. You don't have to go any further back than the recent 'zoot suit' riots to see this. The Hearst papers incited violence and prejudice; the *People's World* urged unity and exposed the fifth column influences behind the rioting.

"*People's World* circulation may be small compared with the *L. A. Examiner* or *The Times*, but its viewpoint and integrity have gained for it widespread respect and consideration.

"I am glad to endorse your August 4 conference in the First Unitarian Church, and you have my best wishes for the success of your financial drive."

Pettis Perry is an admitted and registered member of the *Communist Party* and for many years has been one of the party's functionaries in Los Angeles County.

The Reverend Clayton Russell is a Los Angeles minister. On November 2, 1942, he appeared as an endorser for Mrs. La Rue McCormick, *Communist Party* candidate for State Senator from Los Angeles County, in a paid political advertisement.

Max Silver is a Los Angeles Communist functionary.

Herbert Sorrell is an officer in the *Studio Painters' Union*, A. F. of L. He has persistently followed the *Communist Party* line. He subscribed to the *Communist Party* publication, the *People's Daily World*. Leaflets distributed in July of 1940 listed Sorrell as an officer in the *American Peace Crusade*, Communist organization. He also appeared as an endorser for Mrs. La Rue McCormick, *Communist Party* candidate for State Senator, in a paid political advertisement in the *Los Angeles Times*, November 2, 1942.

Al Waxman is the editor and publisher of the *Eastside Journal*, a "throw-away" newspaper in east side Los Angeles. He also endorsed Communist La Rue McCormack for State Senator in a paid political advertisement. (See section "Zoot-Suit," this report.)

Two or three weeks prior to August 4, 1943, the date set for the *Communist Party* Press Conference, Senator Jack B. Tenney, Chairman of the *Joint Fact-Finding Committee on Un-American Activities*, telephoned the Rev. Ernest Caldecott, Minister of the *First Unitarian Church* of Los Angeles, protesting the meeting of the Communist group in the church. Rev. Caldecott assured Senator Tenney that he would look into the matter. Some time later Senator Tenney talked to George Wyant, Business Manager of the church. Mr. Wyant assured Senator Tenney that he also would make an investigation of the matter.

The meeting was held at the time and place, as advertised.

Ed Robin, and Paul Cline, former Secretary of the *Communist Party* of Los Angeles County, dominated the platform at the meeting. None of the people who had endorsed the "call" attended. There were about 200 people present.

Ed Robin called for recommendations and suggestions for the improvement of the *People's Daily World*. He read many letters and telegrams among which were communications from Theodore Dreiser, Herbert Sorrell and Assemblyman Lester McMillan of the Sixty-first Assembly District, Los Angeles County. The Communist publication, the *People's Daily World*, carried Assemblyman McMillan's letter in its August 5, 1943, issue. The letter, in part, reads as follows:

"Jack Tenney's attack on your prowar conference is not at all surprising to me. But honestly, I think it will do you more good than harm.

"This Red-baiting stuff is wearing awful thin and if he is really shocked because . . . I have endorsed the conference then he ought to get wise to himself. He is due to get a lot more shocks as progress and liberal unity move ahead.

"Maybe what Tenney is really irked about is that the conference call attacks the Hearst newspapers and supports President Roosevelt. Tenney loves Hearst and hates Roosevelt.

"Yes, I have endorsed this conference because I think *The People's World* is doing a fine job of supporting the war.

"Please accept my best wishes for the success of your conference."

Judy Schmidt was introduced as the chairman of the sponsor drive for the Communist paper. She stated that $10,000 had already been received and that she was hopeful that the quota of $60,000 would be made in the alloted time. She stated that a trade union subcommittee was assisting in increasing the sale of the paper and that the *Committee to Spread Communism* was also assisting the drive.

A Negress representing the *Committee to Extend Communism Among Colored People* was appointed to the campaign committee.

Paul Cline, former Secretary of the *Communist Party* of Los Angeles County, was introduced as the principal speaker. A veteran Communist functionary, he now has charge of the San Francisco office of the *People's Daily World*. He opened his address with a lashing attack on William Randolph Hearst and Colonel McCormick, newspaper publishers. He criticized the Los Angeles metropolitan newspapers and eulogized the *People's Daily World*. He declared that the Communist paper was the only "all out to win the war" publication on the West Coast.

THE LOS ANGELES UNITARIAN CHURCH AS A COMMUNIST MEETING PLACE

A pamphlet entitled "*Workers' School*" had been circulated on the campus of the *University of California* at Los Angeles during the *Writers' Congress*. This pamphlet advertised courses offered by the school.

The committee learned that certain *Communist Party* classes were being held in the *Unitarian Church* at Eighth and Vermont in the City of Los Angeles and one such class was scheduled to open August 6, 1943. Having learned that protests to the Rev. Ernest Caldecott, Minister of the church, were futile, the following letter was written to John R. Quinn, Tax Assessor for the County of Los Angeles, under date of September 4, 1943:

"MY DEAR MR. QUINN:

"I am desirous of calling your attention to a matter that has undoubtedly escaped your attention and one in which I am sure you, as well as the taxpayers of the City and County of Los Angeles, will be vitally interested.

"For some time past, the Joint Fact-Finding Committee on Un-American Activities in California, through its investigators, has been concerned with what definitely appears to be a flagrant violation of the taxation laws of California in reference to the First Unitarian

Church, located at 2936 West 8th Street in the City of Los Angeles.

"I particularly want to call your attention to Article XIII, Section 1½ of the Constitution of California, which was adopted by the people November 6, 1900, and which reads as follows:

> 'All buildings, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used *solely and exclusively for religious worship,* shall be free from taxation; provided, that no building so used which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation.'

"I further call your attention to Article 2, Section 256 of the Revenue and Taxation Code of California, which reads as follows:

> 'The affidavit for church exemption shall show that: (a) The building is used solely for religious worship, (b) The described portion of the real property claimed as exempt is required for the convenient use of the building, (c) It is not rented for religious purposes and rent received by the owner.'

"The Reverend Ernest Caldecott is the pastor of this church. The record reveals that the church or some portion of the premises have been used from time to time for Communist front organization meetings and is presently being used by the Los Angeles Workers School. The current announcement of courses in the above mentioned school for the summer term of 1943, July 19 to September 6, reveals on page 7, that the course on 'Problems of American Democracy' beginning August 6, conducted by John Howard Lawson, Carey McWilliams and Albert Maltz, is being held in the Unitarian Church, located at 2936 West 8th Street (East of Vermont) and that the tuition for the whole course is $2 and that single admissions are 50 cents.

"The character of the Los Angeles Workers School is revealed in its pamphlet, 'Announcement of Courses, Summer Term 1943—July 10-Sept. 6' on page 10, under the heading 'Fundamentals of Marxism.' This course is described as follows:

> 'This course is an authoritative exposition of the fundamental principles of scientific Socialism. It teaches the main theories of Marx, Engels, and as further developed by Lenin, Stalin and by America's foremost Marxists, Earl Browder, William Z. Foster and other American Communists. The course deals with the fundamental teaching of Marxian economics, politics and social development. It will give the student a fundamental grasp of the economics of Capitalism and the problems of a war economy for victory; the economics of Socialism; the origin and role of the State, Democracy, Fascism; the Marxist teaching of war in general and the present war in particular; tactics of the working class and problems in National Unity; the Communist Party.

'(This course is recommended as an introductory course and should be taken by everyone who intends to make a thorough study of Marxism.)'

"Pettis Perry, active Communist functionary and former secretary of the Communist Party for Los Angeles County, spoke at this church February 13, 1943, as did the present secretary of the Communist Party for Los Angeles County, Carl Winter.

"On August 4, 1943, the Communist Party publication, the *'People's Daily World,'* held a rally and fund-raising drive at this church. The call was issued by Ed Robbin, who is a registered Communist. Pettis Perry, La Rue McCormack, Paul Cline and many other notorious Communists and fellow-travelers sponsored the call for the *People's Daily World* at the Unitarian Church on this occasion. Our reports on the meeting indicate some 200 in attendance. Although the writer protested to the Reverend of the church, Ernest Caldecott, concerning the meeting, it was held on schedule nevertheless. The purpose of this meeting was definitely commercial, devising ways and means of financing the Communist publication, the *People's Daily World.*

"We have no quarrel with Reverend Ernest Caldecott or the First Unitarian Church, their religious or political beliefs. We are primarily concerned with subversive organizations. We have no quarrel with the Soviet Government, our ally in the present conflict. Our concern is with the seditious, traitorous and sabotaging group of American Communists in California who worked incessantly for 22 months during the Hitler-Stalin pact to sabotage our defense and war effort and who are still determined to destroy our form of government, our democracy and our Constitution, once this conflict in Europe is concluded.

"It certainly appears that the use of church premises for the purposes above enumerated violate both the spirit and intent of the constitutional provision, exempting church property, above quoted, and the section of the Revenue and Taxation Code of California above mentioned.

"The books and records of the First Unitarian Church should reveal that this type of thing has been going on for a period of years. Our committee stands ready and willing to cooperate with your office at all times and we are in a position to furnish you with details and proof of similar meetings held at this church.

"Trusting that you will make an immediate investigation into this matter to the end that the laws of California be enforced on the subject and that subversive and seditious groups be denied sanctuary within the confines of a religious edifice, I am,

Very sincerely yours,

(Senator) JACK B. TENNEY."

5

THE C. I. O. POLITICAL ACTION COMMITTEE

Karl Marx realized that the revolution in Europe was postponed when news of the discovery of gold in California came to his attention. He wrote:

> "There can be no talk of a real revolution in such a time as this, when general prosperity prevails, when the productive forces of bourgeois society are flourishing as luxuriantly as is possible within the framework of bourgeois conditions. Such a revolution can only take place in periods when these two factors, the modern forces of production and the bourgeois forms of production, are in antagonism each to the other."

Marx turned his attention to political action. Without losing sight of the ultimate objective for the violent destruction of all existing States, he inclined toward the elaboration of political tactics in conformity with established bourgeois methods and trends. The principles of modern Communist strategy were crystalizing in Marx's mind and ultimately found expression in the first *Communist International* (International Workingmen's Association). The franchise demonstration in London against Disraeli convinced Marx that his political technique was workable. Reporting to Engels about the franchise demonstration, Marx said: "It is really amazing compared with anything seen in England since 1844, and wholly the work of the International. * * * This shows how different it is when one works behind the scene and disappears from the public eye, as compared with the democratic manner of assuming important airs in public and doing nothing at all."

The basic principle behind Marxian political technique is subtle collaboration with the class it seeks to destroy. It is the ingratiating dishonesty of the assassin who accepts the hospitality of his victim until he can safely stab him in the back and take all of his possessions. Marx, in an address issued to the *Communist League* in March of 1850, put it this way: "The relationship of the revolutionary labour party in a petty-bourgeois Democracy is as follows: It joins forces with the petty-bourgeois Democracy against the fraction whose overthrow it aims at affecting; but it opposes both the one and the other in matters it wishes to establish on its own account."

COMMUNIST POLITICAL PARTY A FAILURE

The *Communist Party*, as a political entity, was created. The establishment of the *Third Communist International (Comintern)* gave impetus to the formation of Communist Parties in various countries throughout the world, all affiliated with and dominated by the *Comintern* in Moscow, Russia. Marx declared in *Misere de la Philosophie* that economic production with its attendant social stratification, creates the basis of political history of each epoch. He contends that the whole course of history down to our time has been a history of class struggle. He called for the annihilation of the bourgeois system of society, and, at the same time, called on Communists everywhere to assist in the bourgeois revolution. The principle behind this strategy was not for the purpose of putting political power in the hands of the bourgeoisie but to put new

political weapons into the hands of the Communists. As a political party, apparently acting within the law, the Communists would occupy a favorable position in the political field.

Practical experience has proved to Communist strategists that Marx was not altogether correct in his strategy of the Communist political party. Only in Russia, where the *Bolsheviks* ruled with an iron hand, was Communism respectable. Throughout the countries of the world the Communist Party has been held in contempt, its ideology, leaders and adherents discredited. The utilization of "front" organizations, with Communist control and domination carefully concealed, has been far more effective. A small, compact and disciplined group of Communists, working behind the scenes of a "front" organization, are able to direct the thinking and the activity of thousands of people and to ruthlessly discard and liquidate the "innocents" when Communist objectives have been achieved.

POLITICAL "FRONT" TECHNIQUE

The Communist Party never attained, under its own banner and in its name, influence or prestige in the United States. Through its "front" organizations, however, it has made considerable progress, particularly during the past decade. Its greatest successes have taken place since Pearl Harbor.

The successful realization of "front" organizational activity was reached by the Communists in its creation of the *C. I. O. Political Action Committee* in July of 1943. Sidney Hillman, head of the *Political Action Committee*, recently announced that the organization would be made permanent.

The legislative committee investigated the activities of the *C. I. O. Political Action Committee* in California from its inception. R. E. Combs, counsel and chief investigator for the committee, submitted a detailed report on July 8, 1944, which report was read in its entirety into committee records in San Francisco October 27, 1944. The report is as follows:

> "The National Executive Board of the *Congress of Industrial Organizations* created the *Political Action Committee* on July seventh, 1943. The board is composed of 49 members. At least 18 of them have records of collaboration with the Communist program in the United States, and this minority actually controls the board. These 18 members are: Louis Alan Berne, President of the *International Federation of Architects, Engineers, Chemists and Technicians of America;* Donald Henderson, President of the *United Cannery, Agricultural, Packing and Allied Workers of America;* Joseph P. Selly, President of the *American Communications Association;* Julius Emspak, Secretary-Treasurer of the *United Electrical, Radio and Machine Workers of America;* Grant W. Oakes, President of the *United Farm Equipment and Metal Workers of America;* Eleanor Nelson, Secretary-Treasurer of the *United Federal Workers of America;* Joseph F. Jurich, President of the *International Fishermen and Allied Workers of America;* Ben Gold, president of the *International Fur and Leather Workers of America;* Morris Muster, President of the *United Furniture Workers of America;* Harry Renton Bridges, President of the *International Longshore-*

men's and Warehousemen's Union; Ferdinand C. Smith, Secretary of the *National Maritime Union of America;* Lewis Merrill, President of the *United Office and Profesional Workers of America;* Abraham Flaxer, President of the *State, County and Municipal Workers of America;* Michael J. Quill, President of the *United Transport Workers of America;* Joseph Curran, President of the *National Maritime Union of America;* Reid Robinson, President of the *International Mine, Mill and Smelter Workers of America;* E. F. Burke, Secretary of the *Marine Cooks and Stewards Association of the Pacific Coast,* and Frank R. McGrath, President of the *United Shoe Workers of America.*

"For a detailed report concerning the Communist affiliations and activities of each of these 18 individuals see the publication of the Congressional Committee on Un-American Activities (Dies Committee) concerning its investigation of the *Political Action Committee,* June, 1944.

"Phillip Murray appointed Mr. Sidney Hillman as head of the newly-created committee, with R. J. Thomas, Sherman Dalrymple, Albert J. Fitzgerald and David J. McDonald as his assistants. The United States was then divided into 14 regions, with a director and subordinates in charge of each. California and Arizona comprise Area Thirteen, and the California State Headquarters was located in San Francisco, although the great majority of the State's population and the bulwark of its union strength is in Los Angeles County. It is of some coincidental interest to note that the Communist Party also divided the Nation into Communist Districts, and that California and Arizona were in District Thirteen, with headquarters located at 121 Haight Street, San Francisco.

"In charge of the affairs of the *Political Action Committee* in California is Mrs. Claudia Williams, alias Claudia Hoffman, alias Claudia Parker. Her Communist record, as shown by the files of the State *Fact-Finding Committee on Un-American Activities* is long and varied, commencing with her affiliation with the *Young Communist League* and extending through years of activity in the *Communist Party,* mostly in Northern California. Sworn statements from a number of witnesses are available to show that Mrs. Williams has been a Communist for at least eight years.

"In each of the 14 regions established by the *Political Action Committee* the work is largely carried on through the C. I. O. County Councils. In Los Angeles County, for example, the county council is composed of the following members: Walter Pollard, Oscar Fuss, Aaron Shapiro, Lyle Proctor, Jeff Kibre, James Thimmes, Jerry Conway, Jerome K. Posner, James T. Patterson, Francis Forsburgh, Court Meyers, Philip M. Connelly, Griselda Kuhlman, George Harvey, William Bluhm and John G. Grady. The records of the Communist collaboration and affiliations of eight of these individuals are available from the files of the State committee.

"Mr. Hillman has stated that his committee intends to collect and spend at least $2,000,000 in the 1944 State and National election campaigns. The defeat of Congressman Starnes of Alabama and Costello of California, each a prominent and active member of the Dies Committee, and the political retirement of Martin Dies, is an

important indication of what Mr. Hillman's committee intends to accomplish.

John L. Lewis and Sidney Hillman

"Much contradictory material has been written concerning Mr. Hillman's attitude toward Communism. It is known that in 1922 he visited in the Soviet Union and conferred with Lenin; that he donated the sum of $3,000 to the Communist-controlled Jewish newspaper 'Freheit,' in the name of his wife, Bessie Abramowitz; that he served as a director and trustee of the Garland Fund with William Z. Foster, National Chairman of the *Communist Party*. It is also known that Mr. Hillman professed to be anti-Communist when the party was seeking to penetrate and control his *Amalgamated Clothing Workers Union*.

"The attitude of the party toward Mr. Hillman is strangely reminiscent of its attitude toward John L. Lewis, the forgotten founding father of the C. I. O. From 1935 until 1941 the Communist press was lavish in its praises of Lewis as the saviour of the toiling masses of America. Thus in its monthly magazine, "*The Communist*," March, 1940, p. 201, we find the following statement:

> "'. . . In short, the coalition position formulated by President Lewis has in it the elements for transition for the American working class to a higher stage of political activity.'

"And as part of the same article on page 203 is found this sarcastic comment regarding Mr. Hillman, because he was then for Roosevelt and the Communists were not:

> "'. . . Consider, for example, one of the recent expressions of President Hillman of the Amalgamated Clothing Workers, publishing a statement on the A.C.W.A. political policy in the February issue of 'Advance,' that is after Roosevelt's Congress message and war budget, President Hillman manages to muster sufficient courage (or is it something else?) to tell the workers that:
>
> > "'"'. . . there is no man in public life in whom we can so fully and safely confide, and for the balance of the journey."'
>
> "'Confide, mind you. Giving yourselves away. Entrusting your fate passively and unconditionally to one of the most militant spokesmen of Wall Street imperialism. And for 'the balance of the journey.'

"So far as this particular issue of "*The Communist*" was concerned, Lewis was still useful to the party and Hillman was not. This was while the Non-Aggression Pact still existed between Germany and the Soviet Union, and was prior to the invasion of Russia on June 22, 1941. The war, so far as the Communists were concerned, was still an imperialistic affair, Roosevelt was a warmonger, conscription was all wrong, and it was during this same period that the party launched its potent front organization, The *American Peace Mobilization*, together with an epidemic of strikes that swept

across the Nation like a scourge. Hence this double-barrelled blast against Messrs. Roosevelt and Hillman.

"In *The Communist* for May, 1940, there was another chance to slip in a plug for Lewis, so his wisdom and oratorical ability were mentioned on page 388 as follows:

> " 'These practical objectives arise from the most intimate and burning needs of the masses of the people. They are the immediate needs of the American working class and its allies—the toiling farmers, the youth, the Negro people and the aged. They are the needs of the great gathering coalition for which John L. Lewis spoke so eloquently to the miners of northern West Virginia on April 1.'

"By 1941, however, Mr. Lewis had been squeezed dry of his usefulness to the Communists, so they characteristically began to pepper him with acid adjectives. In the October, 1943, issue of *The Communist,* page 899, this blast was fired:

> " 'The A. F. of L. Council's failure to accept John L. Lewis' application for the re-affiliation of the United Mine Workers, however, was a service to labor, and it came as a blow in the face to that defeatist, Lewis, insolent and autocratic, who hoped to use the A. F. of L. Council as an instrument against the war and to split the workers away from President Roosevelt.'

"This was after the invasion of Russia, so the war had now become a 'people's war,' instead of imperialistic, the *American Peace Mobilization* had unobtrusively slipped into the realm of things best forgotten, and Roosevelt was no longer a warmonger.

"In the same magazine for January, 1944, page 64, the Party was still taking pot shots at Mr. Lewis, as follows:

> " '. . . Guided by this *consistence* (italics ours) the Communists have been able to exert a positive influence on such vital issues as . . . the no-strike pledge made by labor and the struggle to defeat and isolate the defeatist and insurrectionist elements led by John L. Lewis inside labor's ranks.' "

"Mr. Benjamin Stolberg, once having been a member of the National Committee of the *Communist Party,* was able to shrewdly predict the liquidation of Mr. Lewis when he stated in his article, '*Communist Wreckers in American Labor,*' which appeared in the September 2, 1939, issue of the '*Saturday Evening Post,*' page 5, that:

> " 'Mr. Lewis is the Samson of American Labor; and the Communist Party is his current Delilah.'

"Having gone through the unpleasant experience of being implacably forced out of control of the gigantic labor organization which he created, Lewis spoke with some degree of authority when he stated, in effect, that both Philip Murray and Sidney Hillman were now in the unenviable position of either collaborating with the Communist program or being removed from the scene of American labor without further ado.

"In the case of Mr. Hillman the party used the Lewis technique in reverse. They hated and excoriated him when his sentiments ran counter to the Party line attitude toward Mr. Roosevelt and the war, and when he was resisting their efforts to take over his Clothing Workers union, but when he apparently saw the handwriting on the wall and capitulated, he, too, was hailed as the saviour of the toiling masses of America.

Communist Inspiration and Domination

"Few persons who are at all informed on the subject are so naive as to believe that the conception of a *Political Action Committee* originated with the C. I. O. They are well aware, on the contrary, that it was originated for the C. I. O. by the *Communist Party of America*. This assertion is, of course, the theme of this report, and fortunately the Communist press heralded the event and prepared the way for it through several years of propagandizing. Bearing in mind that Mr. Hillman's committee was not born until July 7, 1943, its period of gestation must have been relatively short so far as the C. I. O. and Mr. Hillman were concerned, because Mr. Lewis was the darling of the party until 1941, and Mr. Hillman was being called bad names because he was for Roosevelt, "the warmonger," until after the Germans invaded Russia on June 22, 1941.

"But as far back as 1940 the Communists had been busily preparing the ground for just such a committee. They had been quick to see the tremendous advantage in organizing by industries rather than by individual unions, and were not overlooking the unparalleled opportunity to regiment labor for their own purposes through the medium of the C. I. O. When John L. Lewis started the movement he was so successful that he literally ran out of organizers, and turned perforce to those past masters at the art—the Communists. Immediately they entrenched themselves like reinforced concrete in great key unions through which they hoped to control the industrial strength of the Nation. Thus Federal workers, State, county and municipal employees, agricultural workers, the unemployed, draftsmen, engineers, technicians, maritime workers, employees in the vast fields of transportation and communication, and workers in that tremendously important medium for propaganda—the moving picture industry—all were insidiously penetrated by the Communists until they attained virtual control of these powerful union organizations.

"This did not mean that the rank and file members of these unions were at all Communistically inclined, but it did mean that at the top, in control, were groups of party members who pulled the strings, hatched the political strategy, determined strike policies and completely dominated the situation. And so it went with the National organization of the C. I. O. until 18 of the 49 members of the National Executive Board were either party members or fellow travelers by the time the *Political Action Committee* was voted into being on July 7, 1943. Affairs of the board are determined by vote of those members representing the largest union memberships and so a minority group was and is able to dictate the National policies of

the C. I. O. Mr. Stolberg described the situation as follows in his *Saturday Evening Post* article, heretofore mentioned:

" 'The party's chief method of confusion is to divide its followers into two groups: Those who admit to membership in the party and those active fellow travellers who make it a point not to hold membership cards. In the C. I. O. virtually all the Communists are such fellow travellers.'

" 'The moment the C. I. O. began, the Communists placed organizers, speakers, their whole apparatus, both official and "innocent" at Lewis' disposal. Lewis accepted. The C. I. O. needed leadership. And he was certain he could control the Communist stooges. "Who gets the bird," he asked, "the hunter or the dog?" '

" 'Several hundred fellow travellers penetrated the early C. I. O. Acting as a disciplined and unscrupulous minority they were soon in dominant positions in a number of unions. More than 100 of them got into the organization campaign of Little Steel alone. Many of these were "volunteers," that is, supported by the party or some innocent front. After the failure of the premature strike in Little Steel, a great many of them were weeded out by Phil Murray, head of the steel union. And they were largely kept out of the textile drive by Sidney Hillman, who as head of the Amalgamated Clothing Workers had had his troubles with them. But by the time this sporadic house cleaning had begun, they were pretty well entrenched throughout the C. I. O., and were in complete control of the national headquarters.'

Communist Long-Range Objectives

"In order to fully appreciate the purpose of the *Communist Party* in creating and working through the C. I. O. *Political Action Committee*, it is necessary to know something of the long-range objectives of the party. The whole basic theory of Communism is this: That in every capitalistic country there is an inevitable conflict between two great classes, capital on the one hand, and labor on the other. Communist texts refer to these classes as the 'burgeosie' and the 'proletariat,' respectively. Capital controls all of the means whereby material goods are produced; labor produces them. As mechanical devices for industry are perfected and as production is increased, the power of the capitalistic minority will be increased at the expense of the laboring minority until vast economic empires are owned by a few individuals. It is, reason the Communists, inevitable that this conflict and natural antagonism exist, and that with such a concentration of wealth in the hands of a few 'economic royalists' the working classes will be exploited, deprived of their civil liberties and kept in a sort of involuntary bondage. Communists are taught that the working masses in every capitalistic nation will eventually revolt against this form of economic servitude, and that the *Communist Party* in each of those countries—trained, disciplined and organized according to the precepts of Communist ideology, shall lead the toiling masses in their struggle to overthrow the capitalists. There is only one way to eliminate the conflict between capital and labor, maintain the Communists, and that is to liquidate capital. The step by step technique whereby this goal is to be achieved was

formulated during the prelude to the Russian revolution and stands as a pattern to be followed by the Communists everywhere.

"It should not be necessary to point out here that Communism is, and always has been, international. That fact can almost be established through current newspaper and magazine articles, but Mr. Jack Moore, while Secretary of the *Communist Party* for Los Angeles County, removed all doubt when he testified before the *State Fact-Finding Committee on Un-American Activities* on July 28, 1941, as follows:

"Q. By Mr. Combs: What disciplinary power does the Executive Committee of the *Comintern (Communist International)* exercise over the component groups in other countries?

"A. They are affiliated directly to the *Comintern.* They have, I believe, the power to send delegates to a National Convention and lay down a position of policy and propose that this be followed.

"Q. As a matter of fact, the Executive Committee of the *Comintern* can immediately, without cause, outlaw an entire party in a country, can it not?

"A. Well ——

"Q. For any reason or no reason; and, I might add further, that there is a clause that sets that forth specifically in the *Communist International* and the Constitution to which you just referred.

"A. They possibly have that power. I am not acquainted with the clause you are referring to.

"Q. I will read it to you, Mr. Moore. Reading from Article III, Section 12 of the 1928 Constitution of the *Communist International:*

"'The leading body of the Communist International in the period between Congresses is the Executive Committee, which gives instructions to all sections of the Communist International and controls their activity.

"'... The Executive Committee of the Communist International has the right to expel from the Communist International, entire Sections, Groups and individual members who violate the program and constitution of the Communist International or the decisions of the World Congress or of the Executive Committee of the Communist International.'"

"And on pages 102-103 of the transcript of Mr. Moore's testimony, he explains the relationship of the *American Communist Party* to the *Communist International* after 1940:

"'At the present time there is no direct relationship, or organizational relationship, because of the passage of an Act, I think properly called the Voorhies Act, which provided for the prosecution of international labor organizations,—I don't know all the details of this act.

"'. . . On November 16-17, 1940, a Special Convention was called at that time to amend the Party Constitution,

which, up to that time, had a clause stating that the Communist Party of the United States was a Section of the Communist International, and at that time all organizational relationship was severed,—at the time of the Convention.'

"Last year it was announced that the *Communist International* had voluntarily disbanded. Then the *Communist Party* of the United States changed its name to the *Communist Political Association*. Then the *Young Communist League* changed its name to *American Youth for Democracy*. Few people were deluded by this camouflage job. The spots were changed, but underneath the leopard remained the same.

"According to this testimony by an expert, the *Communist Party* in the United States was completely controlled by the *International* in Russia, at least until 1940. At that time the sole reason for deleting the statement of that fact from the constitution of the American Party was the passage of a Federal act which provided a penalty unless such foreign affiliation either be discontinued or all members of the Party be registered with the United States Department of State. Subsequent events have demonstrated that Mr. Moore selected his words with meticulous care when he testified that after 1940 there was no longer any 'direct' relationship or 'organizational' relationship between the *Comintern* and the American Party, and that this apparent severance of connection was in name only.

"For nearly a quarter of a century the *Communist Party* in this country has consistently followed the exact pattern for revolution laid down by Lenin in achieving the revolution of 1917. That technique is set forth in textbooks and pamphlets which, fortunately, are available for reference on this point. In 1939 a commission in the Soviet Union prepared a textbook which was printed in 24 languages. Twelve million copies of the first edition were shipped to every country in the world where a *Communist Party* existed, and within five months after the first batch arrived more than 80,000 copies were sold in the United States. Of this highly important work, Earl Browder said:

> " 'This is no ordinary book to be skimmed through and then laid aside on a bookshelf. It is a scientific textbook to be studied and mastered, not a collection of dogmas to be memorized, not for mechanical quotation of extracts, but to understand the essence of the theory of Marxism-Leninism so that it can be *applied* to the most varied and difficult problems and situations, so that this theory can be enriched with the new experiences of the revolutionary working class movement also of our own country.' (Advertisement in *"The Communist,"* September, 1939.)

"This text, studied assiduously by *Communists* everywhere, describes in elaborate detail the strategy employed by Lenin and Stalin in engineering the revolution of 1917. Over and over again it emphasizes that the Party in any capitalist country must commence its revolutionary work by a long process of penetrating and ultimately gaining control of the working masses. Over and

over again the Communist press in this country has stated that the American Communists constitute the vanguard of the working class, and constantly have the Communists worked since the Party started here in 1919 to regiment and indoctrinate the trade union movement so it would wield a potent influence at the polls —naturally in accord with the Party line. Once this stage of influence was gained, the Communists would be in a position to replace those sound and able legislators who refused to carry the Party line with individuals who would be more tractable. This textbook, in describing how labor was regimented as a prelude to the 1917 revolution, states:

> " 'The Bolshevik Party during this period set an example in all forms and manifestations of the class struggle of the proletariat. It built up illegal organizations. It issued illegal pamphlets. It carried on secret revolutionary work among the leadership of the various legally existing organizations of the working class. The Party strove to win over the trade unions and gain influence in people's houses, evening universities, clubs and sick benefit societies.
>
> " '. . . The Revolutionary movement of the workers steadily developed, spreading to town after town, region after region. In the beginning of 1914, the workers' strikes, far from subsiding, acquired a new momentum, they became more and more stubborn and embraced ever larger numbers of workers.' *(History of the Communist Party of the Soviet Union).*

"This attempt at revolution was interrupted by the first World War, but thereafter, as the book points out, efforts to penetrate and regiment the workers were resumed with telling effect. This, then proved to be the first all-important step along the path of revolution.

"In 1926 Joseph Stalin wrote:

> " 'Confidence of the working class in the Party is not attained at one stroke, and not through the medium of force directed at the working class, but by the Party's prolonged work among the masses, by a correct Party policy, by the ability of the Party to convince the masses through their own experience of the correctness of its policy, and by the ability of the Party to gain the support of the working class to follow its lead.' *(Problems of Leninism,* by Joseph Stalin, pp. 44-51).

"In America Earl Browder followed this basic precept by instructing his Party as follows:

> " 'Trade unions are the primary organizations of the working class. It is in the unions that the workers learn the first lessons of organization and of struggle, without which there can be no development of revolutionary consciousness. Consequently, Communists have always emphasized that one of their central tasks is to work within the trade unions. We can not win the majority of the working class for our program

unless we base all of our large-scale, united working front upon united activities within the unions.

" 'The Trade Unions are schools in which the workers learn the elementary lessons of the class struggle, and through them they grow into more conscious and more effective fighters against capitalism.' (*What Is Communism?* by Earl Browder, pp. 109-110).

Rehearsals for Revolution

"The extent to which these principles have been carefully followed in the United States can be seen in the technique used in the San Joaquin Valley cotton strike of 1933, and the San Francisco general strike of 1934. Much material is available concerning these two dress rehearsals for revolution, the best of which is a booklet by William F. Dunne, entitled, '*The Great San Francisco General Strike,*' *Workers Library Publishers,* New York, 1934, wherein the role played by the *Communist Party* in that strike is frankly discussed, and which contains a critical resolution by the national committee of the party which reads, in part, as follows:

" 'The outstanding shortcomings in the whole development of the strike on the West Coast was the inability to develop the strikes of the marine workers in other ports (Atlantic and Gulf) and to coordinate the strikes that did take place (Gulf) with that of the West Coast. This was to a certain extent due to the underestimation of the marine strike on the West Coast by the Party as a whole, and especially the marine districts.

" 'The comrades responsible for the leadership of the Party in San Francisco expressed their main weakness in a slowness and even hesitancy in taking up the exposure of Ryan and Company, in the weakness in answering the red-baiting campaign of the capitalists and the A. F. of L. bureaucrats, in the insufficient bringing forward of the Party and building it among the strikers. These weaknesses reflect a tendency which believes that the development of unity of action on the part of the workers is possible by weakening the fight against the A. F. of L. bureaucrats, who, in every phase and stage of the strike, were actively engaged in strike-breaking. A further weakness was the inability to coordinate the strike in the various ports on the Pacific Coast, where the two Party districts worked on the whole without adequate contacts.'

"Thus it can be seen, out of the mouths of the Communists themselves, how their pattern for gaining control of the trade union movement was formulated in Russia, reiterated by Stalin, written into the Party's social textbook and tested and subjected to critical analysis in the strike described above. That was the pattern which was being followed while the Communists were penetrating the C. I. O. until they were able to eliminate Mr. Lewis from his position of control and dictate the policies themselves. The idea of consolidating the masses into one formidable political body found expression in their press while the Party was still lambasting its

current idol, Mr. Hillman, as the foe of labor. *'The Communist'* for February, 1940, stated on pages 104-108:

> " 'Because it incorporates most of the essential needs and demands of the masses at the present time, the legislative program of the Congress of Industrial Organizations (CIO) represents in fact a practical basis on which to build the fighting unity of the working people of the United States.
>
> " '. . . They will gain such an understanding through the experiences of the struggle, deepened and illuminated by the political work of the revolutionary vanguard of the working class—the Communist Party.'

"And in the March, 1944, issue of the same publication the following statement appeared on page 218:

> " 'In every city, State and Congressional district in the country all the forces of organized labor and other win-the-war elements should come together and set up joint committees. These should take up the urgent task of politically registering the millions of uprooted war workers and also develop other active political work in support of the war. Preparations must be made for labor to cast a solid win-the-war vote in 1944.'

"In many of the Communist-dominated unions this 'encouragement' and 'stimulation' consisted in withholding the union cards from the individual members until they first registered to vote—thereby depriving the members of the right to work as a penalty for failing to do something which should be none of the union's business.

"During the many years that a slow but steady penetration was being made in the ranks of organized labor, the party has always been alert to take immediate advantage of any internal conflict, such as a depression, to recruit additional members into its fold. In 1939 thousands of migratory agricultural workers poured into the State from the dust bowl area, driven from their farms and homes by an economic condition with which they were unable to cope. At that time California was operating a *State Relief Administration*, and these migrants were housed, fed and clothed through this agency. Here was a magnificent opportunity for mass propagandizing, and consequently the Communists herded the applicants for relief into a union for the unemployed—the *Workers Alliance*. The president of this typical front organization was Alexander Noral, a registered Communist. The *State Relief Administration* was literally permeated with Communists who operated through the medium of another union, the *State, County and Municipal Workers of America*, of which Abraham Flaxer, a member of the C. I. O. National Executive Board, is president. After a residence of one year the migrants became eligible to vote, and were told by the Communist organizers that they must register to vote for more liberal legislators to obtain higher appropriations for relief to bring more migrants into the State. This vicious circle had reached an alarming peak when the entire situation was fumigated by an Assembly Investigating Committee and

the subversive condition disclosed. The ranks of both unions were rapidly decimated, which provoked the following angry statement from President Flaxer:

> " 'In California the Yorty Committee succeeded in destroying a union of 3,500 members in the State Relief Administration.'

"Under existing conditions there is another, far greater artificial population which has been brought into this State by the need for war workers by the hundreds of thousands. The Douglas Aircraft plants in Los Angeles County alone employ some 80,000 persons. Virtually all of these workers are required to join a union before they are permitted to work. In those unions which are Communist-dominated the same old technique has been used with success—the same technique that was formulated by Lenin, reiterated by Stalin, taught by the *Third International*, hammered home by the Communist press, set forth in the Party's official textbook and subjected to field experiment, with appropriate critical analysis, in the San Francisco general strike, to-wit: Penetration and regimentation of the trade union masses.

"The rank and file membership in the average union is too busy to study the complex ideology of Communism. They are loyal, patriotic citizens and far from Communistically inclined; but they are powerless because their union, both nationally and locally, is Communist-dominated at the top.

Communist Control of Legislatures

"There is a constant barrage of propaganda leveled at those legislators who presume to vote contrary to the Party line. They are called enemies of organized labor, tools of big business, Wall Street stooges and traitors to their constituents. Any legislative investigating committee which has the temerity to investigate Communist activities is immediately branded as Fascist, Fifth Column, a tool of Hitler and thoroughly unpatriotic. The most shop-worn accusation now is to charge that whenever anyone investigates the American variety of Communism, he is being 'anti-Soviet,' and is therefore dividing the people against their war ally, and obstructing the war effort! It is needless to point out that there isn't supposed to be any connection between the Russian and American Communists any more. By the same specious reasoning, if a group of American citizens of English descent sought to overthrow our form of government and to substitute therefor the British governmental system with a royal family, anyone who sought to expose and prevent the plan would be anti-British and a menace to the war effort.

"And so the Communists have carried on for nearly twenty-five years, and during that time they have made tremendous progress. The facts speak for themselves. It is not hysteria, nor witch-hunting, nor red-baiting to simply cite the record for what it shows. And if the *Communist Party* is successful, through the *Political Action Committee,* in replacing sound, courageous legislators with those who will be subservient to the Party line—and we have a few already—then we must be prepared for the sort of legislation the Party has been advocating these many years: Repeal of the Criminal

Syndicalism laws, abolition of all committees to investigate subversive activities, abolition of the FBI, etc.

"Steadfastly adhering to the concept that it must first penetrate and regiment labor as the initial step in its revolutionary program, American Communists seized on the structure of the CIO through which to operate in this field. Once they obtained control of the structure of that great organization they promptly unhorsed Mr. Lewis and set up the CIO *Political Action Committee*, which is Communist-dominated from top to bottom. In California the State-wide activities of that Committee are controlled by Communists whose records are known to every official investigating agency in the field.

"Too many members of State and National legislative bodies view statements—although documented—regarding Communist activities as the product of hysteria. It is precisely this sort of indifference and apathy to a profoundly serious condition that makes the progress of the Communists comparatively easy. Only when labor, and industry as well, can be brought to view the situation in its true light; only when resistance to such insidious subversive influence comes from motives that are patriotic rather than financial or political can this problem be dealt with adequately.

"Meanwhile, the C.I.O. *Political Action Committee* constitutes a menacing subversive force in the Nation and in this State."

Destruction of Legislative Investigating Committees

The Communist organizations throughout California, Communist fellow-travelers and naive "progressive" and "liberal" innocents, have combined, under Communist inspiration and domination, in a campaign of vilification and "smear" against this Legislative Committee. The *C. I. O. Political Action Committee*, with the same inspiration and domination, is determined to destroy all agencies that investigate subversive activities. The defeat of Congressman John Costello of Los Angeles and other members of the Dies Committee is an illustration of their strength and success in this direction. A special legislative supplement to the Communist publication in California, *"The People's Daily World,"* has just launched a campaign for the discontinuance of this Legislative Committee. On page 5 of the supplement under the heading printed in red, *"The Tenney Committee Should be Blacked Out,"* is the following:

"Senate Concurrent Resolution No. 2 would extend the life of the Tenney Committee, and appropriate $10,000.00 for its expenses. This Committee which has functioned like the discredited 'Dies Committee' on Un-American activities in the House of Representatives, has failed to indict activity of a Fascist-inspired character, and has instead devoted its time and the taxpayer's money to red-baiting and smear campaigns against progressive and pro-labor individuals and groups.

"It should be sent to well merited oblivion by the defeat of this Resolution, which has been referred to the Senate Committee on Rules."

Every Communist front organization will be utilized to pressure the California Legislature during the 1945 Regular Session for the discontinuance of the committee investigating subversive activities.

9

"ZOOT-SUIT" RIOTS IN SOUTHERN CALIFORNIA

Pages 200 to 217, inclusive, of the Committee's 1943 Report dealt with the *Sinarquista* movement in Southern California. At the time the committee submitted its report to the Legislature there was but little information available on this organization. Subsequent investigation of the *Sinarquistas* and its leaders has substantiated, for the greater part, most of the material set forth in the Committee's 1943 Report.

The *Pachuco,* or so-called "zoot-suit," fad among Negro and Mexican youth in Los Angeles' east side was a golden opportunity for Communist racial agitation. The riots that occurred in June of 1943, together with the activities of certain Communist front organizations and the vociferous charges of the Communist press, forcefully brought the situation to the attention of the Committee. An intensive investigation of the *Sinarquista* movement, its leaders, its aims and objectives, the *Pachucos,* or "zoot-suiters," Communist interest and agitation, and the relation of one to the other of these apparently heterogeneous groups, was immediately launched.

Gangs of Mexican and Negro boys, garbed in the fantastic costumes now generally known as "zoot-suits," had been roaming the streets of the east side of the City of Los Angeles since early in 1941. Many of these boys were armed with clubs, knives, brass knuckles and links of chains. Every properly attired "zoot-suiter" wore heavy-soled oxfords. In extreme cases the soles of these "zoot-suit" oxfords were in excess of an inch thick and when properly used in a gang fight became formidable weapons. United States sailors and soldiers were assaulted on the streets and in cocktail bars by groups of "zoot-suiters" and violent disturbances were reported from time to time. Early in June of 1943, the long-smouldering antagonism flared into violence.

PACHUCO CRIMES

C. B. Horrall, Chief of the Police Department of the City of Los Angeles, testified that it was the policy of his department to make an arrest whenever a violation of the law occurred. Carrying concealed weapons is a violation of the law and many Mexican boys were arrested for this offense. Chief Horrall stated that the first *Pachuco,* or "zoot-suit," disturbances began early in 1941. He stated that the boys were divided into a number of gangs who clashed from time to time. He had heard of the *Citizens' Committee for the Defense of Mexican-American Youth* and its activities and had been informed that some of the people connected with the organization were members of the *Communist Party.* It was the Chief's opinion that the organization was a *Communist Party* "front." He believed that the *Committee for the Defense of Mexican-American Youth,* and similar organizations, inflamed racial prejudices, and in the *Pachuco,* or "zoot-suit," problem, had contributed to the conflagration by constantly stirring and fomenting antagonisms through hysterical activities. He categorically denied charges made by Al Waxman in the *"Eastside Journal,"* Charlotta Bass in the *"California Eagle"* and the Communist publication, *"The Peoples' Daily World"* that the police had been brutal in handling participants in the riots. He testified that no specific case of brutality on the part

of the police had come to his attention, but, on the contrary, that during the disturbances, 10 or 15 police officers had received serious injury. Chief Horrall's testimony, in part, follows (Com. Tr., Vol. XIX, pp. 4443-4445):

By Senator Tenney: Q. Do you believe these disturbances were principally due to racial prejudice and discrimination?

A. I have to go back a ways in answering that question to give—at least, for me to express my opinion, because the thing goes back a ways, that's what I meant to say, Mr. Tenney.

Q. First, you might answer that yes or no, if you can. The question again is: Do you believe racial prejudice and discrimination was the basic cause for this disturbance?

A. I do not.

Q. Now, go ahead and modify in any way you want.

A. These disturbances, of course, started with the Latin-American gang situation, which was among themselves, up until approximately a year ago; that is, there were fights between different gangs, different members of the gangs, and were confined almost entirely to themselves. However, about a year ago we had a little difficulty down at San Pedro, wherein they got mixed up with the sailors down there. That was the first I knew of where they got outside of their own gangs. When we had another disturbance here about three or four months ago in Venice, where there was reported that an attempt was made to break up a USO dance down there, and then this latest, which, according to the reports I have, started in the north end up here around the 1700 block on North Main Street as, apparently, the result of some of the sailors making advances to some Mexican girls or talking to them. I don't know whether it went any farther than that, and it started the difficulties, and then there was retaliation back and forth between this particular group up there and the sailors until it reached the place where it got some publicity in the papers, and that was what caused the gangs to congregate downtown that night and brought the crowd all out. However, some people have chosen to call it riots; I don't think it should be classified as that. And the feeling in general among them was one of fun and sport rather than malice. Quite a few of the boys had their clothes torn off, but the crowds weren't particularly hard to handle; they were large, but we had no difficulty in breaking them up; they would go a couple of blocks away and form there. There were no attacks made on policemen.

Another point I would like to make: While there were a great many service men in those crowds and quite a few civilians, and many of those crowds were led from place to place by civilians, not service men, and in some instances those individuals were reported to be of Latin-American extraction.

Q. Now, were arrests made, chief, strictly for protection of those people?

A. There were quite a few which were taken in for their own protection.

Q. Does that account in any sense for the amount of people that were arrested?

A. In those cases no one was booked, but for their own protection they were taken into the station and kept there until such time as they could safely be allowed on the street.

Q. Did you find any Axis or fifth column—what you might term Axis or fifth column—influence?

A. Nothing that I could prove. Repeatedly I heard claims that there were subversive influences connected with this, but I have no proof of that.

Q. Of course, in the opinion of the committee, the subversive influences could be from either the Communist side or the Axis.

A. I have heard both.

Q. The Communist committees have claimed Axis fifth column influence, and we have investigated as to the *Sinarquista* end. You have no independent knowledge of fifth column activity?

A. No, only the report the *Sinarquistas* did have some influence in it. We were never able to find out whether they did or not."

Captain Contreras, of the sheriff's office, testified (Committee transcript, Volume XIX, pp. 4563-4565):

They have a situation out in East Los Angeles, of course, they have a large Mexican population, and there is about 30 to 40 thousand Mexicans live there, and they have about 300 so-called hoodlums out there in gangs, various gangs.

Q. Did you through your office or with the assistance of the sheriff's department in general make any survey of the so-called zoot-suit problem?

A. We have.

Q. Do you have the data available?

A. I have some of it, sir. There was on the night of June 18th, 10 or 15 arrests made of boys ranging from 17 to 19 years old. Each one of these were charged with failure to disperse, inciting a riot at the time of arrest, and the following weapons were found in their possession: Two steel bars, one large truck wrench, three tire irons, 3 iron wrenches, one hammer, one auto crank, 4 pieces of two by four lumber, one gallon milk bottle, one large Seven-Up bottle. The arresting officers said when the gangs were being surrounded they started throwing their weapons. Subject Moreno was identified by the officer as being one of the gang who had a half gallon milk bottle with the bottom broken off, and was leading the gang. We had from time to time 10 to 15 arrests in that part of the County, and the cases are still pending, most of them.

The committee requested Captain J. F. Reed, Administrative Assistant to the Chief of Police of the City of Los Angeles, to present police officers who had been involved in the "zoot-suit" riots. On the afternoon of June 23, 1943, Captain Reed appeared before the committee with the police officers, as requested, and made the following general statement for the record (Comm. Tript, Vol. XIX, pp. 4450-4453):

By Chairman Tenney: Q. Captain, I spoke to you over the phone, and I think it was the other day with reference to the officers that had been involved in some of these disturbances. Were you able to bring the names of any of the officers today?

A. Yes, sir, I have 15 officers who have been injured in such type of activity, and they are all here today. I have a list of those and the different times whereby they were injured during the riots in places of that type.

Q. Are the officers here?

A. Yes, the majority of them were subpenaed for 3 o'clock. I have the background of the first gang outbreak that we had.

Q. We would like to have that very much. Go right ahead.

A. The first outbreak that we had in Los Angeles which was of major importance was on 8-16-41, at 11 o'clock. I have the two officers who handled the original investigation, but I will endeavor to give you a short synopsis of what happened. A dance was being held over on Boundary Street; that's over in the Rose Hill section of Huntington Drive; whereby many of the Mexican boys of this pachuco type and girls attended a dance. A rival gang came over and tried to bust the dance up and take some of the girls away. They weren't very successful. They proceeded to arm themselves —across the street was a picket fence, and they tore all the pickets off the fence, and they armed themselves and started to fight. They were finally turned away, and they proceeded to go down the street and get into an automobile and lay in wait for the group to break up. As the group broke up later that night a car with two or three youngsters, I don't exactly know how many were in that car, but as they came down the street this car was in hiding and pulled out alongside, directly hit and turned it over, killing two of the occupants. That was the first gang outbreak of any importance.

Q. When was that?

A. 8-16-41. Officer Joe Willis was the radio car officer who answered the call, and Officer J. E. Hampton, who made the investigation, are here, and they can go into those facts more thoroughly than I can. Then, as conditions grew worse throughout the Mexican area, they attacked only those of Latin-American extraction. Wherever there was a party or a dance or home gathering, these groups would travel around in caravans of cars, and pull up in front of the house and demand everything they had to eat in the house or drink, they took over, and if anybody objected they were beaten up. We received complaints about that from the Mexicans. A man by the name of Torrez of East Los Angeles came into the police department with Joe D. Rivera and complained about conditions. He didn't feel his family was safe or anybody, and he asked the police department take action against these hoodlums. Of course, we were all the time making arrests of various groups, and I have several reports of interest showing the type of crimes they were committing. They attacked a young girl 14 years of age. There were five or six different boys that attacked this girl, and it was necessary for the officer to club them off the child before they could get them in custody. In many cases they grab a young couple, tie the escort up, rape the girl and then urinate on them. Just recently there was an attack made with five boys, in Pachuco suits, they raped a 56 year old negro woman, and all raped her, and one of the boys was 14 years old, approximately 14 years old, and while he raped her the others held her at the point of a knife. Then they

offered her a drink of wine, which she refused, and then they drank the wine and then urinated in the bottle and forced her to drink out of this bottle. That is some of the types of things that have been going on.

After the Sleepy Lagoon thing they gradually started to attack other people. They got out of the Latin-American group and went into other nationalities; then along came the service men, the sailors; they came into the area and they were attacked. If they were on the street talking to girls or things like that, for no reason at all 15 or 16 boys would jump on one service man. We have had numerous complaints about that. They would go into the Negro section, and there were many arrests made on many of these cases. Four zoot-suiters held up a station operator, who was shot, and they did go out of Los Angeles County into San Bernardino, Riverside, Ventura and so forth. We have information from San Bernardino and Riverside of crimes being committed, which seem to be the same type as these gangs. Wilmington seems to have the same type of gang. They seem to be very close to the induction center of the Army, they are very closely situated to the induction center in Wilmington, and in Ventura, which has also had considerable difficulty. Coming back to the present so-called riot in the downtown area, the night of June 7th, about 5,000 people were involved at one time, and there were civilians, soldiers and everybody who heard about it over the radio came down, and it made it extremely difficult to handle. We had no difficulty or trouble in breaking them up, they didn't resist the officers at all; but if a group of service men were broken up they formed in another place, but always leading each group there was always a civilian, either a Mexican or Negro or white; and as we eliminated the leaders from the service groups, by 11 o'clock at night we had eliminated most of the leaders, all the civilians, and we had the thing under control whereby there were no more assaults."

Captain Reed went on to explain that during a period from June 1 to June 10, 1943, 187 juveniles were arrested in connection with the "zoot-suit" riots. Most of these arrests occurred on June 7th. Forty-eight of these defendants were charged as incorrigibles, beyond the control of their parents under Section 700 of the *Welfare and Institutions Code;* eight were charged with assault with a deadly weapon; nine with battery; 56 for violation of *Penal Code* Section 407, unlawful assembly; three with carrying concealed weapons, 25 for violation of the *Municipal Code,* Section 505, loitering, and 38 for violation of the curfew law. Two hundred juveniles, in addition, were brought to the police station and after being questioned, released and sent home to their parents. Between January 1, 1942, and June 10, 1943, Captain Reed listed, in addition to the foregoing, a total of 134 crimes charged to suspects wearing "zoot-suits." These crimes included 21 burglaries, one attempted burglary, one grand theft, 18 petty thefts, three petty thefts for motor vehicles, 63 robberies, six attempted robberies, nineteen thefts from persons, and two worthless checks. Between October 1, 1942, and June 14, 1943, 316 persons wearing "zoot-suits" were arrested and charged with various crimes. Eighteen of these defendants were

White or Caucasian, 133 were Negroes and 165 were Mexicans.

Captain Reed's description of one of the disturbances is typical (Com. Tran., Vol. XIX, pp. 4461-4462):

> Captain Reed: A. I have one other of the 77th district. This report I am going to read from is Captain Richard Simon's report, the 77th division, Los Angeles Police Department. This excerpt says (reading):
>
> "On the night of June 9th, 1943, about 200 service men, all armed with wooden clubs, boards, iron bars, and other weapons appeared in Watts in 52 commandeered cars. As our force was insufficient to effect a mass arrest without the necessity for a pitched battle, these men were in effect shepherded by the available officers and prevented from injuring persons or property. The doors of two houses were forced, but no one injured. A wearer of a zoot-suit was taken from his seat in a theatre, but officers released him at once and removed the service men from the theatre. The keys were taken from many of the cars and the service men held on 102nd Street until help arrived. At the same time the theatre entry was made, a gang of approximately 100 Negro and Mexican boys threw rocks at officers and auxiliary policemen at 103rd and Graham Streets. This group was dispersed. Had the service men been aware of this gang, a violent riot would surely have resulted. This gang later drove about the Watts area and the Graham district to the north in a large truck disturbing the peace. I know of no personal injury received by anyone during the evening. More rocks were thrown through windows of P. E. trains. Resume of police action:
>
> "1. About 100 service men turned over to military police and shore patrol.
>
> "2. Thirteen adults arrested for disturbing the peace (above gang).
>
> "3. Twenty-five juveniles arrested for unlawful assembly (above gang).
>
> "4. About 55 juveniles on the street taken to Watts Station, questioned by juvenile officers and released.
>
> "5. Curiosity seekers dispersed."
>
> It gives you kind of an idea about this situation. You can readily see service men were picked up and turned over to the proper authorities, as well as the Mexican boys, Negro boys and Whites.

C. L. Christopher, member of the Los Angeles City Police Department for nearly 20 years, testified June 23, 1943. His testimony, in part, follows (Com. Tran., Vol. XIX, pp. 4474-4476):

> Mr. Combs: Q. Where were you on 7-26-42 approximately at 7.15?
>
> A. I was in the vicinity of Pomray and Marks.
>
> Q. How did you happen to be there at that time?
>
> A. We were called. I work in a two-man radio car, and we drove by and attempted to disperse a large group of Mexicans who were holding a crap game on the sidewalk of the public streets.

Q. About how many persons were present at the time you got there?

A. Approximately 40 to 50.

Q. Now, tell us please concisely what happened which resulted in injuries to you at that time and place.

A. Officer Hawks, Officer Hutman, Officer Karat and myself responded to the call, and when we got there we observed—we drove up in a plain colored car and observed what was going on, and we jumped into the crowd and grabbed the ones in the act of gambling, attempted to place them in the car, and as we did a riot started.

Q. Did you see them gambling?

A. We did. During the melee there was one woman and her husband, he was in the United States Army uniform or a Marine, and they started yelling and saying they were not going and egging the Mexicans on and calling us loud profane names and agitating the crowd, and as fast as we put the defendants in the car for creating the disturbance, someone would go around to the other side of the car and jerk the car door open and take the people out, and they were pushing us around and tearing our clothes off of us and separating us from our defendants and the radio car. During the melee one of the Mexicans had a knife or a piece of glass, and he was swinging it back and forth and it slit my finger across here (indicating). We were successful in taking three defendants away with us, and they went before the Grand Jury and they were bound over by the Grand Jury, and the attorneys representing them rather than go to trial compromised with the District Attorney, and Mr. Shoemaker, who was in charge of that detail, entered a plea before Judge Scott. Judge Scott gave them the maximum amount of penalty and suspended the sentence to five days, and placed the ones we had up on two years probation.

Q. Were any other officers with you at that time also injured?

A. Not to the extent of having to receive medical attention. We were all more or less soaked with water. Some of the Mexicans ran up and grabbed the water and threw it all over us.

Q. During the occurrence of that incident could you discern a general attitude of defiance and contempt for the things you were trying to do on the part of the crowd?

A. We have had that in every arrest during the last year or year and a half among the Mexicans.

Q. A feeling of defiance?

A. I have worked among the Mexican people out of my time probably 10 or 11 years.

Q. Prior to that time up to a year and a half ago did they view the police department with more respect than they have since?

A. We got assistance. I worked the beat which was then called Mexican from Sunset to College, and from Alameda to Figueroa Street, and at that time we got a world of cooperation from the Mexicans. It used to be if a police officer was involved, instead of having them against us, they were against their own race of people and would help.

Q. So this attitude of defiance and contempt and lack of cooperation, viciousness which has been exhibited, has all arisen during the last year and a half?

A. That's right.

* * * * *

Q. Were you injured on any other occasion?

A. I was.

Q. When was the next occasion?

A. 10-17-42 at 3.30 a.m.

Q. At what locality?

A. In front of 2321 East First Street.

Q. How did you happen to be there at that time?

A. Officer Karat and I was down in the south part and we heard a riot call at that address. When we arrived the officers had been there and taken care of the difficulty; that is the Carioca Restaurant, which is a very respectable place, in the Hollenbeck district, catering to married people and elderly people. So we stopped and were talking to the lady, and asked her what the trouble was and she informed us that there was a band of zoot-suits, and because she wouldn't serve beer and let them have the free run of the place, they had practically wrecked it and the officers had arrested five or six, but there were probably ten or fifteen that had gotten away. While we were talking we observed an automobile backing approximately 35 or 40 miles an hour, first on one side of the street and then the other, and then come to a stop in behind our car, and Officer Karat stepped back to ask the driver of the automobile what the matter was, and he started cussing Officer Karat and reached down to pick up an iron he had on the floor, a piece of spring steel. I jumped out of the car and ran back to assist. I thought from my first observation that he was full of marihuana. We got him out of the car, and it took four of us to handcuff him. A large crowd gathered, and I think we could have had an awfully nice mess. In trying to put the handcuffs on he bit my thumb on the right hand and two of my fingers on the left hand, necessitating medical attention and shots of tetanus.

Q. Had he been smoking marihuana?

A. He had not. . . .

Carl R. Ericson, an officer in the Los Angeles Police Department, testified that he was attacked at about 5.45 p.m. on January 15, 1943, between Fifth and Sixth Streets on Pacific and San Pedro. His testimony, in part, follows (Com. Tr., Vol. XIX, pp. 4485-4486):

A. I was patroling the beat, and I made my hourly ring, and my attention was drawn to a crowd of people half way between Fifth and Sixth Streets. I thought someone had been injured, so I started towards them. I entered through the crowd, and Alfonso Sandoval yelled, 'It's a cop.'

Q. Were you in uniform?

A. In full uniform. He started towards me and grabbed me, and another assailant started towards me, and two more—there were about 10 or 12 actually in physical combat. In the middle of the fight Sandoval grabbed my badge and started striking me. I held

him at arm's distance and didn't strike him at all. I held him away, and while I was holding him Roy Huhta, an ex-pug, swung and struck me on the right cheek.

Q. With his fist?

A. With his fist. I released Sandoval, and another Mexican Pachuco that was coming in on the left and grabbed Huhta and slugged Huhta, and Huhta went down. That is the first blow I struck.

Q. Did you use your night stick?

A. I didn't have any night stick or any sap—I had been on the motorcycle.

Q. Did you have a gun?

A. I had a gun, yes.

Q. Did you use it?

A. Not with the amount of people—there was 50 or 75 people at the beginning of the fight.

Q. How were you injured?

A. I had some teeth knocked out in the lower jaw.

Q. Did it require dental or medical care?

A. It required the dentist's attention.

Q. How many Pachucos would you estimate were present on that occasion?

A. There was about—mingled in the crowd, there was about 30—20 to 30 actual Pachucos.

Q. What was the attitude of the crowd towards you, cooperative or hostile?

A. The crowd was neutral.

Q. How about the Pachucos, what was their attitude?

A. Antagonistic. . . .

John J. Halloran, also an officer with the Los Angeles Police Department, told the committee of receiving a radio call to investigate a "gang attack" on a service station at 800 North Mission Road in Los Angeles. (Com. Tr., Vol. XIX, pp. 4489-4494.) He testified that, in the company of two other officers, he drove to the locality indicated in the radio call and upon arriving found a man badly beaten, covered with blood, cut about the face and stabbed in the back. The victim's nose had almost been severed from his face. Securing a description of the assailants and their car the officers cruised about the neighborhood and eventually picked up their trail. A woman directed them to a house where fifteen or twenty of them had taken refuge. Officer Halloran's testimony continues (Com. Tr., Vol. XIX, pp. 4492-4493):

> A. . . . the lights were turned off in the house, but we heard a commotion inside and we started to enter, at which time the people in the house—there were about 15 or 20—I think probably about 20 in the house. When they saw us coming some of them tried to make their escape, and three of them rushed at me from the front door, and I don't know who shot, but I heard a shot about that time coming from the direction of the house, and I pulled my gun and ordered these three to halt, which they didn't do and I shot two of them and effected the arrest of those, and the other two officers and myself arrested 12 altogether in the house.

Q. The two you shot were in the act of running away, were they?
A. At the time I shot them.
Q. And you ordered them to halt?
A. Yes.
Q. Which they refused to do?
A. Yes.
Q. The first shot you heard wasn't fired by you or any of the officers with you?
A. No, it wasn't.
Q. What happened to the two prisoners that you shot?
A. They recovered.
Q. They both recovered?
A. Yes, sir.
Q. And you say you effected the arrest of 12 altogether?
A. Yes, sir.
Q. What was their attitude toward you and the other officers when you were effecting their arrests?
A. They were very belligerent, they put up some resistance. The other two officers were both struck by these defendants during the arrests, but we finally got them quieted and put them in the cars and took them to the station.
Q. Did you have to use any other means of force to subdue them?
A. I didn't myself, but I believe Officer Stevens and Officer Eutis both did.
Q. Used their saps?
A. Yes, sir.
Q. Were they Pachucos?
A. Yes.
Q. And arrested in Pachuco suits?
A. Yes.

Officer Vance Brasher of the Los Angeles Police Department testified as follows (Com. Tr., Vol. XIX, pp. 4494-4498):

Mr. Combs: Q. You were here when Captain Reed related the circumstances affecting you in connection with the Pachuco disturbance, were you not?
A. Yes.
Q. On what date did that difficulty occur?
A. November 26th, 1942.
Q. At what time?
A. Approximately 9.30 in the morning.
Q. Were you in plain clothes or uniform?
A. Plain clothes.
Q. Do you habitually work in plain clothes?
A. Yes, sir.
Q. Where did the disturbance take place?
A. 276 Clover Street.
Q. What part of the city is that?
A. The east side of town.
Q. How did you happen to go there?
A. The detective bureau had advised us that a Mexican—there was three of them—the previous night had knocked a woman down

over in Hollywood and snatched her purse, and in doing so one of the Pachucos had dropped an identification card, and they informed us the fellow lived at 276 Clover Street, so we went over to establish the address.

Q. When you say we, who do you mean?

A. My partner, Tom Buckley and I.

Q. You were in a patrol car?

A. We staked out from 10.30 of the 25th until the time it occurred, approximately 9.30 of the 26th. At the time we had information he was in the house. My partner went around to the back, and I went to the front, so in case he ran out of the back my partner would get him, and I entered the front door. He was lying inside, and as I pulled the screen door he stuck a gun in my face and fired.

Q. Where did he shoot you?

A. The jaw, here (indicating).

Q. And you are indicating the scar?

A. And it came out down the back of my neck (indicating).

Q. What happened, did you go down?

A. Momentarily. As I came to, my partner came running in, and Vallez, he jumped over me and run down the street. I pulled my gun and shot six times at him.

Q. Did you hit him?

A. I started to reload, but in the meantime my partner came running in and chased him and cornered him down between two houses, and he had to shoot him at that point before he took him. We took him to the receiving hospital, he didn't die.

Q. He didn't die?

A. No, he didn't.

Q. What happened to him, was he prosecuted?

A. He was prosecuted.

Q. Was he convicted?

A. He was convicted.

Q. Where is he now?

A. I guess it would be San Quentin. He was also wanted for two robberies, grand theft, auto and merchandise.

Q. Was he a Pachuco?

A. That's right.

Q. Dressed in a zoot-suit?

A. That's right.

Q. How old was he?

A. 19 years old.

Q. Were you involved in any other difficulty with Pachucos?

A. Yes, in the case where a police officer was killed. It started over a Pachuco, a drunken Pachuco.

Q. Will you relate the circumstances—when did that occur?

A. That happened on the 31st of December.

Q. Of last year?

A. That's right, of '42.

Q. What time of the day?

A. Approximately 11.30—that was New Year's Eve.

Q. Where did it occur?

A. 1763 North Main Street.

Q. What happened?

A. At that time my partner and I were patroling, and we noticed a crowd out in front of a cafe.

Q. What was your partner's name?

A. Tom Buckley.

Q. The same person?

A. The same person. We noticed a woman and three men arguing. We thought it was just a Mexican brawl, drunks, so we hollered at them to "bust it up and go home." We traveled about a quarter of a block and heard five shots. We immediately turned around, and we saw two fellows running from the scene. Well, we stopped the car and apprehended them, and when we went back to the scene we found the officer lying in front of the cafe, he had been shot.

Q. The officer had been shot?

A. That's right. After investigation, one defendant, Mr. Brasdeaz, a homicide, in the city hall admitted shooting the police officer.

Q. He confessed?

A. That's right. He was convicted and received a manslaughter verdict.

Q. What was the officer's name?

A. Diro.

Q. Were these persons with whom you had controversies at that time and place Pachucos?

A. Two of them were, yes.

Q. Dressed in zoot-suits?

A. Yes.

Officer Meredith John Layman told the committee that he and his partner, Officer Trout, had received a radio call in Venice during the period of the "zoot-suit" disturbances. Arriving in the vicinity of the pier in Venice the officers were approached by a Mexican who asked whether or not they were policemen. Upon replying in the affirmative the Mexicans told the officers that there was a fight in progress on the end of the pier. It was after nightfall and at this time the entire coast area was blacked out. Stepping to the end of the pier the officers were suddenly assaulted by five or six young Mexicans, all, except one, of whom were wearing "zoot-suits". The exception was wearing a soldier's uniform. One was armed with a pair of brass knuckles while two others wielded black-jacks. Officer Layman suffered an injury over the left eye which required two stitches and his teeth were driven through his lips. His testimony, in part, follows (Com. Tr., Vol. XIX, pp, 4500-4502):

Chairman Tenney: Q. Did they use any weapons?

A. Two blackjacks and a pair of knuckles.

Q. A pair of knuckles?

A. Yes, I was knocked down to my knees twice—I got back up.

Q. You say they were in zoot-suits?

A. Yes, the tight-legged trousers and the coat didn't quite reach to the knees.

Q. They had the full Pachuco pants on?

A. Yes, sir.

Q. Did you effect their arrest?

A. No, sir.

Q. What happened?

A. As I understood later from my partner, he had to draw his gun, as they backed him up against the rail of the pier, and he said they were going to push him over, so he drew his gun, and I was using all the force I could to make an arrest.

Q. Were you knocked groggy?

A. Things appeared clear at that time, but later when I thought about it it wasn't so clear.

Q. Where were you struck with the brass knuckles?

A. Right here (indicating).

Q. Where that scar is discernible?

A. Yes.

Q. Where else?

A. Right here on my lip (indicating).

Q. Any place else?

A. The two that had the saps hit me across the spine repeatedly, and I still suffer from that.

Q. By a sap, you mean a piece of loaded lead?

A. Yes.

Q. And you were struck across the spine with that?

A. Yes.

Q. You still suffer from the effects of those blows?

A. Yes, I do.

Q. Is there any other occasion you sustained any injury in a similar incident?

A. About two weeks before while in uniform at Navy and Ocean, which is a short boulevard, a short block, I was struck in the jaw, but I did not need any medical attention—there was a riot there.

Q. Were you struck on the jaw with a weapon?

A. Only a fist.

Q. And that involved people of Mexican descent, young people who were dressed in the typical Pachuco costume?

A. Yes, sir. I believe there were 13 arrests that night.

Q. What were the arrests made for—rioting?

A. Yes, sir; unlawful assembly, I believe.

COMMUNIST AGITATION

The Communist press, Communist spokesmen, loud-mouthed Communist sympathizers and fellow-travelers charged the *Sinarquistas* with the responsibility for the riots, alleging that the *Sinarquistas* were controlled and directed by "subversive Fascist Fifth-Columnists." The committee invited a number of the most vehement of these accusers to present facts and data substantiating their charges. By concerted action all of those invited to appear before the committee declined to accept the invitation. The committee thereupon issued subpenas for each of them. The transcript of testimony, as digested in the 1943 Report of the Committee, clearly indicates that the individuals questioned had no proof of their charges and that the campaign had been one of racial antagonism and agitation.

The Communist Party press, pursuing the party line on racial agitation, continually fed the fires of racial antagonism by charging that Mexican youth in the United States was being subjected to police brutality, race-discrimination, segregation and humiliation. Communist inspired and dominated organizations were created for the alleged defense of the Mexican minority. Meetings were organized in Mexican districts in Los Angeles where trained rabble-rousers orated of police brutality against minority groups, of the unfair treatment of the Mexican and Negro population and of racial discrimination and segregation.

In the October 3, 1942, issue of the *Communist Party* west coast publication, *"People's Daily World,"* it was charged that the *Sinarquistas* were sewing " . . . their seeds . . . in fertile soil among the young girls and boys brought up on the east side of Los Angeles." The issue of October 5, 1942, blamed the "zoot-suit" phenomenon on the economic system. The October 8, 1942, issue of the *"People's Daily World"* charged that the Mexican youth were being subjected to Fascist pressure. The issue of October 14, 1942, stated that a "Fascist Fifth-Column" was working unseen among the Mexican youth of Southern California.

The *"People's Daily World"* for October 20, 1942, carried an article by Communist La Rue McCormick in which she declared that Nazi agents were operating in the Mexican communities of the City of Los Angeles, corrupting Mexican youth and inciting racial antagonism.

Two days later the *"People's Daily World"* announced that the Los Angeles C. I. O. Council and the *Spanish-Speaking People's Congress* were demanding that an investigation be made of the *Sinarquista* movement.

On October 24, 1942, the *"People's Daily World"* reported that Communist La Rue McCormick, on her own initiative, had organized a committee of 14 to defend the Mexican youth of Southern California, and to expose the fifth-column elements that were using the Mexican youth as dupes. Mrs. McCormick, representing the *Spanish-Speaking People's Congress,* was announced as the Secretary of the new organization.

On October 26, 1942, an article in the *"People's Daily World"* reported Philip M. Connelly of the C. I. O. as charging the metropolitan newspapers of Los Angeles of fomenting racial antagonism and agitation. Mr. Connelly was quoted as stating that "Crime waves are turned on and off by newspapers like water in a spigot, and when the city editor is short of news, he orders police reporters to round up attack cases and if the sheriff's office is not deliberately participating in the fraud it is being duped."

It should be obvious from the foregoing that the *Communist Party* had launched an intensive campaign through the medium of its press. Similar articles appeared in the *"People's Daily World"* on October 28, 1942, November 2, 1942, November 17, 1942, November 19, 1942, November 30, 1942, December 4, 1942, and December 10, 1942. In addition to this intensive press campaign, a flood of handbills, pamphlets and mimeographed material, both in English and in Spanish, inundated the City and County of Los Angeles.

Students of *Communist Party* technique were aware immediately of the objectives of the *Communist Party* editorial barrage. In accentuation, stimulation and furtherance of the "class struggle," the Mexicans of

Southern California were to be impressed with their "minority status." They were to be indoctrinated with hatred for the police, for bourgeois law and order, and punishment for crime was to be "smeared" as racial discrimination, intimidation and police brutality. All bourgeois institutions in Southern California were to be held up as institutions of oppression, hostile to dark-skinned minorities, intent upon their impoverishment and destruction. Having created the conflagration, the *Communist Party* would then appear upon the scene as the rescuing firemen; the only stalwart and courageous champions of the oppressed and persecuted.

SLEEPY LAGOON MURDER CASE

The so-called *"Sleepy Lagoon Murder Case"* occurred in Los Angeles County on August 1, 1942. It was destined to be another *cause celebre* for the *Communist Party*.

Sleepy Lagoon, a reservoir on the Williams' Ranch, is situated about a mile and a quarter north-east of Atlantic Boulevard in the City of Los Angeles. It is a somewhat secluded spot, reached only by a dirt road, and is surrounded by shrubbery, trees and undergrowth.

It appears that a group of "zoot-suiters" were assaulted by a rival gang and, having gotten something the worst of the encounter, drove to the vicinity of Vernon and Long Beach Avenues for reinforcements. Here they gathered a number of friends, young men and women, and headed for the Sleepy Lagoon area where they expected to find the gang that had attacked them. They arrived about two o'clock in the morning.

A party had been in progress for some time in the home of a humble Mexican family situated about a half mile east of the Sleepy Lagoon reservoir. The host and the hostess were an old couple, about 70 and 60 years old, respectively. A small orchestra supplied music for dancing on a cement platform in the back yard. While some of the guests were dancing others stood at the edge of the platform watching the festivities.

Arriving at the reservoir the reinforced group of Mexican boys found the area deserted. They heard the music and saw the lights in the Mexican residence and, still seeking their former assailants, drove their cars to parking distance of the scene of festivities. In the fight that ensued two people were knocked unconscious, many were injured, one seriously stabbed and another died before he could be removed to a hospital.

Arrests followed immediately. Three of the boys were found guilty of first degree murder, nine were found guilty of second degree murder and five were found guilty of criminal assault.

The *Communist Party* had a new *cause celebre*. New front organizations were immediately created and fund-collecting committees for the defense of the Sleepy Lagoon defendants mushroomed in English and Spanish. Delegations called on Los Angeles County's sheriff and the district attorney, protesting mass arrests and discrimination against the Mexican population of Southern California. An intensified barrage of propaganda appeared in the columns of the *"People's Daily World."* A new flood of leaflets, pamphlets and mimeographed material was loosed on the unsuspecting citizenry of Southern California proclaiming the "Fascist" proclivities of the bourgeois press and city and county officials.

Clyde Shoemaker was a member of the district attorney's office in Los Angeles County when the Sleepy Lagoon Murder Case was brought to

trial. Mr. Shoemaker testified June 23, 1943, and his testimony, in part, follows (Com. Tr., Vol. XIX, pp. 4536-4555):

By Mr. Combs: Q. Yes. Now, did you ever hear of the organization known as the Citizens Committee for the Defense of Mexican-American Youth?

A. Yes, I heard of it during the prosecution of those 22 defendants. That trial began on the 13th of October, 1942, and the verdicts came in—66 verdicts came in about the 12th of January, 1943.

Q. Did you ever hear of the Citizens Committee for the Defense of Mexican-American Youth prior to the Sleepy Lagoon case?

A. No.

Q. It is your opinion the committee was created as a result of that case?

A. I believe that's obvious.

Q. Yes. Have you formed any opinion as to whether or not the committee is Communist in character?

A. Well, in my opinion it is definitely so.

Q. And what are your reasons for that opinion?

A. I recall at the outset of the trial a number of defendants were represented by Mr. Dick Bird, one of the public defenders. The other lawyers were Ben Van Tress, Phillip Schultz and a George Jeveg, David Ravin—I don't recall any other lawyers now in the case.

Q. George Shibley?

A. Oh, no, not at the outset. We took a week to select the jury. On the voir dire examination there was not one objection made by defense counsel to any question asked, either by Mr. Barnes or myself, not one. We were very careful to caution the jury that the case involved no racial angle, that the criminal laws were meant for the protection of society against all persons, regardless of race, creed or color. The fact that these boys might be of Mexican ancestry, or any other ancestry, had nothing to do with it, and the race issue was not interjected in the case—we were very careful about it. But after the jury had been selected and after the trial had been under way about a week following that Mr. George Shibley came into the case for the first time and took over the defense of a number who had been represented by the public defender, and he supplanted the public defender eventually altogether. He also took over some of the defendants represented by David Ravin, and pretty soon he had all his clients, and Mr. Ravin and Mr. Dick Bird left the case. George Shibley then represented nine defendants, and from the very day he came into the case, within a half hour after, it was obvious he was interjecting the same Communistic hue and cry that Leo Gallagher had interjected where the C. I. O. longshoremen had been involved, and he was accusing—for instance, he accused me of misconduct before noon of the day he entered, and hardly a day went by that George Shibley didn't accuse everybody, even Judge Fricke, of misconduct, and the prosecutors, and not one of his charges were ever sustained by the court.

Q. The Committee for the Defense of the Mexican-American Youth also accused Judge Fricke of misconduct?

A. Oh, yes; and they were instrumental, I understand, in employing Shibley. He is generally reputed to have had some part at one time in the *People's World* as an associate editor for a time.

Chairman Tenney: He is very active in the National Lawyers Guild?

A. I am not certain about that, Mr. Tenney. And the case then became, you might say, from the time that Shibley entered it, a public forum for the venting of hate toward the sheriff's deputies, towards attempting to create a racial problem, racial discrimination, and the balance of that trial was made up of efforts, particularly on the part of Shibley, to make that trial a sounding board for the usual hue and cry of the typical socialistic revolutionaries that they appeared to be.

Q. Mr. Combs: I hand you a letter entitled, "Citizens Committee for the Defense of Mexican-American Youth," and ask you if that type of letter was circulated during the prosecuting and after the termination of the trial? (Handing to witness.)

A. Mr. Combs, I haven't seen this before. I notice its date is February 16, 1943 ——

Q. (Interrupting) Yes.

A. (Continuing)—but during the trial and while the case was being argued in January, a pamphlet was circulated according to our office during the actual time the case was being argued. I have a copy of that here, which I hand you. (Handing to Mr. Combs.)

Q. This is entitled, "The Talk of the Town. Did 22 Mexican-American boys commit murder? Are 350,000 Mexican-Americans criminals? Can Fifth Column knife cut Los Angeles in half?" And bears the following: "Citizens' Committee for the Defense of American-Mexican Youth, 206 South Spring Street, Room 342." Do you have any more copies of this? (indicating)

A. That's the only copy I have.

Q. I think we have a copy of it. I hand you a photostat——

Chairman Tenney (Interrupting): You have said that this committee employed Shibley. On what do you base that statement?

A. Upon a speech that La Rue McCormick gave at the Communist Victory Center along in the latter part of January, just a few days before Mr. Dockweiler died.

Q. I think we have a copy of that speech.

A. I think I furnished Mr. Combs with a copy of it, and I have a copy here (indicating). We covered that with a shorthand reporter, and here is her transcript of it, on January 29th, 1943, at the Communist Victory Center, 1828 Sunset Boulevard, and in this speech her philosophy about their case is set forth, and in it she indicates they were dissatisfied with the cousel who took the cases, and they were instrumental in selecting counsel to take over the defense during the trial, and upon the basis of that I have assumed from what I have observed that Mr. Shibley was their representative. January 29, 1943, is about two weeks after the verdict was returned. Now, in this may I say that this speech of La Rue McCormick is 99 per cent viciously false. About the only thing that was true was the fact there was a trial and that there were certain defendants by number and that they were convicted, but

practically everything else in that sheet is viciously false and inflammatory. When I say "sheet" I mean those sheets, the transcript of that speech (indicating).

Mr. Combs: I would like to offer that transcript, together with the accompanying certification, in evidence as Exhibit 1 in connection with the testimony of Mr. Shoemaker.

Chairman Tenney: So ordered. (Marked Shoemaker Exhibit No. 1.)

The Witness: May I say that reflects better than anything else the type of contentions made in the trial by Mr. Shibley. I might say, he could have written it from the tone of it, and it is the best indication I know of of the kind of contentions they made to the public and to deceive the public about that trial of anything I know.

Mr. Combs: For the purpose of identifying this document, the first sheet is an office memorandum to Joseph E. P. Dunn, Chief, Bureau of Investigation, in re: Mrs. La Rue McCormick, from Herbert Grossman; date, February 4, 1943. Signed by Herbert Grossman, Investigator.

The Witness: That's a true copy of the original.

Mr. Combs: There are 10 pages of transcript of Mrs. McCormick's speech, taken at Victory Center, 1828 Sunset Boulevard, Los Angeles, California, 8:45 P. M., January 29, 1943. Present: Herbert Grossman; reported by Aurora L. Springer.

Q. Now, Mr. Shoemaker, I hand you a photostat and ask you whether or not you have ever seen the original of which this purports to be a copy?

A. The original I believe had—let's answer your question yes. The original, I believe, had a mimeographed yellow sheet attached to it by an iron stamp.

Q. That's correct.

A. That was picked up, as I recall, on the floor of the courtroom during the trial of the case against the 22 defendants. It is a sample of the kind of petitions that were circulated around the courtroom and in the corridors to collect money from the Mexicans who frequented the trial; which money was turned over to Mr. Shibley.

Mr. Combs: That has been identified as Quevedo Exhibit No. 1.

The Witness: In that connection, I want to make the record very clear that I do not connect Mr. Van Tress or Mr. Philip Schultz, or any of the other lawyers, with the tactics of Shibley; I want that very clear in this record, that I am saying nothing at all to reflect upon them in that respect.

Chairman Tenney: Q. Was there any other lawyer for the defense that was of the same caliber and character as Shibley?

A. No, Shibley went alone. He failed to agree with co-counsel, and stood on his own feet and used his own tactics.

Mr. Combs: Q. I hand you a photostat, and ask you if it is a photostat of the yellow sheet you have just described, and I ask you if you have ever seen the original of which this purports to be a copy? (handing to witness)

A. That looks like it.

Mr. Combs: This is entitled "Unamonos para la victoria El Fascismo." It has already been translated, but hasn't been intro-

duced, and I now offer it as Exhibit No. 2 in connection with Mr. Shoemaker's testimony.

Chairman Tenney: So ordered. (Marked Shoemaker Exhibit No. 2).

Mr. Combs: Q. Now, Mr. Shoemaker, did you ever hear of a person called Reverend Ernest Caldecott?

A. Yes, sir.

Q. Is he the minister of the First Unitarian Church?

A. That's correct. In the block on Eighth east of Vermont.

Q. Do you know whether or not this committee for the Defense of Mexican-American Youth endeavored to use his church for a meeting to raise funds in connection with the Sleepy Lagoon case?

A. Yes, I can tell you about that. I have here a pamphlet which was circulated after the defendants had been sentenced by Judge Fricke to prison, as I remember. Incidentally, 12 of the 22 defendants were convicted of murder and all sent to San Quentin, and five were convicted of assault and received the maximum jail sentences for that, five were acquitted of the 22, four of whom we suggested to the jury might be acquitted.

Now, after the trial was over and the judgment and sentences had been pronounced, one day my attention was called to this pamphlet which I hold in my hand (illustrating) by our deputy in charge of the Grand Jury. Mr. Ernest Oliver had heard such a pamphlet was being circulated and a meeting was to be held at the First Unitarian Church for the purpose of raising funds for this committee. I made a note of it, and in almost the same day or the next, Judge Fricke called me to his chambers and handed me this (indicating). It is entitled, "We have just begun to fight," which is another vicious piece of inflammatory literature—

Mr. Combs (Interrupting): I have a copy.

A. (Continuing)—it is 99 per cent false, just as her speech was.

Mr. Combs: I would like to read a very short excerpt from that pamphlet (reading):

"It is mandatory upon the citizenry of Los Angeles to prevent a few newspapers, a few score of police sadists, a pair of ambitious prosecutors and the Fifth Column to cancel out the fine harmony between peoples and nations so diligently being woven in the course of a democratic war.

"The Citizens' Committee for the Defense of American-Mexican Youth, composed of leading members of the community, has long been dedicated to this harmony, and to the elimination of these crippling injustices.

"First on this program is the continued defense of the 17 Mexican-American boys just condemned, a marshalling of every reasonable assistance to prepare for an appeal along the lines maintained by our own Attorney George E. Shibley.

"More recently, also the situation has worsened through the rabid activities of Fifth Columnists anxious to impede the war drive by splitting off a highly productive section of the population from the main body of unity.

"Small wonder, then, that these 12 men and women approached impanelment with a fixed notion that 'Mexican' was

synonymous with criminality. And that they were very susceptible to evidence 'proving' one more instance of it." I would like to introduce this as the exhibit next in order for this witness.

Chairman Tenney: Exhibit No. 3. (Marked Shoemaker Exhibit No. 3).

Mr. Combs: I would also like to introduce the pamphlet entitled "The Talk of the Town" as this witness' next exhibit.

Chairman Tenney: No. 4, Shoemaker Exhibit No. 4.

The Witness: May I continue on with the matter concerning Dr. Caldecott?

Mr. Combs: Yes.

A. After Judge Fricke had called me into his chambers and shown me this pamphlet and delivered it to me I telephoned Dr. Caldecott, the Unitarian minister, whom I knew to be a fine gentleman, a conscientious public-spirited citizen, and asked him if such a meeting had been scheduled at his church, if he knew anything about it, and I believe he replied that the matter was not in his charge, but that he would find out; and he found out that it was scheduled a few days hence, and I said, "I wonder if you know what the meeting is about," and he frankly didn't know, and I asked if he would be interested in knowing, and he said that he would, and so he came to my office very promptly. I had on my desk the grand jury transcript of that case and the entire 6,500 pages of the trial record, and I told him when he came in there was the record, he could look at it then, or he could take a week to look at it if he wanted, but that this meeting that was about to be held at his church was for the purpose of printing the propaganda such as was in the pamphlet entitled "We have just begun to fight," and I said to him in substance, "We feel you ought to know what the nature of the meeting was, so you can decide whether or not you want to be a party to it in any way, shape or manner, because that is an attack upon the judge, upon the prosecutors, upon the jury and upon the fairness of the trial in a case which is now pending before the courts." And he was very courteous, he said he would like to investigate with his official board, and the next day he called me and said he wanted an appointment, and he came down and he brought with him the president of his board, a lawyer who is a member of the staff, employed I believe by the City of Los Angeles in the Bureau of Power and Light—Water and power, and with them came two members of this Citizens Committee for the Defense of American-Mexcian Youth. They didn't come exactly at the same time, the two members of this committee followed in a few minutes.

Q. Who were they?

A. Clore Worne and a young lawyer by the name of Robert Morris, whom I had never met, but who was introduced as one of the State barristers of Los Angeles.

Q. Wasn't he——

A. (Interrupting) He stated he had formerly been in the office of Robert Kenny, the Attorney General.

Q. Wasn't he also a representative of the National Lawyers Guild?

A. I don't know about that.

Q. What was his name?

A. Robert Morris. Shall I proceed?

Q. Yes, go right ahead.

A. They—when I say they I mean Mr. Caldecott and his representatives stated that they had arranged this meeting for the purpose of discussing the nature of the meeting to be held in the church, and I had asked John Barnes to come in, and he sat with us, so six of us were present at the conference. The nature of the discussion was merely this, that we in a few words told Mr. Caldecott in the presence of these two lawyers, Mr. Worne and Mr. Morris, that we felt that sheet which I have referred to was viciously false, without foundation, was inflammatory, and that it was harmful to the case that was pending, and that such a thing as that ought not to be circulated. Our only interest in this meeting was whether or not the minister knew the nature of it, we had no control over the meetings in his church, we didn't invite the conference, they invited themselves on their own accord. These two committee members, they launched into an attack then upon the trial. Mr. Worne led the attack, and we asked them if they were responsible for the preparation of, not only this pamphlet, but of the one which is already in evidence and marked and described as "The talk of the town." They admitted they were, they and a group of other people were responsible for the preparation of those pamphlets. They virtually said in response to our challenging questions it didn't make any difference whether those things were true or not, they were opposed to the prosecution of 22 individuals for the murder of one on general principles, and they virtually justified anything in those pamphlets on the ground their belief and philosophy would not permit them to approve the prosecution against those 22 defendants for the murder of Jose Diaz.

Q. Who is Jose Diaz, was he a Mexican?

A. Jose Diaz was born in the United States, and practically every one of the defendants were American citizens, born right here in Los Angeles, and everyone had the benefit of an education up to the 10th or 11th grade. So the result of it was that after some bitter discussion on the part of Mr. Worne and Mr. Morris, and it was quite bitter, we asked very few questions and took very little part in the discussion, Mr. Barnes and myself, the meeting adjourned; and the next day Mr. Caldecott informed me over the telephone he had concluded to have nothing to do with it, and the meeting was cancelled, and he put it on this ground: Their church was an open forum on civil rights and remedies at any and all times, but never did they intend their premises should be used for an attack upon the courts or an institution of Justice for the purpose of raising funds in carrying on some proceedings—something to that effect.

And I want you to call Mr. Caldecott right here, right now and ask him, and he will tell you he cancelled that meeting, not from any threats from our office, which were not made; he became convinced the meeting was subversive in character and something he wanted to have nothing to do with.

• • • • •

Mr. Combs: Q. Now, Mr. Shoemaker, summing up the impressions which you gained as a result of the events leading up to the Sleepy Lagoon case and which occurred during the trial of the case and which occurred immediately thereafter, tell the committee what your opinion is concerning the influence exerted by Communist organizations such as this Committee for the Defense of Mexican-American Youth.

A. Well, from my familiarity with the nature of the assaults that had been made prior to the Sleepy Lagoon case, and I had been consulted both by the sheriff and the police in regard to a number of cases occurring earlier in 1942, and then my familiarity with the facts and circumstances surrounding the so-called Sleepy Lagoon case, I'm satisfied—in fact, I think there is no doubt about it—that there is no Axis influence in the case whatsoever, or any of the cases, never the slightest evidence of any efforts by any of the Axis powers or any of the agents of the Axis powers to incite any of these people to commit any of these depredations—we never found any evidence at all in that direction. On the other hand, we found that probably the group, the hoodlums that made up these gangs, an aggregate of some 300 out of the total Mexican colony of nearly 300,000, we found the better elements in the Mexican community, the respectable people, all the law-abiding Mexican citizens, heartily approved our prosecution.

If you want to go back and look at the leading Mexican newspaper—I think it is called La Opinion—I don't think you will find any criticism in that newspaper of that prosecution or of the police or the sheriff in regard to that case, or any similar case. You'll find that the better elements in the community, both Mexican, colored and white, all believe in law enforcement with respect to those matters, and upheld the law enforcement agencies. But this group of radicals, whatever you call them—now, when you call them Communists, I want to refer to them as our own breed of Communists, I don't blame Russia—and I don't want to confuse our Communists with those people, that is, they are only a breed, whether you call them Socialists or Socialist radicals or Socialist revolutionaries, they speak a language which in the courtroom always sounds the same. They attack the police officers, they attack the law enforcement, they put the policeman on trial, the law enforcement agencies—they put everybody on trial except the defendant, and their methods with respect to glorifying these defendants, their methods of attacking the police, of attacking the district attorney, ridiculing the court in open court, ridiculing the processes of the court in open court in the presence of these defendants, with the courtroom full of their friends.

Q. That occurred in this case?

A. Oh, yes, every day.

Q. And in the case which preceded it, the Webster case?

A. Yes. And I say in my opinion the activities of these trouble makers do more harm to law enforcement, do more harm to the matter of peace and security of the community than any other single influence, and I personally feel that this group of radicals who make, who support this sort of a movement and who back up

these people and raise money, the same way as they did in the Sacco-Vanzetti case, are responsible for stirring up hatred and animosity in the community, are responsible for inciting and fomenting the very thing that happened in the recent outbreaks when the sailors and soldiers finally in desperation took over and we had our recent trouble. In that connection may I say that I believe that in spite of the valiant effort of the police department and the sheriff so many outbreaks had occurred against the men in the armed forces, and they were so disgusted with the tactics of these hoodlums who frequented the streets at night that they finally in desperation because of the extreme situation presented, virtually took the law into their own hands.

I heard a service man stand up in a meeting before a group of veterans some weeks before this outbreak occurred, and he was a man who if I mention his name you would know him, but I won't mention his name—he stood up in the open meeting, and he happened to—I was assistant district attorney at the time—he said he wanted to ask the assistant district attorney why men in the armed forces like myself when we get a week-end off in order to see our family and friends have to take an armed body guard with us in order to keep from being attacked by zoot-suiters, as he called them. That was the situation even before the outbreaks occurred. Incidentally, I left—I left on the 31st, and the outbreak occurred on the 1st day of June. Now, maybe that wasn't what caused them, it may have been a mere coincidence, but the situation really was there, there had been so much building up of the hoodlums by the people of the type of the Citizens Defense Committee, and this false circulation of inflammatory and defamatory material that it was the logical thing to expect they would break out. It was pretty well under control when we finished with that trial. Captain Reed of the police department and the men in the sheriff's department had done wonderful work in covering those assaults and in getting the thing under control until this sort of thing made it bad again.

NEW COMMUNIST "FRONT"

Organizations with new names and familiar personnel came into being overnight.

The *"Citizens Committee for the Defense of Mexican-American Youth"* soon became the most prominent of the new agit-prop (agitation-propaganda) committees. Offices were opened and maintained in the Wilcox Building at Second and Broadway in the City of Los Angeles, where the influence and domination of Mrs. La Rue McCormick, a registered and admitted member of the *Communist Party*, guided the work and propaganda. Philip Connelly, then State President of the C. I. O.; Al Waxman, publisher of the *"Eastside Journal"*; Leo Gallagher, *National Lawyers' Guild*; Bert Corona, *Warehousemen's Union*; Jerome Posner, *Amalgamated Clothing Workers' Union*; Jessie Armenza, *Laundry Workers' Union*; Gregg Bemis, *International Workers' Order*; John Bright, *Council of Pan-American Democracy*; Josephine Fierro, *Spanish People's Congress*; Herbert Ganahl, *National Lawyers' Guild*; Dorothy Comingore, *Screen Artists' Guild*; Minnabell Cline, *Screen Office Employees' Guild*; Oscar Fuss, C. I. O. Legislative Director; Rose Har-

mon; Mrs. Will Rogers, Jr.; Guy Nunn, Minorities Group Division of the War Production Board; Carey McWilliams, State Director of the Department of Immigration and Housing; Roger Cardona, President of the *Victory Youth Club;* Stewart Neil, and Charlotta Bass, publisher of the *"California Eagle"*, were some of the sponsors of this new Communist front organization.

The following extract from a mimeographed circular distributed in the Los Angeles area by the *Citizens' Committee for the Defense of Mexican-American Youth* is typical:

> "The Sleepy Lagoon Murder trial, which resulted in the conviction of 17 Mexican-American boys, three for first-degree murder, nine for second-degree, and five for assault, can only be understood if it is viewed against the background of persecution and discrimination which has been practiced against our Mexican-American population, a part of which has been a press campaign of vilification and slander. In this light it becomes understandable that 12 boys were convicted of the murder of a man without proof that any one of them ever touched him or attempted in any way to do him any harm.
>
> "During June and July of 1942, the Los Angeles Press began to build a 'crime wave' among Mexican-American youth which was unsubstantiated by any official records. Stories of arrests were played up on the front pages; no mention was made of subsequent releases for lack of any charge. The 'zoot-suits' worn by great numbers of Mexican and Negro youth, was invested with a sinister connotation. . . . "

Captain George Contreras of the Sheriff's office of Los Angeles County, in charge of the Sheriff's *Anti-Subversive Detail,* testified, in part, as follows (Com. Tr., Vol. XLX, pp. 4559-4560):

> By Mr. Combs: Q. Are you familiar with a building across the street from the one in which you are located known as the Wilcox Building?
>
> A. Yes, sir.
>
> * * * * *
>
> Mr. Combs: Q. Have you ever had occasion to have the tenants of that building checked?
>
> A. From time to time, yes.
>
> Q. Do you have a list of the tenants of the building?
>
> A. Yes. Do you mind if I put my glasses on, I can't see.
>
> Q. Not at all.
>
> A. I have, sir.
>
> Q. Would you mind reading it into the record?
>
> A. (Reading): "Offices in the Wilcox Building, Second and Spring, Room 208, John E. Jeffrey, California Regional Representative, (Was State President of the State, County and Municipal Workers of America).
>
> "208. John St. Cyr, State, County and Municipal Workers of America.
>
> "242. Spanish Speaking People's Congress—Josephine Bright, Secretary.
>
> "325. The American Association of Social Workers.

"401. Joint Anti-Fascist Refugee Committee.
"425. Rose Segure, Regional Representative.
"440. United Office & Professional Workers of America, Local No. 9.
"525. People's Daily World."
That is about all, Mr. Combs, in that building.

Captain Contreras testified that his office had made a thorough investigation of the *Citizens' Committee for the Defense of Mexican-American Youth* and that the group was, in his opinion, a Communist front organization.

There is, of course, no doubt whatever of Mrs. La Rue McCormick's Communist affiliations. She has been a registered Communist for many years and has been an active functionary in party affairs for a long time. She was the spearhead in the Mexican agitational campaign and created the *Committee for the Defense of Mexican-American Youth*. Her testimony, in this connection, follows (Com. Tr., Vol. XVIII, p. 4313):

By Mr. Combs: Q. Of course, you were sponsor, were you not, of the Committee for the Defense of Mexican-American Youth?
A. Yes.
Q. Who actually organized that in its inception, any one individual, or was it a spontaneous proposition?
A. Well, I sent out the invitation to a number of people to come together to discuss the problems, and as a result of the meeting of these people the committee was formed.
Q. From whom did you get the idea?
A. I can't say I got the idea from anyone. I thought it was something that ought to be done.
Q. It originated with yourself?
A. Yes, I think so.

COMMUNIST "FRONT" SPONSORS

The first witness examined by the committee in this particular investigation was Philip M. Connelly, State President of the C. I. O. He admitted being connected with the *Committee for the Defense of Mexican-American Youth* and affiliated, in one way or another, with organizations known to the members of the committee as Communist dominated or controlled. These organizations were: the *Committee for American Unity*, the *Harry Bridges Defense Committee*, the *California Conference for Democratic Action*, the *American Peace Mobilization*, the *National Negro Congress* and the *Joint Anti-Fascist Refugee Committee*.

Connelly testified (pp. 4131-4162, Vol. XVII) that he was acquainted with Carl Winter, Los Angeles County Secretary of the *Communist Party*, and that he had met him shortly after Winter had arrived in Los Angeles. He believed that his last meeting with Winter, prior to testifying, was in the Los Angeles office of the *"People's Daily World," Communist Party* publication. (See the 1943 Committee Report, page 154 for Connelly's *Communist Party* affiliation.)

At the time Connelly testified before the committee on the subject of the "zoot-suit" disturbances (June 21, 1943) the Los Angeles office of the *"People's Daily World"* was located in the Wilcox Building at 2nd and Spring Streets. Committee investigators found the offices of the

Committee for the Defense of Mexican-American Youth also housed in the Wilcox Building.

Mrs. Charlotta Bass, publisher of the *"California Eagle,"* Los Angeles east-side newspaper, was one of the sponsors of the *Committee for the Defense of Mexican-American Youth.* The columns of the *"California Eagle,"* editorially and otherwise, echoed the sentiments and hewed to the "line" of the *Communist Party* organ, *"The People's Daily World."* Mrs. Bass testified (pp. 4113-4131, Vol. XVII) that she had been acquainted with Philip M. Connelly for two years; that she was acquainted with Carey McWilliams, Pettis Perry, President of the *Communist Party* of Los Angeles County, Mrs. La Rue McCormick and Al Waxman, publisher of the *"Eastside Journal."* Mrs. Bass stated that she had known Pettis Perry for about 20 years. The metamorphosis of the *"California Eagle"* from a respected American journal, championing the cause of the American Negro, to a Communist propaganda sheet has been going on for several years.

Al S. Waxman stated (pp. 4071-4113, Vol. XVII) that he had resided in Southern California for about 22 years and that he had been the owner and editor of the *"Eastside Journal"* for approximately eight and one-half years. He testified that the paper was in the category of a "throw-away" and was being delivered free of charge to about 17,000 persons, about 30 per cent of whom were of Mexican descent. He admitted addressing a group of Mexican boys on the corner of Brooklyn and Indiana Streets prior to the "zoot-suit" riots. He admitted printing articles in the columns of his paper declaring the *Sinarquistas* to be an Axis-dominated group and, at the same time, he admitted he knew nothing concerning the organization except what he had read in other publications. He admitted that an article appeared in his newspaper June 16, 1943, which stated in effect that the issue in the recent race-riots was a "Fifth-Column" force seeking to disrupt the war effort of the United States. When questioned closely on the facts of such a statement, he was unable to offer the committee any proof to substantiate the statements made in the article in question. He admitted that he was a subscriber to the *"People's Daily World"* and that he was aware that the Los Angeles offices of the publication were located in the Wilcox Building at 2nd and Spring Streets.

Like the *"California Eagle,"* Waxman's *"Eastside Journal"* has, for some time, been echoing the sentiments and hewing to the *Communist Party* "line" as exemplified in the columns of the *Communist Party* west coast publication, *"The People's Daily World."* Waxman's sympathy with things Communistic is clearly established by his testimony. He admitted attending two meetings, at least, where Pettis Perry spoke as the chairman of the *Communist Party* of Los Angeles County. He attended the meeting at the Philharmonic Auditorium in Los Angeles January, 1943, and heard the speech of Earl Browder, General Secretary of the *Communist Party* of the United States. He admitted being acquainted with Carey McWilliams, John and Josephine Bright, Mrs. La Rue McCormick, Guy T. Nunn, Dorothy Comingore and Oscar Fuss. He stated that he had been acquainted with Philip M. Connelly for approximately 10 years. John and Josephine Bright maintained offices in the Wilcox Building, Los Angeles, where the *Committee for the Defense of Mexican-American Youth,* the *"People's Daily World,"* and

other Communist and Communist front organizations were housed. John and Josephine Bright had been particularly active in a Communist front organization known as the *Spanish-Speaking People's Congress*. Waxman admitted having supported Mrs. La Rue McCormick for State Senate when she was the Communist Party's nominee for that office in the 1942 election.

It was Waxman's opinion that the metropolitan newspapers in the City of Los Angeles were responsible for the so-called "zoot-suit" riots. He contended that these metropolitan publications had carried headlines charging that Mexican boys were attacking members of the United States armed forces and that because of these headlines disturbances had ensued which were further inflamed and agitated by a succession of sensational headlines.

Waxman maintained that there had been cases of discrimination against the Mexican people before the riots began, stating that Mexican boys and young men were barred from a number of theaters when they sought admission in groups of more than two or three. He stated that Mexican young men were admitted to a limited number of dance halls in the city and barred from the rest. He alleged that the Negro people were being denied service in restaurants throughout the City of Los Angeles. He stated that the Jewish people were particularly being discriminated against and charged that there were no less than 50 cases of such discrimination in the City of Wilmington.

WAXMAN'S TESTIMONY

The editorial and newspaper activities of Waxman and Charlotta Bass have already been discussed. An inspection of their respective newspapers over a period of several months immediately prior to the first outbreak of rioting indicates that the two publications were following the "line" started by the Communist publication, *"The People's Daily World."* All three of these papers combined in an onslaught on the more conservative metropolitan newspapers in Southern California in charging that they (the metropolitan press) were responsible for the "zoot-suit" riots. It was, in fact, the *"Eastside Journal,"* the *"California Eagle"* and the *"People's Daily World"* that carried an intensive campaign on the *Pachuco* or "zoot-suit" issue for months. Waxman testified (Com. Tr., Vol. XVII, pp. 4098-4101) as follows:

> A. My opinions were expressed in my newspaper probably long before the *People's World* picked up the thing, because we're here; it takes them several days to get the news and bring it back to us. I say again the daily newspapers in my opinion caused these riots by coming out first with the elaborate stories of Mexican boys attacking seamen and members of the armed forces, and then when the fights took place the stories were written and handled in such a manner that the seamen were led to believe that they had gained a victory; so the Mexican boys felt it was then time for reprisals, and then the *Daily News* carried stories that the Mexican boys were the victors, so the service men came back for reprisals, and day after day that journalistic method of selling newspapers on the streets was used, and then when the thing seemed to play itself out and die and there was nothing else to fight about the *Daily News*

came out with the banner headline that the zoot-suit boys had declared war on the defense workers. Now, I suppose according to the conversation this afternoon I should have gone to the Federal Government and asked them to check on the results of the headlines. I took it up with the defense workers, and I found a number of defense workers who had read the *Daily News* who said they were going to quit the night shift and swing shift, and a number said they would continue to work, but carry weapons in their cars for protection.

By Senator Tenney: Q. This article (in the *Eastside Journal*) of June 10th, "Race Incitement to Violence—An Eyewitness Account"—do you think that would have any tendency to stir up riots among the Mexicans? (indicating).

A. I don't think so.

Q. You don't think (reading): "Four boys came out of a pool hall. They were wearing the zoot suits that have become the symbol of a fighting flag. Police ordered them into arrest cars. One refused.

"He asked: 'Why am I being arrested?'

"The officer answered with three swift blows of the night stick across the boy's head and he went down. As he sprawled he was kicked in the face. Police had difficulty loading his body into the vehicle because he is one-legged and wears a wooden limb."

You go on to say (continuing to read):

"At the same corner, a Mexican mother cried out: 'Don't take my boy. He did nothing. He's only 15 years old. Don't take him.'

"She was struck across the jaw with a night stick and nearly dropped the 2½-year-old baby that was clinging in her arms." Don't you think that that would excite anger on the part of the Mexicans?

A. They were doing nothing to stop riots in our city.

Q. I know, but don't you think that would incite anger on the part of the Mexicans?

A. Not if they read the whole article. You have taken only a sentence out of it. If you take a sentence out of the Bible you will have a riot, but if you read the whole Bible you wouldn't.

Q. Isn't that true with the metropolitan press?

A. Unfortunately, no. Most of those articles in my opinion were cloaked to an extent that they carried out what the headlines portrayed.

Q. That reasoning only applies to your article, not the metropolitan press?

A. I think mine was better written than the metropolitan press."

The police records of the City of Los Angeles and the records of the sheriff's office of Los Angeles County do not reveal the arrest of a *Pachuco* or a member of any of the so-called "zoot-suit" gangs who was the possessor of an artificial leg.

Waxman had charged that a Mexican youth had been clubbed by a deputy sheriff at a time and place named by Waxman. It was alleged

that the officer's badge number was "88." Asked by Mr. Combs whether or not he had made an investigation of the charge, Captain Contreras testified as follows (Com. Tr., Vol. XIX, pp. 4563-4565):

A. Yes. Before I go into that, I would like to refresh my memory, too, and declare our office as far as cases concerned where we interviewed a zoot-suiter in the county jail and where he said he was beaten up by one of our officers——

Q. Mr. Combs (Interrupting): You and I interviewed the defendant, as I recall?

A. Yes, and I told you I would make an investigation of the situation.

Q. Yes. I think the person to whom we talked accused a member of the sheriff's department, a deputy sheriff, of brutality?

A. Yes.

Q. And gave the number of the badge as number 88?

A. 88, that's right.

Q. Did you make such an investigation?

A. I did.

Q. What did you find?

A. I proceeded out to Belvedere, known as the East Los Angeles Sub-Station, Captain Brewster is in charge, and we found out who the officer was, we found that the officer on the night of the arrest wasn't even out of the station, that he was on duty at the office at the time when the prisoner was brought in, and, therefore, could not have struck this individual at the automobile at the time of the arrest.

Q. And the accusation, therefore, was obviously false?

A. Yes, sir.

Waxman testified further (Com. Tr., Vol. XVII, pp. 4075-4077.):

Chairman Tenney: Q. In your edition of June 16th, in the column *"On The Left"* you referred to this situation (reading): "However, the issue in the recent riots was not the service men. Nor was it the zoot-suit boys; nor was it the Mexicans or the Negroes. It was a sinister fifth-column force that was forging ahead in its effort to disrupt the war effort of this country and to bring an end to unity." Is that correct?

A. That's correct.

Q. Will you elaborate and tell us on what you based it?

A. I have found from time to time on the east side some of our Mexican boys were getting money, more money than they could possibly be earning. Unfortunately, up to this moment I have not been able to determine exactly from whom they get the money, nor how much they get, but the general impression that I have been given by the boys is: "We get money and then whoever gives us the money stops in once in a while and says, 'Why go to work, why do this, why do that. We'll keep you supplied with money.'" And I have tried on several occasions to locate the source of the money. Unfortunately, up to this moment I have been unable to do it. If your committee is still functioning when I find out I will be very happy to turn it over to you.

Chairman Tenney: Q. To the committee—or is this a committee of which you are a member?

A. Oh, no. I refer to your Committee.

Q. Oh, I see. So it's your guess it is a fifth column?

A. Well, we like to say we believe until we can actually give you names and addresses.

Q. What you have said up to this point: That groups of these Mexican boys have unusual amounts of money?

A. That's right.

Q. And upon asking them the source of money they indicate it has been given to them, and that on occasions the party who gives the money states to them "Why work"?

A. That's correct.

Q. And on those grounds you build up the presumption it might be a "fifth column?"

A. That's right.

Q. It is, in your opinion, a logical conclusion?

A. I think it is, Mr. Tenney.

Q. Any other explanation could be presumed with equal logic. For instance, the boys might steal, and upon being questioned as to where they had gotten the money, might say it was given to them?

A. It happens during the nine years I have been on the east side I have gained the confidence of some of the boys. As you will note, when I called a meeting of the boys, they showed up.

Q. I would like this question answered. I would like to ask it very carefully: Have you at any time complained of the Mexicans to the police?

A. No.

Q. Are you quite certain of that?

A. Complained of the Mexicans to the police—you mean, the entire race of Mexicans?

Q. Of Mexican boys?

A. No. No, never complained of Mexicans to the police. We have carried articles and straight news in which we have listed the names of the participants after we had secured them from the police records.

Q. You didn't go to the police department about four years ago and demand some action be taken against Mexican groups?

A. Never.

The foregoing testimony of Waxman became significant when Captain J. F. Reed, of the Los Angeles police department, testified June 23, 1943. The committee was particularly interested in learning whether or not there was any truth in charges of police brutality made by Waxman's paper, *"The Eastside Journal,"* Charlotta Bass' *"California Eagle"* and the Communist publication, *"The People's Daily World."* Captain Reed was the administrative assistant to the Chief of Police in the City of Los Angeles. His testimony, in part, is as follows (Com. Tr., Vol. XIX, pp. 4448-4450):

Senator Tenney: Q. Captain, are you acquainted with a man by the name of Al Waxman?

A. Yes, sir, very well.

Q. How long have you known him?

A. I would say approximately five years.

Q. During the time you have known him has he ever seen fit to call on you with reference to disturbances on the east side, particularly among the Mexican population?

A. Yes, sir, many times.

Q. Will you give the committee the particulars of those times?

A. I have newspaper clippings—I was assigned to the Hollenbeck as captain of that area, and Mr. Waxman was the editor of the *Eastside Journal* in that area. He made numerous complaints in reference to Mexican youths who were coming into the Jewish area and molesting those people, and asking and demanding that we give more police protection to that area.

Q. About when was that?

A. Back in 1934 or '35 or '36. Of just recent date I have talked to Mr. Waxman along the same lines, approximately five months ago I had a conversation over the telephone with him in reference to the Pachuco situation, at which he asked me at that time to take some definite action and more strenuous action than we were taking at that time in the Hollenbeck area.

Q. Against the Pachucos or in their defense?

A. Against all persons committting those type of crimes, and he particularly stressed those dressed in Pachuco suits in the "Column Left" he writes. Back when Chief James Davis was Chief of the Police Department, he complained of certain situations and of some rapers and purse snatchers, and so forth, who were operating in that area.

Assemblyman Dickey: May I ask a question?

Chairman Tenney: All right, Mr. Dickey.

Assemblyman Dickey: Q. Up until recently, all the complaints made by Mr. Waxman to your department were complaints against those boys of Latin-American extraction?

A. Not in all cases; in some cases he made complaints about other persons, but he has made complaints about Latin-American youths.

Q. Let me reframe that question and put it this way: His original complaint in that particular section was against the boys who were Latin-American, because they were infringing on the Jewish population in that district?

A. That's correct.

Q. And he requested of your department that more protection be given to the Jewish population in that particular area?

A. That's right.

Q. And it wasn't until recently that he spoke at all in defense of Latin-Americans?

A. Well, he has never spoken to me in defense of the Latin-American group.

Q. He has never spoken to you up until this time in the defense of the Latin-American group?

A. That's true.

Los Angeles Police Officer Clyde L. Schultz, who, after testifying concerning his participation in several of the *Pachuco* disturbances, had occasion to touch on the report of Al Waxman published in *"The East-*

side Journal.'' Officer Schultz' testimony, in this connection, is as follows (Com. Tr., Vol. XIX, pp. 4507-4511):

A. * * * We were discussing the story that Al Waxman had in his paper.

Q. What paper are you referring to?

A. The *Eastside Journal.* He stated in that that he was going to talk to a group of Mexican youths at Brooklyn and Indiana at approximately 8.30, he had called a meeting to ask them to cut out that kind of stuff, and in his paper he stated there were 250 attending this meeting. Well, the most that we saw there at any time was 35, and he stated in his paper that there would be 250. While this meeting was going on a load of Pachucos drove up in a car and said there was a riot at 12th and Central and they were beating up their friends and families, the policemen were. They immediately got into the cars and went down to protect their families and homes. That meeting was held at 8.30, and the riot took place at 10 o'clock. He stated that four boys came out of a pool hall—excuse me while I think a minute. I want to get this straight.

Q. Take your time.

A. He stated four boys came out of a pool hall, and they were immediately grabbed by police officers, and that the reason, the only reason that they were being arrested they were told was because they were Pachucos, and that when this young fellow asked what he was being arrested for he was immediately knocked over the head and knocked unconscious into the gutter.

Q. He so testified?

A. I saw the whole thing. There is no pool room at that location; if I am right, where the four fellows came out of, there is a hamburger joint or a hot dog joint in there. Those four fellows were standing in the doorway, and they were ordered to disperse, I believe the officer's name is Green; he works the reserves, and this particular individual that was struck—he may have had an artificial limb, but if he did you couldn't tell it by his walk. He struck the officer in the eye a good stiff jab.

Q. What did he strike him with, his fist?

A. Yes.

Q. You saw that?

A. Yes, I did. I believe the officer got a black eye out of that deal. The rest of them started edging in——

Q. (Interrupting) Toward the officers?

A. (Continuing) Yes. As they did, two uniformed officers drew their saps, and this individual was struck over the head, and he wasn't struck a dozen times, as Al Waxman said; he was struck only once that I know of. That is the only blow I saw struck, and he was struck down and placed under arrest. Al Waxman also stated a woman with a baby in her arms was struck across the head with a night stick.

Chairman Tenney: He said the baby was two and one-half years old.

A. That is approximately the age of the baby. That woman came up and said, 'Why are you arresting my son?' The officer

walked with her to the corner and he told her that it was no place for a woman at all, and he suggested she go home before she was injured, before someone would strike her down and injure her, but as far as his striking her across the face with a night stick, that wasn't true. You can imagine what would have happened to her if she had been struck across the face with a heavy night stick. Previous to that——

Mr. Combs: Q. (Interrupting) You were there and saw this thing occur, and the woman was not struck?

A. No, sir. Previous to the time of the riot Al Waxman run articles in his paper stating hoodlums run wild on east side, purses were snatched, automobiles stolen; what is the matter with police protection? He will come over to the police department and tell various policemen things the Mexican boys do, and then he will turn right around and tell the Mexican boys what the police do.

Q. Did you ever know of a committee known as the Citizens' Committee for the Defense of Mexican-American Youth?

A. No, that's a new one.

Q. Mr. Waxman is a member of the committee.

A. It wouldn't surprise me.

Q. It is a fact, he so testified.

A. It wouldn't surprise me.

Q. Do you know whether or not Mr. Waxman is a member of the Communist Party?

A. I have my own ideas; I don't know for sure.

Q. What is your idea?

A. I think he is. I don't think he'd blow his nose unless he had a red hankerchief.

Q. What makes you think so?

A. From his actions, his attitude, the way he talks to people.

Q. Did you ever hear him talk to them?

A. Yes, I talked to Al Waxman out at the meeting at Indiana. He stated at the time they are not bad boys, the police don't understand—you fellows don't give them a chance, and I don't believe it was only a little over two weeks before when he called them in his paper zoot-suit hoodlums, purse snatchers, automobiles stolen, where is police protection.

Q. Does he point out to the Mexican youth in that area that they are discriminated against and subjected to racial prejudice and police brutality?

A. Well, I have had the Mexican boys tell me he has; I have never actually seen him or heard him do it myself, but I have had various ones of the boys over there tell me that he has said there have been things that have happened on that east side, that the police have used excess force and so forth.

Q. How long have you known Mr. Waxman?

A. Haven't known him at all, only in the last six or seven months, from being around over in that district.

Waxman, on the one hand, through the columns of his newspaper and by public meetings, was inciting the Mexicans of the east-side by telling them they were the victims of discrimination and, on the other hand, he was urging the police to take drastic action against them.

COMMUNIST INSPIRATION

Leo Gallagher was another sponsor of the *Committee for the Defense of Mexican-American Youth.* His Communist record is too well known to be repeated here.

Oscar Fuss, another sponsor of the committee, has a consistent Communist record since his arrival in California as an organizer for the Communist-inspired and dominated *Workers' Alliance.*

Jerome Posner, of the *Amalgamated Clothing Workers' Union,* was later elected State Chairman of the *C. I. O. Political Action Committee.*

John Bright, representing the *Council of Pan-American Democracies,* was a sponsor of the *Committee for the Defense of Mexican-American Youth.* He has been active in *Communist Party* circles since 1934 or 1935, according to the files of the Committee. At one time he was a member of the Hollywood *John Reed Club,* a Communist journalistic organization named after the first American Communist. Bright was active in raising funds for the Spanish Loyalists and the Spanish refugees and was participating in *Communist Party* activities in the Republic of Mexico as late as the year 1940. John Leech, a former Communist Party organizer for Southern California, testified before the Los Angeles Grand Jury on August 15, 1940, that John Bright had escorted him and Stanley Lawrence to an under-ground Communist group in Westwood Village in 1935 or 1936. Bright is also a member of the National Executive Board of the Communist-inspired and dominated *League of American Writers.*

Josephine Bright is the wife of John Bright. She has been active in Communist front Spanish-speaking organizations, congresses, Mexican congresses, Mexican agricultural workers unions and Spanish minority groups for a number of years. In recent months she has been active in raising money for Spanish refugees in Mexico. In 1942 she endorsed the candidacy of Mrs. La Rue McCormick, a registered Communist, for the office of State Senator for the 38th Senatorial District.

Carey McWilliams has a long record of Communist "front" affiliations. He has written a number of books from the *Communist Party* ideological viewpoint, notable mostly for inaccuracies and misinformation. In testifying before a Senate Committee in Sacramento in 1941 he was compelled to admit that many of the assertions in his book *"Factories in the Field"* were without factual basis.

As a Communist "front" propagandist he specializes in agricultural labor agitation and racial problems.

He testified before the committee in Los Angeles June 22, 1943 (Com. Tr., Vol. XVIII, pp. 4329-4375). He stated emphatically that he had never been a member of the *Communist Party* and that the allegations concerning him contained in Miss Rena M. Vale's affidavit (Com. Report, 1943) were false. Without admitting their Communist inspiration and domination, McWilliams admitted having been affiliated with the *National Lawyers' Guild,* the *Inter-Professional Association,* the *Western Writers' Congress,* the *California Council for Democratic Action,* the *School for Organizers,* (sponsored by the *United Cannery, Agricultural, Packing and Allied Workers of America* at Chino), the *Simon J. Lubin Society,* the *Committee for the Protection of Foreign-Born,* the *Schneiderman Defense Committee,* the *Committee for American Unity,* the *Committee for the Defense of Mexican-American Youth,*

and the *Sleepy Lagoon Defense Committee*. He has been affiliated with so many similar organizations that he was unable to remember whether or not he had been a sponsor of the *Southern California Conference for Civil Rights*. He could not remember whether or not he had spoken at a meeting sponsored by the *League Against War and Fascism* and could not be sure whether or not he had ever affiliated with the *League for Political Unity*. He stated that he had been elected to the board of directors or the board of sponsors, of either the *American Peace Crusade* or the *American Peace Mobilization*. He claimed that he had not been present when the election took place and that his name had been used without his authority. He stated that he had written a letter repudiating the use of his name in connection with the organization as soon as he had become aware of the fact. He freely admitted being a subscriber to the *Communist Party* publication, *"The People's Daily World."* Needless to say, all of these organizations are Communist "fronts."

He believed that the "zoot-suit" phenomenon was a "second generation" problem, aggravated by bad housing conditions, overcrowding, lack of sanitation facilities, lack of recreational opportunities, and a low standard of living. He believed that discrimination against the Mexican people had contributed considerably to ill feeling. He believed that there had been some police brutality but that police inaction, rather than brutality, had permitted the situation to reach riot proportions. The local metropolitan press of Los Angeles, in his opinion, had contributed to the violence in exciting young Mexican boys to drastic action.

McWilliams' views on racial intermarriage are identical with *Communist Party* ideology. On this subject he testified as follows (Com. Tr., Vol. XVIII, pp. 4364-4366):

> Q. (By Chairman Tenney) I would like to ask you what you think of miscegenation?
>
> A. I think miscegenation statutes are a reflection of prejudice in the community.
>
> Q. You think they should be abolished?
>
> A. I do.
>
> Q. You think there should be free intermarriage?
>
> A. I don't think there should be a legal prohibition against intermarriage, and I'll tell you why: In the Southern States they have had miscegenation statutes for years, it hasn't stopped interracial sexual intercourse; on the contrary the effect of it has been to increase that very practice by reason of the fact that the white man who has sexual relations with a negro woman is not held accountable, he can't contract a valid marriage, and sociologists who have gone into this subject at great length and who are very distinguished have said the miscegenation statutes have had the opposite effect of what it was intended to produce.
>
> Q. Well, with the repeal of those statutes then, of course, marriage between various races would be permissible and legal, and would you advocate that?
>
> A. Mr. Tenney, it would be presumptious to advocate those marriages. I am not advocating anyone marry; I'm saying that these miscegenation statutes do not accomplish the purpose for which

they were passed in the first instance. I think they should be repealed; I think they are symbolic of existing prejudice in the communities, and I feel this to the very degree, and I might say there is a considerable weight of opinion to sustain this judgment, to the very degree the negro race in the United States raises in the social statute in education and so forth, to that very extent you will have less interracial mixture than you have now, when they are, remember, at a disadvantage as a racial minority group in the United States.

Q. I don't think you have answered my question.

A. You can repeat it. I think I have.

Q. I say, do you favor intermarriage?

A. I say it is presumptious upon me to say that 'A' should marry 'B.'

Q. I understand. I am not talking about 'A' and 'B.' I am talking about the negroes and the whites.

A. I am not advocating. I think the prohibition should be removed.

Sponsors and committee personnel of the *Committee for the Defense of Mexican-American Youth* were changed from time to time in typical Communist fashion. The Sleepy Lagoon Murder case, as a Communist *cause celebre*, was used by *Communist Party* steering committees to feed the racial agitation and antagonism created by the "zoot-suit" riots. Lagging interest is bolstered by the addition of new names to "sponsor" and "committee" lists, and Hollywood glamour is added by way of stimulation. Pursuant to this technique the names of Fay Allen, Harry Bridges, Revels Clayton, John Cohee, John Warren Day, Jaime Gonzales, Augustus F. Hawkins, Martin Hourihan, John Howard Lawson, Canada Lee, Professor F. O. Matthiessen, Michael Quill, Reverend Clayton D. Russell, R. Lal Singh, Albee Slade, Ferdinand C. Smith and Orson Welles were added to the list from time to time.

Orson Welles, a motion picture actor with a flair for politics and left-wing committee work, wrote the foreword to a pamphlet entitled "The Sleepy Lagoon Case," which was printed in English and Spanish and given a wide-spread distribution in the Los Angeles area.

The Communist record of Harry Bridges, as well as his activities on the west coast, are too well known to be repeated here. He was found to be a member of the *Communist Party* in his last deportation hearing. The committee is not aware of any instance in which he has failed to follow the *Communist Party* "line." It is interesting to note that prominent Californians are being pressured or otherwise persuaded to appeal to the President of the United States and United States Attorney General Francis Biddle on behalf of Harry Bridges. The Communists and their front organizations are openly clamoring for a dismissal of the deportation order against this alien, basing their appeal on the alleged ground that he has been an important factor in assisting the United States war effort and that his deportation would disrupt "unity." In this campaign for the alien Bridges, the Communists are using fellow-travelers, political opportunists and "innocents" as Charlie McCarthy-spokesmen in the creation of synthetic west coast public opinion on the subject. The Communist "strategists," during the Hitler-Stalin pact, looked upon the present world conflict as a "British Imperialist War." While Germany

was overrunning Western Europe, the American Communists were busy with the *"American Peace Mobilization"* and Communist-inspired strikes in war industries in California and the United States. Harry Bridges' C. I. O. union was telling the world that "The Yanks Are Not Coming" and actively engaged in creating chaos and disunity in the United States defense preparations. It was not the treacherous attack of the Japanese on Pearl Harbor December 7, 1941, that changed the attitude of Harry Bridges, his west coast union or the Communists of the United States. It was Hitler's panzer divisions sweeping into Soviet Russia in June of 1941 that changed the "British imperialist war" into "The people's war". Had history taken a different direction in June of 1941 it is quite possible that west coast shipping, under the direction of Harry Bridges, might be in a deplorable condition. The *Communist Party* recognizes the short memory and the short-sightedness of the American people in general, and office-seeking officialdom, in particular.

Revels H. Cayton is a seaman by occupation and has a long record of affiliation with various Communist-controlled organizations. He was registered as a member of the *Communist Party* in San Francisco in 1940. In March of 1941 he signed an open letter to Governor Olson under the sponsorship of the *Academic and Civil Rights Committee*, protesting the outlawing of the *Communist Party* in the State of California. In September, 1941, he was a member of a panel on National and Racial Minorities on a program sponsored by the *California Action Conference for Civil Rights*, a Communist-inspired and dominated organization. In July, 1943, he signed a call for, and was a member of, a "Pro-war Press" conference at the *First Unitarian Church* located at Eighth and Vermont Streets, in the City of Los Angeles on behalf of the *"People's Daily World."* (See title, *West Coast Communist Press.*)

John Cohee is an officer of the *Los Angeles Newspaper Guild*, employed by the *Los Angeles Daily News* and does radio work as a news analyist. Rena Vale (pp. 154-155, Com.'s 1943 Report) stated that John Cohee of the *Los Angeles Daily News* was one of the members of the *Los Angeles Newspaper Guild* who was referred to by the Communists as a Communist sympathizer and in whom the *Communist Party* fractions in the guild placed its confidence. Cohee has been affiliated with the *Joint Anti-Fascist Refugee Committee* and the Communist-inspired and dominated *League of American Writers.*

John Howard Lawson, Hollywood screen writer, has a long record of Communist activity and Communist front affiliations. He testified before the committee October 13, 1944, in the committee's investigation of the Communist-inspired and directed *Writers' Congress* held at the *University of California at Los Angeles* in October of 1943. (See title *Writers' Congress.*)

Professor F. O. Matthiessen is reported as a member of the faculty of *Harvard University*, Cambridge, Massachusetts. Little is known of his background. In December, 1941, he signed a preliminary petition sponsored by the *Committee for Citizenship Rights*, in behalf of William Schneiderman, head of the *Communist Party* of California, who was faced with cancellation of his United States citizenship.

Jerome Posner was connected with the Los Angeles joint board of the *Amalgamated Clothing Workers of America.* He has served on various committees welcoming visiting dignitaries from the Soviet Union. He

has interested himself during the present war in the soldiers of the Red Army and at present is State Chairman of the *C. I. O. Political Action Committee.*

Michael Quill is President of the *C. I. O. Transport Workers' Union* of New York. In his capacity as the National President of the *Transport Workers' Union of America* he was one of the 49 members with Communistic background who, sitting with the National Executive Board of the C. I. O., voted the creation of the *Political Action Committee.* (The *C. I. O. Political Action Committee* and its activities in California is considered in another section of this report.)

R. Lal Singh is the editor of a Los Angeles publication, the *"Indian News."* Articles and writers stamp this publication as Communistic. Communist R. Balme Dutt, J. B. Haldame, English Communist, Harry Paulette, head of the English *Communist Party* and other Communist journalists appear as writers in the *"Indian News."* Singh was a sponsor and endorser for the *"People's Daily World* so-called "Pro-War Press Conference" heretofore referred to and has occasionally contributed articles to the *"California Eagle,"* owned and edited by Charlotta Bass. In March, 1943, he spoke on *"The Future of India"* at the Embassy Auditorium in Los Angeles under the auspices of the Los Angeles "Workers School," *Communist Party* educational project, now absorbed by the *Communist Party's "People's Educational Center."*

THE SINARQUISTAS

Representatives of the committee visited the Los Angeles County Jail and questioned many of the Mexican young men and women who had been involved in the "zoot-suit" riots. Members of the sheriff's department and Los Angeles police officers were interviewed.

Committee investigators had secured photographs of *Sinarquista* meetings. These photographs clearly reveal the flag of the organization in full display on the platform.

Committee investigators and members of the Los Angeles Sheriff's office had considerable difficulty in locating officials of the *Sinarquistas* in the Los Angeles area. Pedro B. Villasenor eventually was served with a subpena and appeared before the committee June 21, 1943. He declared that he was a Mexican National. He had come to the United States when about seven years of age and had been familiar with the *Sinarquistas* movement since 1937. He stated that the movement was organized in Mexico, May 23, 1937 by Manuel Zermano, Salvador Abascal, and Jose Oliveras, all of whom were known personally to Villasenor. He stated that the movement was directed by a National Committee in Mexico. Mexico was divided into several regional *Sinarquista* areas, governed by subordinate regional committees. The regional areas were, in turn, divided into municipal areas, which were governed by subordinate committees. He had been secretary of the Los Angeles organization since its inception and, for a time, was in charge of the Southern California region. Martin Cabrera was the Southern California regional director at the time that Villasenor appeared before the Committee. The organization met in Los Angeles once each week, usually at Martin Cabrera's place of business. The general meetings for the entire membership were held on the first Sunday of each month at 830 S. Hicks

Street, Los Angeles. It was stated that the general meetings were always open to the public.

Pedro Villasenor stated that the area formerly under his jurisdiction and now under the directorship of Martin Cabrera, extended south from the Kern County line to the Mexican border, including San Diego and Santa Barbara Counties, as well as the County of Los Angeles. The Northern California region was described as running northward from the northernmost boundary of Kern County and extending to, and including, the City and County of San Francisco. Villasenor stated that a Mr. Porfirio Rivira of Bakersfield headed the northern region at the time Villasenor was in charge of the southern region.

Manuel Buena Torrez of Mexico governed the organization in California. Villasenor explained that the heads of the regions in the United States were in communication with the *Sinarquista* Central Committee of Mexico and stated that the central committee had complete authority and jurisdiction over the movement everywhere. Villasenor admitted having read articles in the Communist publication, "*People's Daily World*," in which it was charged that the *Sinarquistas* was a "Fifth-Column Fascist" organization with a membership of 50,000 people in California alone and, opposed to the American war effort, all of which he denied. He stated that the organization in the Southern California region never numbered more than 400 persons and it was his belief that there were not more than 800 *Sinarquista* members in the State of California.

COMMUNISTS VERSUS SINARQUISTAS

In order to understand the subtlety of Communist strategy in its attack on the *Sinarquista* movement in California, it is necessary to understand current Communist directives in Mexico, Latin and South America. These directives and immediate objectives are boldly enunciated in a speech of Elias Laferte, President of the *Communist Party* of Chile, speaking before the *Ninth Congress* of the *Communist Party* of Mexico in Mexico City, May 18, 1944. (See section of this report under title "*Communist Strategy in the Western Hemisphere.*")

The reader should bear in mind that the committee, in this part of the report, is more concerned with the controversy between the Communists and the *Sinarquistas* than with the merit or demerit of the *Sinarquista* movement itself. Committee findings on the *Sinarquista* movement, as such, are hereafter set forth.

Pedro Villasenor was questioned closely concerning Communist attacks upon the *Sinarquista* movement. His testimony follows (volume XVII, pp. 4000-4009):

> By Mr. Combs:
>
> Q. Now, Mr. Villasenor, you speak of having been attacked by the Communists. Will you explain what you mean by that?
>
> A. Yes, since some of the fellow citizens from Mexico came to the United States there has been several attacks against us, saying we are fifth columnists and we are receiving money from Hitler, we are organizing the gangs, the zoot suiters on the east side, that we are concentrating to destroy the war effort of the American people and so forth—all those things against us, and I read all those

attacks in some magazines—I don't recall the names—and especially the *Daily World.*

Q. The *People's Daily World*?

A. The *People's Daily World* last year, and other Mexican Communist papers that come, like the *Popular* that is printed in Mexico.

Chairman Tenney: That is a Communist paper?

A. Yes.

Mr. Combs: Q. Your organization was attacked in the *Popular*?

A. Yes.

Q. Does Lombardo Toledano write for the *Popular*?

A. Yes, I think he does.

Q. And another magazine that is published in Mexico by Lombardo Toledano is called *Futeo*?

A. Yes.

Q. That is a Communist publication?

A. That's a Communist publication.

Q. Published by Lombardo Toledano?

A. Yes.

Q. Have you ever seen attacks against the Sinarquistas in those publications?

A. Yes, and some American papers, like the Sunday *Times* from New York, and, of course, the statement made here by Mr. Diaz, made to the *Times,* I think last October of last year, the statement made against us.

Q. Mr. who?

A. Mr. Diaz (spelling), D-i-a-z.

Q. Do you know a man by the name of Eduardo Quevedo?

A. I know the man, yes.

Q. Do you know whether or not he has made any attacks on your organization?

A. No, I don't know.

Q. You don't know. Do you know whether or not he is a member of the Communist Party?

A. No, sir.

Q. Do you know whether he is active in doing things for the Mexican youth?

A. I read something about his activities.

Q. Have you seen the article in *Time Magazine* about his activities, that is, in today's issue?

A. No.

Q. You haven't seen that?

A. No.

Q. I hand you what purports to be the masthead of a newspaper, a photostat, and it is entitled 'Special to the Sunday Worker,' and ask you whether or not you have ever seen this article? (Handing to witness.)

A. No. I haven't read this article.

Q. I hand you—

Chairman Tenney (Interrupting): Identify that first.

Mr. Combs: Entitled "Mexico Sinarquista Vanguard of Hitler," first of two articles—"Hitler Fifth Column in Mexico," by *Alfred*

Stelling of the *Sunday Worker*, dated Mexico City, September 22nd, 1942.

I hand you another photostat of the *Daily Worker*, New York, Friday, April 24th, 1942, and call your attention to an article headed, "Mexican Government call Sinarquistas Traitors," and ask you if you have seen that before? (Handing to witness.)

A. I might have read this article in some paper, but I don't recall the specific paper.

Q. What is the *Sunday Worker*, do you know?

A. No, I don't know.

Q. Do you know what the *Daily Worker* is?

A. No, I haven't read it.

Q. The *Daily Worker*, for your information, is the counterpart of the *People's Daily World* on the Atlantic Coast, the Communist newspaper published in New York.

A. I see.

Q. Is there a Sinarquista movement in any other country besides Mexico and the United States?

A. No such thing as the French Sinarquistas.

Q. Is there such a thing?

A. No, that is a good laugh to the Sinarquistas in Mexico.

Q. There was never such a movement?

A. No.

Q. Did you ever hear of a man by the name of Jacques Ladurie?

A. No, sir.

Q. Did you read any place where he was supposed to be the chief of the French movement?

A. Yes, I think so.

Q. And appointed to the Laval cabinet in 1942?

A. I think in some paper.

Q. What place?

A. *La Opinion.*

Q. Who publishes that paper?

A. Mr. Ignacio Lozano.

Q. I hand you a clipping from *Pic*, August, 1942, entitled, "American-Mexicans ask New Deal," by Josephine Fiero de Bright, and ask you if you ever have seen this article before.

A. No. I haven't read this article.

Q. Do you know who the author of it is?

A. I heard about Mrs. Josephine de Bright.

Q. What did you hear about her?

A. The first time I heard, there was an article printed in the Spanish magazine from the East, I think Chicago—around there—it was printed, and I read an article against us.

Q. Against you?

A. Against us. That is the first time I heard about it.

Q. What kind of a magazine was it?

A. I don't recall the name of it.

Q. You don't know whether it was a communistic publication or not?

A. No, I don't know.

Q. You only——

A. (Interrupting) I remember reading that article and it saying she was coming to California to destroy us.

Q. To destroy the Sinarquista movement?

A. Yes.

Q. Did she come to California?

A. She did.

Q. When did she arrive here?

A. I don't know.

Q. About how long ago?

A. I think that article I read was last year, sometime last year.

Q. Last year. And she is in Southern California now?

A. I don't know.

Q. You don't know that?

A. No.

Q. I'd like to read an excerpt from this article into the record.

Chairman Tenney: All right, go ahead.

Mr. Combs: This is from page 1, the specific date is August 4th, 1942 (reading): "How many of our native Latin Americans speak English, they can read only Spanish, and so never come in contact with many of the facts about the war and the war effort, that are every-day knowledge to their English-reading brothers. Not only does this keep them from proper information as to the part they can play in winning the war, but it makes them prey to certain diversionist and even Fascist groups in their own midst.

"One such group is the Sinarquista movement, a reputedly Fascist organization which has secured a foothold in Mexico itself, and which is attempting to spread its propaganda to the Spanish-speaking people of this nation. By using discrimination and language difference as a basis, it attempts to create among these people suspicion and distrust of both the United States and the Mexican Governments." I ask this be received as Exhibit No. 5 for this witness.

Chairman Tenney: So ordered. (Marked Villasenor Exhibit No. 5.)

Mr. Combs: Q. Has your organization ever attempted to do the things that are alleged you have done in this article?

A. No, sir.

Q. You are sure of that?

A. I am very sure of that.

Q. Has any other movement in Southern California endeavored to your knowledge to do the things that are alleged in this article?

A. Not that I know of.

Q. You are familiar with the activities of the Communist Party in connection with American youth?

A. The only thing I know is what I read about them.

Q. You have no first-hand knowledge?

A. No.

Q. Did you ever hear of a committee for the defense of Mexican-American youth?

A. I read about it.

Q. Do you know whether or not Mrs. Bright is a member of that committee?

A. I am not sure about that.

Q. There have been some statements made, Mr. Villasenor, that the Sinarquista movement has some connection with the Falangist movement in Spain. Is that true?

A. No, sir, no connection with no movement with no party or no organization whatever.

Q. What is the Falangist movement in Spain?

A. I don't know, sir.

Q. I see.

A. (Interrupting) I only heard something about it, I only heard about it, I don't know anything about it.

Q. I see. I now hand you a pamphlet entitled, "The New Hope of the Mexican People—Synarquism. A Complete Summary of Its Program and Principles." The date on the introduction is January 6, 1943. And I ask you if you have seen one of those before? (Handing to witness.)

A. Yes, I have got one in my pocket right now.

Q. That is the one you told me you were going to bring?

A. That's right.

Q. Does that contain a full description of the purposes of the organization and the motives of the Sinarquista?

A. That's true.

Q. You have read this yourself, have you (indicating)?

A. I read it myself.

Q. Who wrote this pamphlet?

A. I think Father Alcium Hoebel.

Q. And he lives at Mount Angel, Oregon, does he not?

A. Yes.

Q. Are you acquainted with him?

A. I know about him, but I don't know him.

Q. Does he have any official position that you know of?

A. No.

Q. Is he connected with the church in any way?

A. I think he is their priest.

Q. A Catholic priest?

A. A Catholic priest.

* * * * *

Mr. Combs: Q. Mr. Villasenor, what was the underlying reason for the organization of the Sinarquista movement in the first place; why was it formed?

A. In Mexico?

Q. Yes.

A. Well, as far as the reasons, we have to make a little history about that. You know Mexico has been the revolutionary country for almost a hundred years, always been disorder in Mexico. Every president elected there has to be a revolution—we all know that—and we never had any order, we never did have any democratic

way of living in Mexico. Democracy in Mexico is excluded. We never knew what it was, just in the propoganda of the politicos. We never knew any justice done, especially to the poor classes of people. We had some bad governments, they always destroyed, especially in the religious way of living of the people. We knew we had three years of persecution of Mexico, and the people of Mexico were tired of that way of living, and Salvador Abascal, Manuel Zeremo and some of the others got together and they decide to start a new organization, different from the others that have been organized in Mexico. So much difference that even the name, even the tactics of working will be different entirely from the other organizations that have ever been established in Mexico; and they decide to create the Sinarquista movement there. They will organize and educate the people to unite the country in one ideal; that is, to bring order and peace and a common good for all the people in Mexico. They thought that the only way of organizing and establishing the real Christian democratic Mexico was to unite the people and to unite they had to fight in the civic field, we might say—I'm sorry about my English——

Q. (Interrupting) It is very good; it's all right.

A. (Continuing)—they knew they were going to have prosecution against them, many of them will be killed, there will be assassinations — there has been almost a hundred members of our organization has been assassinated, including three or four women that have been killed because of working for the movement. And they knew all that was going to come, and they decide to go and organize the whole country, the whole people, bring them together, not with hate or to destroy each other, but to establish love among the Mexican people, the doctrine of loving even the enemies. Of course, under the religion the sentiment of the people you know 99 per cent of the Mexican people is Catholic, and they saw all that, and how they had been persecuted and knocked around, and the country was full of disturbance and revolutions and disorder and anarchy, and they decide to come out and fight."

Mr. R. E. Combs, interrogating Mr. Villasenor, read several extracts from various publications attacking the *Sinarquista* group as a subversive organization. Among such extracts was a passage from the book, "*Total Espionage*" by Curt Riess (pp. 236-237) to the effect that "The German espionage system in Mexico used the *Falange* as its pay clerk, especially to finance the so-called *Sinarquista* movement." (Com. Tr., Vol. XVII, p. 4020.) Another excerpt was read to the witness (Com. Tr., Vol. XVII, p. 4021): "Question of name aside, the *Sinarquists* were a large murder gang, in West and Central Mexico, who wage guerrilla warfare against labor unions (which they denounced as Communistic) and against persons to whom President Cardenas had given land. They were organized after the fuhrer system, of course. For a time Manuel Zeremeno was fuhrer. He was succeeded by Salvador Abascal, a friend of Birto Foucher's, who had to flee to

Berlin after his plot failed. Abascal gets plenty of money from somewhere, controls 10,000 armed men, and has the *Sinarquists* organized on a military basis with an intelligence service, hideouts and arms caches. The *Sinarquists* must be considered today the most dangerous *Fascist* movement in Latin America."

Villasenor's testimony continued (Com. Tr., Vol, XVII, pp. 4021-4023):

By Mr. Combs: Q. Have you ever seen that before, or anything similar?

A. No, I haven't read it.

Q. Is anything contained in the article true?

A. Absolutely nothing.

Q. It is absolutely false?

A. I was — I am just surprised all these people who lie about the movement over there.

Q. You know of your own knowledge —

A. (Interrupting) I know those facts are not true, for the Sinarquistas in Mexico have absolute orders not to carry any knife or gun or any weapon whatever in there. Whenever they are attacked by force, by any other group, they are always defenseless, they cannot protect themselves when attacked by force. That explains why almost 100 of the people have been killed, and none of those people have been even injured by the Sinarquistas in Mexico. Our people have been killed, but none of the other have been killed, you see.

* * * * *

Q. It is your opinion, Mr. Villasenor, that most of these attacks and most of this which you have termed propaganda against your movement, is inspired from Communist sources?

A. (Nods head affirmatively) — yes, sir.

Q. Your movement is very militantly and very aggressively anti-Communist?

A. Yes, sir; absolutely.

Q. One of the principal tenets of your organization——

A. (Interrupting) One of the principles because the Communists in Mexico have done very much harm to the country. They agitate the country, the people, and it is one of the principles of the Sinarquistas to be against the ideas of the Communists.

Martin Cabrera gave his occupation as a printer with his business located on East 12th Street in the City of Los Angeles. He stated that he was a Mexican National and had been in Southern California since 1933. He had been acquainted with Pedro Villasenor for about seven years and had met Salvador Abascal in Los Angeles in 1939 or 1940 when the *Sinarquista Jefe* was in Southern California in the interest of the movement. He stated that he had replaced Pedro Villasenor as the head of the Southern California group, and, since April, 1942, had conducted meetings of the various units. Cabrera's testimony, in part, follows: (Com. Tr., Vol. XVII, pp. 4045-4050.)

Mr. Combs: Q. Is your organization anti-Communist?

A. Definitely, yes.

Q. Very much, isn't it?

A. Very much, yes.

Q. And always has been?

A. Always has been.

Q. You have some knowledge, have you not, of the activities of the Communist Party among the young Mexican people in Southern California?

A. Well, the way I see, they have always been trying to befriend——

Q. (Interrupting) The Communists have always been trying to befriend——

A. (Continuing)—always tried to befriend the young people—in fact, during the recent riots all the Communist papers I have a copy of them, I brought just part, because it says something about us being behind the Mexican boy gangs.

Q. Go right ahead with your testimony.

A. Well, the only thing I can say they befriended the young people, always trying to show that they were their friends and that they will help them in every opportunity they have. I don't read very much of this paper except when I have time.

Q. Does your organization try to offset that?

A. Well, our organization is composed of men who work for a living. Anything that is put in there, well, it's donated. In fact, some of our members in order to discharge some of their duties have to leave their work and lose money, because they don't get anything for it. Sometimes they even have to pay for things that they have to get in the organization.

Q. Is it your feeling that the Communist Party played any part in the stirring up of the recent zoot suit controversy?

A. It is almost a rule whenever they try to put the blame on somebody else, it is a general rule, because they have something themselves.

Q. I see. And have they in this instance endeavored to do that?

A. They have always been trying to put the blame on the Sinarquista's shoulders.

Q. For this particular disturbance?

A. Yes, it says so in the bottom of the little article.

Q. You mean regarding the source of the fifth columnists?

A. The fifth columnists—it says there (indicating).

Q. This is from the *People's Daily World*, Saturday, May 29th, 1943, page 3, the title of the article is "Behind the Mexican boy gang. Minority needs equal chance in the war effort." The eighth point in the article reads (reading):

"The fifth column in the Mexican community, the Sinarquista movement must be exposed and isolated."

Below that is another title entitled, "A source of danger." In the same paper, "Sinarquista metropolitan press whitewashes it." (Reading):

"The fledgling Sinarquista fifth column recently held a convention here at Eppell Hall, 830 South Hicks Street, several hundred followers attended. The Sinarquista celebrated the first anniversary of the birth of the organization. Martin Cabrera, head of the regional committee, presided. Pedro Villasenor, Luis Uranga, Miguel Lequspi and Jesus Arroyo spoke. The *Herald Express* reporting the meeting said that 'The Sinarquista is an anti-Communist society.' The *Times* reported that it is a Mexican social and civic organization. Neither newspaper indicated that it is a Fascist organization, closely related to the Falange, whose headquarters are in Spain, and whose boss is in Berlin."

Q. How did you happen to get this copy?

A. One of our members happened to get hold of it, and he brought it to me so we can keep it in our records. We have other clippings of papers in which they always battle us, and naturally, we have to offset that somehow, the best way we can.

Q. Yes. How do you do that?

A. By verbal propaganda, telling our members how to act and what to do. Usually we recommend them to be quiet and not stir up any fights with the opposite side.

Q. You tell that to your young people?

A. Absolutely.

Q. Is it your idea the Communists are a good thing for the young Mexicans?

A. I don't think so.

Q. Why don't you think so?

A. The Communist Party has always been proven very violent, and any organization that stirs anything like that up, that can't be any good to any group of people alone.

Q. You say they are very violent—do you mean by that the Communist Party has agitated Mexican youth in this vicinity to cause trouble and to get into difficulty?

A. I have no proof of that, but the way it looks I think, yes.

Q. You think it has happened?

A. Yes.

Q. Why do you think the Communist Party would be interested in doing that sort of thing, Mr. Cabrera?

A. Well, simply because maybe that way they serve their purposes.

Q. You mean in getting members in their organization?

A. In getting members in their organization and getting them to believe they are their friends, and get them to their side.

Q. I see. Have you any knowledge of the fact that the Communists have pointed out to the young Mexicans that they have been discriminated against and subjected to prejudice?

A. No, I have no proof of that, but I have a definite attitude to that fact that is so.

Q. As a matter of fact, one of the main principles of your organization is combatting Communism, isn't that true?

A. Combatting Communism.

Q. Have you ever heard of a man by the name of Lombardo Toledano in Mexico?

A. Very much so.

Q. Who is he?

A. The head agitator in Mexico.

Q. In what party?

A. The Communist Party.

Q. How do you know that?

A. Because all the papers say a lot about him.

Q. About being a Communist?

A. He has always been a Communist.

Q. His first name is Lombardo?

A. Yes, I think it is, I think he is the representative of the party in Russia.

Q. He lives in Mexico?

A. He lives in Mexico.

Q. Does he write for any publication in Mexico?

A. I really don't know that.

Q. Did you ever see anything he has written in any publication?

A. In his own.

Q. You were about to say something.

A. In all papers; we used to get a paper here from Mexico, the Sinarquista, and they usually expose all his activities. every now and then our members go there, and it always says about him he's the principal agitator there.

Q. Do you know whether he had anything to do with the care of the Loyalist refugees from Communist Spain?

A. That I think was fostered by the Cardenas government. In fact, I think they brought into Mexico those people, and it is one of the sources of all this trouble.

Q. Did you ever hear of an organization known as the Joint Anti-Fascist Refugee Committee?

A. I never have, never heard anything about that."

Many witnesses were called and examined by the committee in connection with the *Sinarquista* movement. Villasenor, Cabrera, and the officers and members of *Sinarquistas* were cooperative. Membership lists were readily secured for committee investigators and representatives of the committee had no difficulty in attending the meetings of the organization. Committee investigators could find nothing conspiratorial in the manner in which the organization conducted its affairs and nothing was found in the principals and objectives of the organization indicating an attack upon the Government of the United States or the State of California. Representatives of the Catholic Church were interviewed by

committee representatives and it was learned that, so far as the Church was concerned, the *Sinarquista* movement was not considered "subversive."

COMMUNIST AGITATION AMONG NEGRO CITIZENS

Le Roy R. Ingram, Secretary-Manager of the *Eastside Chamber of Commerce* in Los Angeles, testified (Com. Tr., Vol. XVIII, pp. 4258-4301) that the members of his race residing on the east side of the City of Los Angeles had been apprehensive for many months of possible racial disturbances. He believed that the same forces agitating the Mexican population were at work in the Negro sections of Los Angeles. He stated that the *Communist Party* had, for several years, carried on an agitational program among the Negro citizenry as it had among the Mexican youth of the city. He declared that the *Communist Party* was constantly attempting to place their members in the *Eastside Chamber of Commerce*, which is a conservative, anti-Communist organization of colored people. Mr. Ingram stated that his organization had presented an anti-discrimination bill to the State Legislature in 1943 and had been advised by Guy T. Nunn, an official with the *Minority Division of the Manpower Commission*, and who was, as heretofore noted, one of the sponsors of the *Citizens' Committee for the Defense of Mexican-American Youth*, to contact an attorney in San Francisco by the name of Aubrey Grossman. Aubrey Grossman has a long record of Communist front affiliations and has long been identified with the defense of members of the *Communist Party*. Mr. Ingram testified that Mr. Nunn had suggested that Josephine Bright, another sponsor for the *Committee for the Defense of Mexican-American Youth*, also be contacted.

Mr. Ingram testified that he had known Charlotta Bass, owner and publisher of the "*California Eagle*," for a number of years, and stated that, prior to the death of J. H. Bass, Charlotta Bass' husband, the newspaper was conservative in character. There was little change in the newspaper after the death of J. H. Bass, until about the end of 1941, when it suddenly became quite radical. Ingram stated that Mrs. Bass had interested herself in various Communist-front organizations and that her newspaper now carried the same type of material as appeared in the "*People's Daily World*." He was very positive in his belief that the "*California Eagle*" had played a vital role in stirring up Negro and Mexican minorities by constantly declaring that both the Negro and Mexican population were being discriminated against and subjected to unfair treatment and police brutality.

R. G. LaMar, Field Secretary of the *Eastside Chamber of Commerce*, testified that he had organized the chamber about six years before and that it had been the one organization in the colored district that had been active in attempting to offset the constant efforts of the *Communist Party* in dominating the Negro population of east side Los Angeles. It was his opinion that the *National Negro Conference* and the *National Association for the Advancement of Colored People* had been infiltrated by *Communist Party* members to such an extent that these organizations were presently little more than Communist fronts.

Mr. Ingram and Mr. LaMar displayed an unusual knowledge of Communist technique.

FINDINGS

The members of the Committee believe that the investigation of the "zoot-suit" riots in Los Angeles resulted in exposing Communist technique in fomenting racial prejudices and antagonisms. Vicious agitation, subtle conspiratorial intrigue, adroit manipulation of human relationships, skillful play upon prejudices and antagonisms—that is the devilish pattern woven by revolutionary Marxists as revealed by the Committee's "zoot-suit" investigations. Disrespect for law and order, and for the economic system it protects, is interwoven carefully throughout. Rearing its ugly head in sneering triumph over the havoc it has wrought is the monster who prepared and spread the poison—now posing as the champion of those it victimized.

Reports of Communist activity among the Negro population of California, particularly in the Los Angeles area, indicate a similar program of racial agitation. Informed Negro citizens, such as Leroy Ingram and R. G. LaMar, are keenly aware of the situation and they are considerably alarmed over it. The Committee finds that the Communists will continue to foment racial strife and violence. They will, so far as possible, conceal their hand in the agitational process. They will take advantage of every event, exploit discrimination and antagonisms where they exist, invent them where they do not exist and magnify and balloon trifles into mountains. The "zoot-suit" riots will not be the last racial disturbances in California if the Communists are successful in their program. It is Marxian dialectic applied with Machiavellian subtleties.

The Committee finds that the *Sinarquista* organization is composed mostly of Mexican Nationals and that it is governed by a leader and a central committee in a foreign country, Mexico.

The Committee is convinced that the *Sinarquistas* had nothing to do whatever with the agitation and fomenting of the "zoot-suit" disturbances in Los Angeles. The evidence clearly indicates that the *Communist Party* selected this organization for the public spotlight as it went about its vicious work creating a Mexican "minority" in California.

The Committee is not in possession of any additional facts upon which it might modify its 1943 findings on the *Sinarquista* movement. While it has many of the aspects of authoritarianism and much of the trappings of modern totalitarian movements, it is definitely Mexican in character and concerned wholly with Mexico and Mexicans. Its leaders are undoubtedly aware of the program of the *Communist Party* in its attack on both the Government and the Catholic Church, as set forth in the speech of Senator Elias Laferte, and, because of the struggle between the Church and atheistic revolutionary Communism, the *Sinarquistas* are, at this time, the particular target of the Communists both in Mexico and in the United States.

The speech of Senator Elias Leferte clearly states the position and policy of the *Communist Party* in this hemisphere. The *Sinarquistas* are avowedly intensely religious and adherents of the Roman Catholic

faith. Senator Laferte, as a Communist spokesman, set the destruction of Roman Catholicism among Mexicans and Latin-Americans as the first task for the Communists. The members of the *Sinarquistas* have been most aggressive in resisting the efforts of the *Communist Party* in the Republic of Mexico. These are a few of the reasons why the *Communist Party* in California attempted to lay the blame for the "zoot-suit" riots at the door of the *Sinarquistas.*

The Committee finds that the Communist publication, *"The People's Daily World"*, the *"California Eagle"* and Al Waxman's *"Eastside Journal"* played an important part in the agitation of the Mexican *Pachucos,* both in preparing for the riots and in keeping the issue alive when the violence had ceased. The similarity of the campaign in these publications is not explained as being merely coincidental.

The Committee finds that the *Committee for the Defense of Mexican-American Youth* is a Communist-inspired and dominated organization.

The Committee finds that there was no police brutality in the handling of the "zoot-suit" disturbances. It finds, to the contrary, that members of the Los Angeles police force and sheriff's office were, in the performance of their duty, seriously injured, killed, ambushed and beaten.

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CONCLUSION

As the hooked cross of Nazi Germany is pounded into the dust by the forward march of allied armies, the shadow of the hammer and sickle of Russian Communism falls across a devastated, war-torn Europe. Tito dominates Yugoslavia. Ercoli is back in Italy. Thorez has returned to France. The Communists of Greece, Holland and Belgium are organizing. A Moscow-dominated *"Free Germany Committee"* awaits Stalin's orders. A *"Free Polish Committee"*, Communist-inspired and dominated, is taking over Poland. Latvia, Estonia and Lithuania are being reannexed to the Soviet Union. Every anti-Communist is being liquidated by the Communists as a "Fascist." Stalin will not permit an "anti-Communist" or unfriendly government to exist in postwar Europe. The shadow creeps across India, inner Mongolia and into struggling China.

Can we depend on international pacts? A 10-year non-aggression pact between the U. S. S. R. and Poland was signed on July 25, 1932, and extended for 10 years May 5, 1935. Soviet troops invaded Poland September 17, 1939. Non-aggression pacts were solemnly signed between the U. S. S. R., Latvia, Estonia and Lithuania. All of these pacts were violated by an invasion of these countries by Soviet troops while the pacts were in full force and effect. Soviet troops invaded Latvia June 17, 1940. The Estonian border was crossed by Soviet troops June 17, 1940. Lithuania was invaded by Soviet troops June 15, 1940. A non-aggression pact with Finland was extended for 10 years April 7, 1934. Soviet troops invaded Finland November 29, 1939.

It should be remembered that the Soviet Union, together with Estonia, Latvia, Poland, Iran, Roumania and Finland defined "aggression" as including an invasion by armed forces or an attack by any type of armed

forces with or without a declaration of war. Pacts with Estonia, Latvia, Poland, Iran and Roumania under this definition of "aggression" were signed July 3, 1933. Similar documents were signed between the Soviet Union and Lithuania on July 5, 1933, and with Finland July 23, 1933. Soviet troops invaded Roumania June 28, 1940.

The address of Senator Elias Laferte before the Ninth Congress of the *Communist Party* of Mexico boldly announces the Communist plan for domination of the Western Hemisphere. The attack on religion and Democratic institutions is to continue with increased vigor. The Communist plan for the conquest of the Americas is a clear challenge. Senator Laferte speaks clearly and positively of Communist objectives and the establishment of American Soviets. The closing words of Communist Laferte are important:

> "In this manner, little by little, we shall infiltrate our theories of positivism and individual and collective economy in order that the new generations will consider that all these religions are no more than garbage, that must be cleared away as soon as possible in order to permit a better life. It is suitable then, comrades, that we keep in mind these orientations in order that when you return to your zones, you may give instructions to your units on the form of combatting the power of the Catholic Church, assisting the rest; and that you may prepare yourselves for the crusade which must carry us to triumph. The road of salvation of Mexico only has one sure road. Let us prepare ourselves for Mexico and Latin America to be ready to play a dominant role in the *future Communist conquest of the world*. From this nation let there go out the conquerors to other countries less prepared. Let Mexico convert herself into a centrifugal force for all the continent; let Mexico be the country of freedom with the proletariat and the *American Soviet*. Let us launch from here the first shout of freedom, and on hearing this battle cry, the stirring voice of our people, all the other peoples of America may run immediately, raising very high the red and black banner of social revindication. Our work is to aid, to aid more and more all those in the Americas who fight for our Cause, to integrate all their forces to the contribution of the struggle; to organize a great political movement of unity, which consolidated with the struggle of the people and the *Communist Patriots, faithful to the Fatherland of the World Proletariat, faithful to the U. S. S. R.*, will impel us to draw us to the glorious, happy day which is about to arrive; the radiant day of liberation for all the world which will arrive with the overthrow of capitalism."

The "sharp turns" and flexibility of Communist strategy demands eternal vigilance on the part of those who wish to preserve our Democratic form of government. The coming seventh period of Communist strategy will be a critical period for the United States. The violent and forceful overthrow of the Government will be decreed when Communist generals believe that the body politic has been sufficiently penetrated and weakened.

Part of the Communist "softening up" process is its campaign of vilification against State Legislatures and the Congress of the United

States. The C. I. O. *Political Action Committee* has replaced the *Communist Party* as a political power. It is well organized and Communists are in key spots throughout the organization. Earl Browder and the hierarchy of *Communist Party* "brains" are directing this thoroughly regimented political organization. It should be needless to state that this direction is not for the welfare of the United States, but for its destruction.

The close of the war will bring new Communist onslaughts on State Legislatures and on the Congress of the United States. Every effort will be made to elect Marxists or Communist fellow-travelers to Legislative offices in the elections to come. Proposals will be continually introduced in the Legislature designed to destroy the economic and social structure of the State and Nation.

The *Federal Bureau of Investigation* and other National and State agencies are powerless to curb the activities and machinations of the Communist Party. These agencies are only effective *after* a crime has been actually committed. They are powerless to stop the continuous sabotage and destruction of the under-structure of our form of government. Violence will not come until the complete structure of our economics, our social order and our Government are undermined and weakened. It will then be too late.

Subversive elements hide behind the Bill of Rights like a kidnapper hides behind his victim when surrounded by an armed posse. Legislation directed at subversive individuals and organizations invariably injure innocent by-standers. The flexibility of Marxian strategy is such that its devotees are enabled to side-step legislation aimed at their practices. The Voorhis Act of 1940, calling for the registration of all individuals owing allegiance to a foreign country or *ism* was easily evaded by the *Communist Party* of the United States in "disaffiliating" with the *Third Communist International*. They evade laws aimed at their activities with the agility of a flea eluding capture in a blanket.

Exposure and publicity are the two things that subversives can not endure. They "wither away," like Marx's imaginary last state, in an informed community. The public must be educated concerning Communist ideology and Legislative bodies and public officials must make it a patriotic duty to study and understand the falsity, the brutality and the ultimate aims of Communism.

The committee recommends that the *Joint Fact-Finding Committee on Un-American Activities in California* be continued. The subversive character of the individuals and organizations crying for the discontinuance of the committee is the best evidence of the necessity for its continuation.

Respectfully submitted.

JACK B. TENNEY, Chairman
HUGH M. BURNS
NELSON S. DILWORTH
JESSE RANDOLPH KELLEMS, Ph.D.
RANDAL F. DICKEY.

MOTION TO PRINT COPIES

Senator Tenney moved that one thousand (1,000) copies of the report of the Joint Fact-Finding Committee on Un-American Activities be printed.

Motion carried.

PRINTING OF REPORT IN JOURNAL

Pursuant to the motion of Senator Collier, made on April 12, 1945, the following report of the Senate Interim Committee, Investigating Motor Vehicles, was ordered printed in the Journal of this date.

REPORT OF SENATE INTERIM COMMITTEE INVESTIGATING MOTOR VEHICLES

Appointed Under Senate Resolution No. 150—Fifty-fifth Session

MEMBERS OF COMMITTEE

SENATOR JERROLD L. SEAWELL, Chairman

SENATOR THOMAS KEATING, Vice Chairman — SENATOR THOMAS MCCORMACK

SENATOR RANDOLPH COLLIER — SENATOR HARRY L. PARKMAN

In accordance with provisions of Senate Resolution No. 150, we submit herewith the Report of the Special Senate Committee Investigating Motor Vehicles. The membership of the committee consists of the following: Senators Jerrold L. Seawell, Thomas Keating, Thomas McCormack, Randolph Collier, and Harry L. Parkman.

The committee met and was organized at the State Capitol January 31, 1944. The committee elected Senator Seawell as chairman and Senator Keating as vice chairman. The chairman was instructed to employ a secretary for the committee work and also to make arrangements with the Legislative Auditor for the employment of a special investigator or auditor to carry on the necessary investigation.

After reviewing the responsibilities of the committee and the work to be done, the committee concluded that an extensive analysis of the organization and functioning of every phase of the Department of Motor Vehicles was necessary in order to make the proper recommendations concerning it.

The committee concluded to request from the Joint Legislative Budget Committee, the services of the Legislative Auditor, Mr. Rolland A Vandegrift, to assist them in directing the research and study of the Department of Motor Vehicles. This assistance was secured and Mr. Vandegrift has exercised over-all direction of the research work and has assisted the committee in its hearings and analysis of material secured.

It was concluded to employ auditors and accountants experienced in State Government operations. Mr. Vandegrift was requested to secure a staff and to present a program of work to the committee.

Mr. Laban S. Frost, who has had long experience in governmental accounting, was employed by the Department of Finance for some seven years, and with in all approximately 10 years of prior State service and is fully familiar with the operation of State Government was employed to head up the research work. Other assistants and investigators have been employed from time to time. Alysse Osmonson was employed as secretary of the committee.

There was some delay in starting the actual study of the department because of the difficulty in securing a person who was experienced in State matters to carry on the investigation.

Prior to securing a competent staff, the Legislative Auditor prepared an outline to be followed in making a study and investigation and this was reviewed by the Chairman of the committee and revised and subsequently approved by the whole committee.

The first step in making the survey was to ask the Department of Motor Vehicles to prepare a statement showing the organization of the department, the functions of the several divisions and bureaus, the work performed, including collection of motor vehicle licenses, issuing of registration and drivers' licenses and law enforcement, and showing the growth of this activity from the time the department was first set up to the latest available information.

In accordance with this request, a brochure was prepared by the Department of Motor Vehicles for the information of the committee members, entitled, "A Guidebook of Functional Activities."

After a preliminary survey of the operation of the department by the research and investigating staff, the committee held its second meeting and reviewed the progress report of the staff. From this report, it appeared that there were matters of internal organization and accounting procedure with particular relation to the pay roll that needed immediate attention. The staff was instructed to concentrate on these two matters. This was further substantiated by the calling and examining of witnesses as follows:

Gordon H. Garland, Director, Department of Motor Vehicles; Phillip Davis, Deputy Director; Charles Larrabee, Acting Departmental Accounting Officer; E. Raymond Cato, Chief, California Highway Patrol; Frank B. Ench, Acting Registrar, Division of Registration; Victor W. Killick, Statistician, Department of Motor Vehicles; Paul Mason, Chief, Division of Drivers' Licenses; Clarence Malm, Principal Accountant, Department of Finance.

While this was being done, other matters affecting the entire functioning of the department were brought to light and were subsequently followed up.

The testimony developed information concerning the procedure in handling the pay rolls of the department. This particular matter had previously been brought to the attention of the Senate by Senator Breed, evolving from numerous complaints from employees of the department that there was a delay of from two to nine weeks or more in getting their pay checks after they performed services for the department. The information showed that the department had in operation two punch card systems of different makes, paying rent for both sets of machines and both capable of turning out a pay roll.

At the time the systems experts of the Department of Finance assigned to assist the Motor Vehicle Department were engaged in installing a new accounting system, including a new pay roll procedure requiring the use of mechanical tabulating equipment. Upon recommendation of these experts, tabulating machines had been rented under contract for the work and the necessary operators hired.

It was surprising to the committee to learn that another, more extensive set of tabulating equipment of a different make had been installed in the Bureau of Statistics for years, but no attempt had been made to ascertain whether it was practicable to use it for the pay roll production before the second set of equipment had been rented. Furthermore, as these two sets of tabulating equipment were not interchangeable and required different types of printed forms and operators specially trained in their use who cannot be interchangeably employed, immediate doubt developed on the advisability of having these two sets of dissimilar equipment if one set could produce all of the necessary work.

The committee discussed this matter with the Director of the Department of Motor Vehicles, who promptly determined, after actual tests had been made, that the tabulating equipment in the Bureau of Statistics could satisfactorily produce the pay roll with the addition of one or two minor attachments, which were promptly installed at small cost.

Thereafter, the director canceled the contract for the renting of the second set of machines, effecting a saving to the department of approximately $1,100 monthly. One additional person was employed, but no additional machines were required to the Bureau of Statistics equipment, whereas, the services of four persons which had previously been employed to work the second set of tabulating equipment were discontinued.

The committee feels that its inquiry was largely responsible for this economy and improved efficiency.

After these two particular matters had been thoroughly covered by the staff, the committee again met in executive session on July 19, 1944. Mr. Frost reviewed for committee the survey made up to date of the Department of Motor Vehicles.

The recommendations made by Mr. Frost concerning the reorganization of the Division of Accounting and Bureau "E," or equipment bureau of the California Highway Patrol, after being fully discussed by the committee, were adopted. The committee moved that the chairman have these recommendations put into written form and that they be transmitted to Gordon H. Garland, Director, Department of Motor Vehicles. The letter follows herewith:

> "At a meeting of the Committee on Motor Vehicles on July 19, 1944, I was directed by the committee members to write a letter to you conveying recommendations which our audit staff made to the committee.
>
> "In reviewing the organization chart of the Department of Motor Vehicles which follows page 25 in the brochure prepared for the information of the members of the Senate Committee Investigating Motor Vehicles, the committee went on record at that meeting in favor of the creation of a Division of Administration and in connection therewith makes the following recommendations:
>
> "1. That the Chief of the Division of Administration approve all changes in office procedure, make a study of all reports now prepared by the various divisions and eliminate those which might not serve any useful purpose. Approve in the future all new reports which any division might propose to have prepared and approve all changes in existing reports.

"The purpose of this recommendation is to have as much uniformity as possible in procedure in all divisions and branch offices of the department. Our survey disclosed that some reports from branch offices are not uniform and we know of no reason why there should not be more uniformity in the reports.

"2. That the traveling auditor be placed under the direction of the Chief of the Division of Administration. The reason for this recommendation is that in order for the traveling auditor to render the maximum amount of service, he should be able to survey work in all divisions in the branch offices and other work as directed by the Chief of the Division of Administration. This would also make it possible for him to check all procedures at the headquarters offices in Sacramento.

"3. It is our understanding that the deputy director at this time is performing the duties of the Chief of the Division of Administration, but inasmuch as the work program of the Division of Administration is quite broad in scope, especially if you require the Division to approve all of the changes in office procedure and other matters pertaining to the proper operation of the various offices, the duties of the two positions might become too many for one individual to handle and you may find it necessary to establish a position as Chief of the Division of Administration.

"It might be advisable that you assign your present deputy director as Chief of the Division of Administration or perhaps employ some other individual in said capacity. Should you desire to place some other individual in this position, we would suggest that you obtain, if possible, someone from private industry who has had broad experience in managing an office of comparable size, who has a thorough understanding of accounting and business administration. The salary to be according to the individual's ability.

"4. That Bureau "E" of the California Highway Patrol be placed under the supervision of the Chief of the Division of Administration; that all automobiles owned by the Department be operated through this division; that all accounting work necessary to the keeping of proper records as to cost and maintenance of automobiles be kept in the bureau; the paper work procedure to be outlined and directed by the departmental accounting officer and approved by the Chief of the Division of Administration.

"Our auditors' survey disclosed considerable duplication of records between those kept in the accounting division in the main office and those kept by Bureau "E" at the garage. We also found that the car costs which are kept in the main office are always behind; that the report which is prepared twice a year is as a rule six months late in being published. By having all the records pertaining to the cost of operating automobiles consolidated in one office under the supervision of a clerk or supervising account clerk, whichever the title may be, but at least some person with ability to properly supervise a staff of approximately six or eight employees. It is our belief that adequate reports could be supplied to the director regarding the cost of operating cars with not more than a thirty day lag.

"5. That an examination for controller or departmental accounting officer be given as soon as possible. Our survey disclosed that for the period July 1, 1943, to May 31, 1944, the Department of Finance billed your department $6184.54 for Mr. Larrabee's services. It is our understanding that the Department of Finance pays your acting departmental accounting officer a salary of $420 per month plus the State's portion of the retirement contribution which is 3.75 per cent, according to the Department of Finance's invoice, or $15.75, making a total of $435.75 per month.

"6. We have not completed our survey of the accounting department in the main building other than as it affects the keeping of automobile costs, but we would like to make a recommendation as to the physical lay-out of the office. Our auditors' survey disclosed that the assistant departmental accounting officer has a private office. We would suggest that in order to be able to give closer supervision to the accounting division employees, the assistant departmental accounting officer move his desk into the main room with the other accounting division employees and, by rearranging the desks of the other employees in the division, the set up can be such that a more efficient operation of the division will result.

"The bookkeeping machine and the addressograph machine which when properly operated make considerable noise, should be placed in the room now occupied by the assistant departmental accounting officer. This will take the noise of these machines away from the main accounting unit and will tend to create more efficiency.

"The auditors are now working on the possibility of better control of supplies and a somewhat streamlined procedure for the handling of accounts payable. A report on these and other accounting procedures will be made at the next meeting of the committee.

"The committee's auditors will be glad to confer with you regarding the above recommendations."

The committee is pleased to report that the director, after reviewing this matter and having the approval of the Governor to reorganize the department in conformity with the Political Code, immediately proceeded to put these recommendations in effect insofar as Bureau "E" (equipment of the California Highway Patrol) was transferred to the division of administration of the department, and the traveling auditor was transferred from the division of accounting to the division of administration effective December 1, 1944.

The recommendation was made that the chief accounting officer, a member of the staff of the Department of Finance and serving on a contractual basis for the Department of Motor Vehicles, should either be transferred definitely to the Department of Motor Vehicles or his contract be terminated and an accounting officer secured with responsibility only to the Department of Motor Vehicles. In compliance with this recommendation, the director of the Department of Motor Vehicles did not renew his contract.

The committee held numerous subsequent meetings, both open and executive; the total meetings being eleven in number. The committee called witnesses when necessary and investigated the over all organization, operation, and effectiveness of the department. Whenever it was thought that the Legislative Auditor could make some contribution, he was requested to attend these meetings and to examine and question the witnesses. The testimony secured was in general for the purpose of substantiating, clarifying or enlarging information and recommendations provided by the research and investigating staff.

In this way, a complete examination was made both of the records and the actual operations of the department. There was also secured, the views and opinions of the officers and employees of the department on all of these matters, including suggested and proposed reorganization of the department.

Some evidences of mismanagement and irregularities were brought out which required legislation.

It was the general conclusion of the committee that effective and efficient operation of the department had not been secured and can not be secured under the statutes setting up the Motor Vehicle Department. In particular, it was developed and demonstrated that while the administrative branch of government was responsible for the appointment of the Director of the Department of Motor Vehicles and its subsequent operation, that the statute was such that the two principal divisions of the department, enforcement, known as the California Highway Patrol and the Division of Registration, are independent entities set up by the statute and except to a very limited degree, are independent and free from administrative control of the director of the department. This limited control applies to offices, personnel, equipment and organization management. Irregularities and inefficiencies and nonfunctioning organization in these divisions could and can not be corrected by the director of the department, although the failures and deficiencies resulting from such conditions are blamed on the director of the department and subsequently rest on the Chief Executive as the appointing power.

Under such conditions, the operation of an efficient director or the removal of an inefficient one would in no wise correct abuses or irregularities in these two divisions.

After considering this matter at great length, and reviewing information presented by the staff, the chairman specifically brought before the committee the problem of improving the structure by changing the law. The committee agreed that this was necessary and requested the Legislative Auditor to have bills drafted by the Legislative Counsel which would accomplish this purpose, giving control of the department to the director. Such bills have been drawn and have been introduced by the committee into the Senate as Senate Bill No. 1024 and Senate Bill No. 1025, herewith presented.

It is the sincere recommendation of the committee that one of these bills be enacted into law and that the department be reorganized as soon as possible in accordance with these provisions and that the further reorganization of the department be made the responsibility of the Director.

The committee believes that the director should make the required corrections in general organization and see that the weaknesses and inefficiencies within the divisions are corrected.

The committee wishes to make it clear that it is not responsible for any reorganizations that have taken place within the department, or within any of the divisions of the department other than those that were included in the letter sent to the director in relation to accounting and Bureau "E."

The committee was continued by this session of the Senate by Senate Resolution No. 32. This was for the purpose of finishing investigations already under way, and undertaking some additional investigation and to cooperate with the head of the department concerning its findings on many matters which are too detailed to be presented in this report.

This report of the committee is designedly brief, for the reason that the committee concluded that the primary step in improving the Department of Motor Vehicles is solving the matter of responsibility of management and the logical establishment of fundamental organization. Our files are filled with a vast amount of information

that we believe should be used subsequently in placing the department on a proper management basis. This material is available, but we believe it would serve no useful purpose to reproduce it in a formal report until the fundamental changes we have recommended are made in the Motor Vehicle law.

It is the conclusion of the committee that with this reorganization and the placing of full responsibility on the director, that the department which is essentially a credit to the State of California, can be further improved, its inefficiencies corrected and practices which open it up to serious criticism can be eliminated so that the department as a whole, and the California Highway Patrol in particular, will be the outstanding organization of its kind in the United States, and its personnel who are on the whole conscientious and sincere workers, can rightfully be as proud of their organization as they would like to be.

The committee wishes to express its appreciation to the Legislative Auditor and the Legislative Budget Committee for their cooperation in this study, and they wish to express their thanks and appreciation to all of the witnesses who appeared before the committee and to numerous other persons both in and out of the State service who have cooperated with them.

The foregoing report of the Senate Committee Investigating Motor Vehicles is approved by all members of the committee.

JERROLD L. SEAWELL, Chairman
THOMAS F. KEATING, Vice Chairman
RANDOLPH COLLIER
THOMAS McCORMACK
HARRY L. PARKMAN

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 347
Senate Bill No. 706
Senate Bill No. 883
Senate Bill No. 1096

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 835

And reports the same correctly engrossed.

SEAWELL, Chairman

MOTION TO CONSIDER SENATE BILL NO. 706

Senator DeLap moved that he be granted permission to take up Senate Bill No. 706 at this time for passage.

Motion carried.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS

Senate Bill No. 706—An act to amend Sections 21, 39, 40, and 46 of, to repeal Section 41 of, and to add a new Section 41 to, and to repeal Sections 42, 43, 44, 45, and 47 of, the Alcoholic Beverage Control Act, relating to administrative procedure of the State Board of Equalization.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO APPROVE JOURNALS

Senator Seawell moved that the Senate Journals of Monday, April 9, 1945; Tuesday, April 10, 1945; Wednesday, April 11, 1945; Thursday, April 12, 1945; Friday, April 13, 1945, be approved as corrected by the Journal Clerk and Minute Clerk.

Motion carried.

RESOLUTIONS

The following resolutions were offered:

By Senator Powers:

Senate Resolution No. 94

Resolved, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law with the compensation set opposite her name, payable weekly seven days per week, beginning April 15, 1945, and the Controller is hereby directed to draw his warrants in favor of the respective person for the respective amount, and the Treasurer is hereby directed to pay the same.

	Per day
Esther Markham, Assistant Minute Clerk	$12 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.

NOES—None.

By Senator Powers:

Senate Resolution No. 95

Resolved, That A. P. Bellisle, heretofore appointed Assistant History Clerk at a per diem of $8, be and he is hereby appointed to the position of Assistant at Desk at a per diem of $10, beginning April 15, 1945, payable seven days per week, and the Controller is hereby directed to draw his warrants in favor of the said person for the said amount and the Treasurer is hereby directed to pay the same.

	Per day
A. P. Bellisle, Assistant at Desk	$10 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—31.

NOES—None.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill No. 8—An act to add Section 4041n to the Political Code, relating to the installation and maintenance of watering troughs by county boards of supervisors.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 8?

Amendment No. 1

On page 1, line 4, of the printed bill, following "highway", insert "subject to agreement as to location with the Department of Public Works, and along any".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 8 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—34.
NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 399—An act to amend Section 1066.5 of the Agricultural Code, relating to economic poisons.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 399?

Amendment No. 1

On page 1 of the printed bill, between lines 13 and 14, insert
"(c) Metallurgists and manufacturers of alloys of which thallium is a component part may possess thallium for laboratory use or manufacture of alloys."

Amendment No. 2

On page 1, line 14, of the printed bill, strike out "(c)", and insert "(d)".

Amendment No. 3

On page 1, line 16, of the printed bill, strike out "(d)", and insert "(e)".

Amendment No. 4

On page 1, line 22, of the printed bill, strike out "(e)", and insert (f)".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 399 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—36.
NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 488—An act to amend Section 1554.2 of the Penal Code, relating to proceedings against fugitives from justice, and authorizing the California Institution for Women to apply to the Governor for requisitions for the return of persons committed thereto.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 488?

Amendment No. 1

On page 1, line 20, of the printed bill, after "committed," strike out "the Board of Prison Terms and Paroles, the Board of Prison Directors", and insert "the Adult Authority, the Director of Corrections".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 488 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—36.
NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 489—An act to amend Section 817 of the Penal Code, relating to peace officers.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 489?

Amendment No. 1

On page 1, line 18, of the printed bill, after "Corrections", insert ", and any placement or parole officer of the Youth Authority".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 489 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—35.
NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 1260—An act granting certain lands, tidelands and submerged lands of the State of California to the City of San Diego upon certain trusts and conditions.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1260?

Amendment No. 1

On page 3 of the printed bill, as amended, after line 14, insert

"(c) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway right-of-way purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest."

Amendment No. 2

On page 3, line 13, of the printed bill, as amended, strike out "for", and insert "from".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1260 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—35.
NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 490—An act to amend Section 2701 of the Penal Code, relating to the employment of prisoners in State prisons, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 490?

Amendment No. 1

On page 1, line 21, of the printed bill, after "needed", insert "for use".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 490 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, and Weybret—35.

NOES—None.

Above bill ordered enrolled.

SECOND READING OF SENATE BILLS

Senate Bill No. 441—An act to amend Section 19484 of the Business and Professions Code, relating to fees for horse racing meetings.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1194—An act to add Section 19540 to the Business and Professions Code, relating to horse racing.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, lines 6 and 7 of the printed bill, strike out "notwithstanding the limitations on racing days herein, but".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 331—An act to amend an act entitled "An act providing for preparation of postwar county highway construction projects, and making an appropriation therefor, approved May 18, 1943," by adding a new section, numbered 9, thereto, relating to availability of the appropriation thereby made to the counties of this State for road and highway purposes.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 7, of the printed bill as amended, following "and", insert "the".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 1046—An act to add Sections 2245a and 2326 to, and repeal Sections 2320, 2321, 2322, 2323 and 2324 of, the Business and Professions Code, relating to chiropodists.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "2245A", and insert "2245.6".

Amendment No. 2

In the title of said bill, strike out line 2; and in line 3 strike out "and 2324 of," and insert "to".

Amendment No. 3

On page 1, line 4, of said bill, strike out "2245a", and insert "2245.6".

Amendment No. 4

On page 1, line 6, of said bill, strike out "2245a", and insert "2245.6".

Amendment No. 5

On page 1 of said bill, strike out lines 18 to 24, inclusive, and insert "2326. A reciprocity certificate to practice chiropody in this State shall be granted to an applicant from another state only on the same basis on which such other state grants a certificate to practice chiropody to an applicant from this State."

Amendment No. 6

On page 2 of said bill, strike out lines 1 to 11, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 144—An act to amend the County Water District Act, approved June 10, 1913, as amended, by amending Sections 3, 4, 5, 6, 8, and 14, relating to county water districts, and by adding new Sections 12.16, relating to payment of expenses of organization of districts; 14.5, relating to liability of district directors, officers, agents and employees; 14.6, relating to claims against districts, their directors, officers, agents and employees and actions thereon; 14.7, relating to liability of districts, their directors, officers, agents and employees; and 22d, relating to the use of various improvement acts in district improvements.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 12, line 4, of the printed bill, strike out "90", and insert "180".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 347—An act to establish California academies for children who require special care and supervision, to provide for the government and administration thereof, and making an appropriation.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 43—An act to amend Sections 736b, and 737a to 737z, inclusive, 737aa to 737zz, inclusive, and 737aaa to 737fff, inclusive, of the Political Code, relating to the salaries of judges of the superior court.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 3 of the printed bill, strike out lines 14, 15, and 16, and insert "737q. The annual salary of the judge of the Superior Court in and for the County of Lake is six thousand five hundred dollars ($6,500)."

Amendment No. 2

On page 3 of the printed bill, strike out lines 18, 19, and 20, and insert "737r. The annual salary of the judge of the Superior Court in and for the County of Lassen is six thousand three hundred dollars ($6,300)."

Amendment No. 3

On page 3 of the printed bill, strike out lines 26, 27, and 28, and insert "737t. The annual salary of the judge of the Superior Court in and for the County of Madera is six thousand five hundred dollars ($6,500)."

Amendment No. 4

On page 3 of the printed bill, strike out lines 42, 43, and 44, and insert "737x. The annual salary of each judge of the Superior Court in and for the County of Merced is six thousand four hundred dollars ($6,400)."

Amendment No. 5

On page 3 of the printed bill, strike out lines 46, 47, and 48, and insert "737y. The annual salary of the judge of the Superior Court in and for the County of Modoc is six thousand five hundred dollars ($6,500)."

Amendment No. 6

On page 4 of the printed bill, strike out lines 11, 12, and 13, and insert "737cc. The annual salary of the judge of the Superior Court in and for the County of Nevada is seven thousand two hundred dollars ($7,200)."

Amendment No. 7

On page 4 of the printed bill, strike out lines 19, 20, and 21, and insert "737ee. The annual salary of the judge of the Superior Court in and for the County of Placer is eight thousand dollars ($8,000)."

Amendment No. 8

On page 4 of the printed bill, strike out lines 23, 24, and 25, and insert "737ff. The annual salary of the judge of the Superior Court in and for the County of Plumas is seven thousand dollars ($7,000)."

Amendment No. 9

On page 4 of the printed bill, strike out lines 36, 37, and 38, and insert "737ii. The annual salary of the judge of the Superior Court in and for the County of San Benito is seven thousand dollars ($7,000)."

Amendment No. 10

On page 5 of the printed bill, strike out lines 26, 27, and 28, and insert "737rr. The annual salary of the judge of the Superior Court in and for the County of Santa Cruz is nine thousand dollars ($9,000)."

Amendment No. 11

On page 5 of the printed bill, strike out lines 34, 35, and 36, and insert "737tt. The annual salary of the judge of the Superior Court in and for the County of Sierra is six thousand five hundred dollars ($6,500)."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1527—An act to amend Section 44 of the County Employees Retirement Act, relating to county retirement systems in respect to the inclusion of elective officers therein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 239—An act to amend Section 2808 of the Streets and Highways Code, relating to assessment proceedings for sanitary sewers which have been recommended by the health officer, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1685—An act to amend Section 3152 of the Business and Professions Code, relating to the practice of optometry.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1686—An act to amend Sections 3010 and 3013 of the Business and Professions Code, relating to the practice of optometry.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1687—An act to amend Section 3052 of the Business and Professions Code, relating to licenses for the practice of optometry, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2112—An act to add Sections 8740.5 and 8793 to the Business and Professions Code, relating to land surveyors.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2076—An act to amend Sections 3023, 3047, 3048, 3049 and 3051 of the Business and Professions Code, relating to optometry.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 2, line 30, of the printed bill, as amended, after "average", insert a semicolon.

Amendment No. 2

On page 1, line 14, of the printed bill, as amended, strike out "approved", and insert "accredited".

Amendment No. 3

On page 1, line 16, of the printed bill, as amended, strike out "approved", and insert "accredited".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 200—An act to add Section 10500.5 to the Elections Code, relating to elections for members of Congress.

Bill read second time, and ordered to third reading.

Assembly Bill No. 495—An act to add Section 571.5 to the Elections Code, relating to division of electors in a precinct into groups.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Election:

Amendment No. 1

On page 1 of the printed bill, strike out lines 6 to 9, inclusive, and insert "The board or officer charged with the duty of conducting the election shall divide the voters into two groups as nearly equal in number as possible. When the".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 288—An act to amend Section 5931 of the Elections Code, relating to absentee voting.

Bill read second time, and ordered to third reading.

Assembly Bill No. 143—An act to amend Section 2609 of the Elections Code, relating to sponsor certificates.

Bill read second time, and ordered to third reading.

Assembly Bill No. 304—An act to add Section 2847.5 to the Elections Code, relating to filling of vacancies existing in party committees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 498—An act to repeal Section 1004 of the Elections Code, relating to notice of election.

Bill read second time, and ordered to third reading.

Assembly Bill No. 499—An act to amend Section 7968 of the Elections Code, relating to the record of votes cast.

Bill read second time, and ordered to third reading.

Assembly Bill No. 496—An act to amend Section 3823 of the Elections Code, relating to ballots.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Elections:

Amendment No. 1

On page 1 of the printed bill, strike out lines 11, 12 and 13, inclusive, and insert "'Except on absent voters' ballots mark crosses (X) on Ballot ONLY WITH RUBBER STAMP; Not with pen or pencil. On absent voters' ballots mark with pen or pencil.'"

Amendment read and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 960—An act to amend Sections 12 and 17 of the "Assessment Bond Refunding Act of 1933," relating to liens and bonds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman,

Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—36.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 961—An act to amend Sections 5372, 6446, 6460 and 6572 of the Streets and Highways Code, relating to liens and bonds under the "Improvement Act of 1911."

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelly, Slater, Sutton, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 962—An act to amend Sections 7240 and 7390 of the Streets and Highways Code, relating to liens and bonds under the "Street Improvement Act of 1913."

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—37.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 963—An act to amend Section 4290 of the Streets and Highways Code, relating to liens under the "Street Opening Act of 1903."

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—37.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 964—An act to amend Section 3450 of the Streets and Highways Code, relating to liens and bonds under the "Street Opening Bond Act of 1921."

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 965—An act to amend Sections 4570 and 4573 of the Streets and Highways Code, relating to liens and bonds under the "Street Opening Bond Act of 1911."

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 966—An act to amend Section 3280 of the Streets and Highways Code, relating to liens under the "Street Opening Act of 1889."

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 959—An act to add Section 330 to the Code of Civil Procedure, relating to the limitation of time for sales under improvement bonds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 957—An act to amend Section 2911 of the Civil Code, relating to the extinguishment of liens.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 958—An act to amend Section 329 of the Code of Civil Procedure, relating to time of commencing action for foreclosure of street improvement assessment liens and duration of such liens.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Hatfield, ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, April 12, 1945

Honorable George J. Hatfield, Senate Chamber
State Capitol, Sacramento, California

Amendments to Senate Bills Nos. 3, 9, 279, and 281. No. 4214

DEAR SENATOR HATFIELD: We are transmitting herewith amendments to Senate Bills No. 3, 9, 279 and 281, making the effectiveness of these bills contingent upon the enactment of Senate Bill No. 625 in addition to the other bills, the enactment of which they are already contingent upon.

It is our opinion that these amendments are germane and are constitutional.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By J. D. STRAUSS, Deputy

CONSIDERATION OF DAILY FILE

CONSIDERATION OF SPECIAL ORDER

The hour of 2.30 p.m. having arrived, Senate Bills Nos. 3, 9, 279 and 281 were taken up.

Consideration of Senate Bill No. 3

Senate Bill No. 3—An act to amend Sections 6051 and 6201 of the Revenue and Taxation Code, relating to the sales and use taxes, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 39, of the printed bill, as amended, strike out "and 281", and insert, "281, and 625".

Amendment read.

MOTION TO PRINT COMMUNICATION

Senator Hatfield moved that the following communication from the State Department of Finance to Senator Rich, be printed in the Journal.

Motion carried.

STATE OF CALIFORNIA, DEPARTMENT OF FINANCE
SACRAMENTO, April 16, 1945

Honorable William P. Rich, Member of the Senate
State Capitol, Sacramento

DEAR SENATOR RICH: In compliance with your request, we submit the following information concerning the effect of certain legislative proposals upon the State surplus.

According to the Department of Finance estimates, the General Fund surplus on June 30, 1945, will amount to $108,940,205. Under the Budget submitted by Governor Warren, General Fund revenues at the current reduced tax rates will exceed expendi-

tures by $35,845,941 during the 1945-1947 Biennium, making a surplus of $144,786,146 on June 30, 1947. The Governor made the following recommendations with respect to the utilization of this latter amount:

Additional transfer to the Postwar Employment Reserve for State building needs	$40,000,000
Set aside as reserve for unemployment relief	50,000,000
Transfer to Bond Sinking Fund to meet debt charges, 1949-1965	11,651,490
Reserve for Disaster Damage to State Buildings	3,000,000
Reserve for later expenditure in the acquisition of beaches	15,000,000
Total Earmarkings and Transfers	$119,651,490

After the recommended earmarkings and transfers there would remain an unencumbered surplus of $25,134,656 on June 30, 1947. The State, however, would have $169,059,594 in the Postwar Employment Reserve; $19,393,897 in the Bond Sinking Fund of 1943 to meet interest and redemption charges on certain general obligation bonds through the maturity in 1965; $25,000,000 in the War Catastrophe Reserve; $50,000,000 set aside to meet unemployment relief needs; and $3,000,000 to meet fire or earthquake damage to State facilities.

If the $100,000,000 appropriation to cities and counties were authorized in addition to the transfers and earmarkings recommended by Governor Warren, the anticipated General Fund surplus of $25,134,656 on June 30, 1947, would become a *deficit* of $75,865,344.

Reduction in the retail sales tax rate to 2 per cent on July 1, 1945, would decrease the State's revenue approximately $40,000,000 during the 1945-1947 Biennium. If both the $100,000,000 appropriation for cities and counties and the additional sales tax reduction were authorized and no compensating adjustments were made in the Governor's program for utilization of the surplus, the General Fund deficit on June 30, 1947, would be roughly $115,000,000.

These computations have been made without an allowance for possible reductions in the Budget or for special appropriations which may be authorized by the present Legislature. Special appropriation bills involving General Fund expenditures estimated at $298,500,000 during the 1945-1947 Biennium are now before the Legislature. It is readily apparent that if any substantial part of this total is approved, the State either will be forced to abandon its plan of preparing now to meet postwar financial difficulties, or will experience a return to the deficits of a few years ago.

Very truly yours

FRED W. LINKS, Chief, Division of Budgets and Accounts

PREVIOUS QUESTION

Senator Sutton moved the previous question.

Motion carried.

The question being on the adoption of the amendments, by Senator Hatfield, to Senate Bill No. 3.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Keating, Powers, Quinn, Slater, Sutton, Swing, Tenney, and Weybret—22.

NOES—Senators Breed, DeLap, Desmond, Deuel, Dillinger, Gordon, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, and Ward—17.

Further Amendments to Senate Bill No. 3

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 10, of the printed bill, as amended, after "June 30," strike out "1947", and insert "1945, and at the rate of 2 per cent on and after July 1, 1945, and to and including June 30, 1947,".

Amendment No. 2

On page 2, line 14, of said bill, after "June 30," strike out "1945", and insert "1945, and at the rate of 2 per cent on and after July 1, 1945, and to and including June 30, 1947,".

Amendments read.

Previous Question

Senator McBride moved the previous question.

Motion carried.

The question being on the adoption of the amendments, by Senator Shelley, to Senate Bill No. 3.

Roll Call Demanded

Senator Shelley, Collier and DeLap, demanded a roll call.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Breed, Salsman, Shelley, and Tenney—4.

NOES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Swing, Ward, and Weybret—35.

Further Amendments to Senate Bill No. 3

Motion to Amend

Senator Jespersen moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "of", insert ", and to add Section 6366 to,".

Amendment No. 2

On page 2 of said bill, between lines 37 and 38 insert

"SEC. 3. Section 6366 is added to said code, to read:

6366. There are exempted from the tax imposed by this part the gross receipts from the sale of and the storage, use, or other consumption in this State of artificial limbs, braces, or other orthopedic appliances."

Amendment No. 3

On page 2, line 38, of said bill, strike out "SEC. 3", and insert "SEC. 4".

Amendment No. 4

On page 2, line 41, of said bill, strike out "SEC. 4", and insert "SEC. 5".

Amendments read and refused adoption.

Motion to Reconsider

Senator Breed moved to reconsider the vote whereby Senate Bill No. 3 was amended.

Postponement of Reconsideration

On motion of Senator Breed, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 3 was amended, was continued until the next legislative day.

CONSIDERATION OF SENATE BILL NO. 9

Senate Bill No. 9—An act to amend Sections 17053.5, 17316, 17319.3, 17319.5, 19200, 19201, 19202, 19203, 19204, and 19205 of, and to add Sections 17108, 17325, 17326, 17327, 17328, 17329, 18135.1, and 18304.1 to the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

Bill read third time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendment:

Amendment No. 1

On page 8, line 36, of the printed bill, as amended, strike out "and 281", and insert ", 281, and 625, all as amended by the Senate,".

Amendment read.

Roll Call Demanded

Senators Hatfield, Hulse, and DeLap demanded a roll call.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Keating, Powers, Quinn, Slater, Sutton, Swing, Tenney, and Weybret—22.

NOES—Senators Breed, DeLap, Desmond, Deuel, Dillinger, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, and Ward—16.

Further Amendments to Senate Bill No. 9

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

In line 4 of the title of the printed bill, as amended, after "amend Sections", insert "17052,".

Amendment No. 2

On page 1, line 1, of said bill, strike out "17053.5", and insert "17052".

Amendment No. 3

On page 1 of said bill, between lines 2 and 3, insert

"17052. There shall be levied, collected, and paid for each taxable year upon the entire net income of every resident of this State and upon the net income of every nonresident which is derived from sources within this State, taxes in the following amounts and at the following rates upon the amount of net income in excess of credits against net income provided in Article 1 of Chapter 7 of this part:

Upon net incomes not in excess of five thousand dollars ($5,000), 1 per cent of such net incomes.

Fifty dollars ($50) upon net incomes of five thousand dollars ($5,000); and upon net incomes in excess of five thousand dollars ($5,000) and not in excess of ten thousand dollars ($10,000), 2 per cent in addition of such excess.

One hundred fifty dollars ($150) upon net incomes of ten thousand dollars ($10,000); and upon net incomes in excess of ten thousand dollars ($10,000) and not in excess of fifteen thousand dollars ($15,000), 3 per cent in addition of such excess.

Three hundred dollars ($300) upon net incomes of fifteen thousand dollars ($15,000); and upon net incomes in excess of fifteen thousand dollars ($15,000) and not in excess of twenty thousand dollars ($20,000), 4 per cent in addition of such excess.

Five hundred dollars ($500) upon net incomes of twenty thousand dollars ($20,000); and upon net incomes in excess of twenty thousand dollars ($20,000) and not in excess of twenty-five thousand dollars ($25,000), 5 per cent in addition of such excess.

Seven hundred fifty dollars ($750) upon net incomes of twenty-five thousand dollars ($25,000); and upon net incomes in excess of twenty-five thousand dollars ($25,000) *and not in excess of thirty thousand dollars ($30,000)*, 6 per cent in addition of such excess.

One thousand fifty dollars ($1,050) upon net incomes of thirty thousand dollars ($30,000); and upon net incomes in excess of thirty thousand dollars ($30,000) and not in excess of forty thousand dollars ($40,000), 7 per cent in addition of such excess.

One thousand seven hundred fifty dollars ($1,750) upon net incomes of forty thousand dollars ($40,000); and upon net incomes in excess of forty thousand dollars ($40,000) and not in excess of fifty thousand dollars ($50,000), 8 per cent in addition of such excess.

Two thousand five hundred fifty dollars ($2,550) upon net incomes of fifty thousand dollars ($50,000); and upon net incomes in excess of fifty thousand dollars ($50,000) and not in excess of sixty thousand dollars ($60,000), 9 per cent in addition of such excess.

Three thousand four hundred fifty dollars ($3,450) upon net incomes of sixty thousand dollars ($60,000); and upon net incomes in excess of sixty thousand dollars ($60,000) and not in excess of seventy thousand dollars ($70,000), 10 per cent in addition of such excess.

Four thousand four hundred fifty dollars ($4,450) upon net incomes of seventy thousand dollars ($70,000); and upon net incomes in excess of seventy thousand dollars ($70,000) and not in excess of eighty thousand dollars ($80,000), 11 per cent in addition of such excess.

Five thousand five hundred fifty dollars ($5,550) upon net incomes of eighty thousand dollars ($80,000); and upon net incomes in excess of eighty thousand dollars ($80,000) and not in excess of one hundred thousand dollars ($100,000), 12 per cent in addition of such excess.

Seven thousand nine hundred fifty dollars ($7,950) upon net incomes of one hundred thousand dollars ($100,000); and upon net incomes in excess of one hundred thousand dollars ($100,000) and not in excess of one hundred fifty thousand dollars ($150,000), 13 per cent in addition of such excess.

Fourteen thousand four hundred fifty dollars ($14,450) upon net incomes of one hundred fifty thousand dollars ($150,000); and upon net incomes in excess of one hundred fifty thousand dollars ($150,000) and not in excess of two hundred fifty thousand dollars ($250,000), 14 per cent in addition of such excess.

Twenty-eight thousand four hundred fifty dollars ($28,450) upon net incomes of two hundred fifty thousand dollars ($250,000); and upon net incomes in excess of two hundred fifty thousand dollars ($250,000), 15 per cent in addition of such excess.

SEC. 1.5. Section 17053.5 of the said code is amended to read:"

Amendments read.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Biggar, Burns, Carter, Donnelly, Dorsey, Hatfield, Jespersen, Judah, Keating, Mayo, Powers, Quinn, Salsman, Seawell, Shelley, Slater, and Tenney—17.

NOES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Hulse, Kuchel, McBride, Mixter, Parkman, Rich, Sutton, Swing, Ward, and Weybret—22.

Further Amendment to Senate Bill No. 9

Motion to Amend

Senator Shelley moved the adoption of the following amendment:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 1

In the title of the printed bill, strike out line 2 and insert "17319.5, 17951, 18401, 18402, 18405, 19200, 19201, 19202, 19203, 19204, and 19205, of,"

Amendment No. 2

On page 6 of the printed bill, between lines 28 and 29, insert

"SEC. 12.1. Section 17951 of said code is amended to read:

17951. There shall be allowed as a credit against net income, in the case of a single individual, a personal exemption of [one] *two* thousand dollars [$1,000] *($2,000)*, or, in the case of a head of a family or a married individual [living with husband or wife], a personal exemption of *three* [two] thousand five hundred dollars [$2,500] *($3,500)*. A husband and wife [living together] shall receive but one personal exemption of [two] *three* thousand five hundred dollars [$2,500] *($3,500)*. If the husband and wife [living together] make separate returns, the personal exemption may be taken by either or divided between them."

"SEC. 12.3. Section 18401 of said code is amended to read:

18401. Every individual taxable under this part shall make a return to the commissioner, stating specifically the items of his gross income and the deductions and credits allowed by this part, if he has for the taxable year—

(a) A net income of [one] *two* thousand dollars [$1,000] *($2,000)* or over, if single, [or if married and not living with husband or wife];

(b) A net income of [two] *three* thousand five hundred dollars [$2,500] *($3,500)* or over, if married [and living with husband or wife]; or

(c) A gross income of five thousand dollars ($5,000) or over, regardless of the amount of net income."

"SEC. 12.5. Section 18402 of said code is amended to read:

18402. If a husband and wife [living together] have for the taxable year an aggregate net income of [two] *three* thousand five hundred dollars [$2,500] *($3,500)* or over, or an aggregate gross income of five thousand dollars ($5,000) or over—

(a) Each shall make such a return, or

(b) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income. *No joint return may be made if husband and wife have different taxable years.*"

"SEC. 12.7. Section 18405 of said code is amended to read:

18405. Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make *under oath* a return for any of the following taxpayers for whom he acts, stating specifically the items of gross income of the taxpayer and the deductions and credits allowed under this part:

(a) Every individual having a net income for the taxable year of [one] *two* thousand dollars [$1,000] *($2,000)* or over, if single [or if married and not living with husband or wife].

(b) Every individual having a net income for the taxable year of [two] *(three)* thousand five hundred dollars [$2,500] *($3,500)* or over, if married [and living with husband or wife].

(c) Every individual having a gross income for the taxable year of five thousand dollars ($5,000) or over, regardless of the amount of his net income.

(d) Every estate the net income of which for the taxable year is one thousand dollars ($1,000) or over.

(e) Every trust the net income of which for the taxable year is one hundred dollars ($100) or over.

(f) Every estate or trust the gross income of which for the taxable year is five thousand dollars ($5,000) or over, regardless of the amount of the net income.

(g) Every decedent, for the year in which death occurred, and for prior years, if returns for such years should have been filed but have not been filed by the decedent, under such rules and regulations as the commissioner may prescribe."

Amendment read.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—37.

NOES—Senators Dilworth and Ward—2.

Senator Shelley's second series of amendments read and adopted.

Senate Bill No. 9 ordered printed, re-engrossed.

Motion to Reconsider

Senator Ward moved to reconsider the vote whereby Senator Hatfield's amendments to Senate Bill No. 9 was adopted.

Postponement of Reconsideration

On motion of Senator Ward, the further consideration of the motion to reconsider the vote whereby Senator Hatfield's amendment to Senate Bill No. 9 was adopted was continued until the next legislative day.

CONSIDERATION OF SENATE BILL NO. 279

Senate Bill No. 279—An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, relating to a franchise tax imposed on banks and corporations, and providing for the use of part of the proceeds of said tax, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 9, of the printed bill, as amended, strike out "and 281", and insert "281, and 625".

Amendment read.

Roll Call Demanded

Senators Hatfield, Dillinger and Donnelly demanded a roll call.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Keating, Powers, Quinn, Slater, Sutton, Swing, Tenney, and Weybret—22.

NOES—Senators Breed, DeLap, Desmond, Deuel, Dillinger, Gordon, Judah, Kuchel, Mixter, Parkman, Rich, Salsman, Seawell, and Ward—14.

Motion to Reconsider

Senator Dillinger moved to reconsider the vote whereby Senate Bill No. 279 was amended.

Postponement of Reconsideration

On motion of Senator Dillinger, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 279 was amended, was continued until the next legislative day.

CONSIDERATION OF SENATE BILL NO. 281

Senate Bill No. 281—An act to amend Section 5.5 of the Corporation Income Tax Act, relating to income tax imposed on corporations and providing for the use of part of the proceeds of said tax, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 7, of the printed bill, as amended, strike out "and 279", and insert "279, and 625".

Amendment read.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Judah, Keating, Powers, Quinn, Slater, Sutton, Swing, Tenney, and Weybret—23.

NOES—Senators Breed, DeLap, Deuel, Dillinger, Gordon, Jespersen, Kuchel, Mixter, Parkman, Salsman, Seawell, Shelley, and Ward—13.

Motion to Reconsider

Senator DeLap moved to reconsider the vote whereby Senate Bill No. 281 was amended.

Postponement of Reconsideration

On motion of Senator DeLap, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 281 was amended, was continued until the next legislative day.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 693

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 238	Assembly Bill No. 590
Assembly Bill No. 313	Assembly Bill No. 592
Assembly Bill No. 367	Assembly Bill No. 661
Assembly Bill No. 407	Assembly Bill No. 663
Assembly Bill No. 408	Assembly Bill No. 744
Assembly Bill No. 409	Assembly Bill No. 774
Assembly Bill No. 532	Assembly Bill No. 776
Assembly Bill No. 536	Assembly Bill No. 850
Assembly Bill No. 538	Assembly Bill No. 937
Assembly Bill No. 539	Assembly Bill No. 1016
Assembly Bill No. 581	Assembly Bill No. 2000

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 238—An act to amend Section 18671 of the Education Code, relating to the dedication of easements to the State or any political subdivision thereof.

Referred to Committee on Education.

Assembly Bill No. 313—An act to amend Sections 131, 137, 138, 145, 146, 147, 159 and 159a of the Agricultural Code, relating to plant quarantine and pest control.

Referred to Committee on Agriculture.

Assembly Bill No. 367—An act to amend Section 1161 of the Civil Code, relating to prerequisites to recordation, and Section 2952 of the Civil Code, relating to mortgages of real property, and providing for the recording of fictitious mortgages and deeds of trust and the inclusion of the provisions thereof in other mortgages and deeds of trust by reference, and constructive notice of such mortgages and deeds of trust by the recording thereof.

Referred to Committee on Judiciary.

Assembly Bill No. 407—An act to amend Section 513 of the Code of Civil Procedure, relating to claim and delivery of personal property.

Referred to Committee on Judiciary.

Assembly Bill No. 408—An act to amend Section 4300b of the Political Code, relating to fees for official services.

Referred to Committee on Local Government.

Assembly Bill No. 409—An act to amend Section 512 of the Code of Civil Procedure, relating to claim and delivery of personal property.

Referred to Committee on Judiciary.

Assembly Bill No. 532—An act to add Section 131.5 and 143.5 to the Agricultural Code, relating to liens on tax-deeded lands.

Referred to Committee on Agriculture.

Assembly Bill No. 536—An act to amend Sections 52.5 and 53 of the Agricultural Code, relating to the appointment, qualification, authority, and employment of persons serving as commissioners and deputy commissioners.

Referred to Committee on Agriculture.

Assembly Bill No. 538—An act to amend Section 34 of the Agricultural Code, relating to cooperative agreements.

Referred to Committee on Agriculture.

Assembly Bill No. 539—An act to amend Section 110 of the Agricultural Code, relating to permits for pest shipment.

Referred to Committee on Agriculture.

Assembly Bill No. 581—An act amending Sections 18, 20, 26, 28, 43.5, 44, 73, 100, 101, 112, 133, and 160 of, adding Sections 34, 57.3, and 64.1 to, adding Article 7.5 consisting of Sections 121, 122, 123, 124, 125, 126, 127, and 128, to, and repealing Section 136 of, the County Employees Retirement Act of 1937, relating to retirement.

Referred to Committee on Local Government.

Assembly Bill No. 590—An act to amend Section 5507 of the Elections Code, relating to elections.

Referred to Committee on Elections.

Assembly Bill No. 592—An act to amend Section 5552 of the Elections Code, relating to elections.

Referred to Committee on Elections.

Assembly Bill No. 661—An act to add Section 9361 to the Public Resources Code, relating to funds for the use of soil conservation districts.

Referred to Committee on Natural Resources.

Assembly Bill No. 663—An act to add Article 3 to Chapter 3, of Division 9 of and Section 8510 to the Elections Code, relating to election contests.

Referred to Committee on Elections.

Assembly Bill No. 744—An act to amend Section 2210, Public Resources Code, relating to the Division of Mines Revolving Printing Fund.

Referred to Committee on Natural Resources.

Assembly Bill No. 774—An act to amend Sections 1261, 1262, 1263, 1264, 1267, 1268, 1269, 1272, and 1273 of the Agricultural Code, and to add Section 1266 thereto, relating to produce dealers.

Referred to Committee on Agriculture.

Assembly Bill No. 776—An act to amend Sections 1299.18, 1299.19, 1300.1, and 1300.4A of, and to add Section 1300.1a to, the Agricultural Code, relating to processors of farm products.

Referred to Committee on Agriculture.

Assembly Bill No. 850—An act to add Section 4011.5 to the Penal Code, relating to emergency removal of prisoners to hospitals from jails.

Referred to Committee on Judiciary.

Assembly Bill No. 937—An act to amend Section 4 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to powers of credit unions.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1016—An act to amend Section 16304 of the Government Code, relating to the reversion of unexpended balances of certain appropriations.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2000—An act to amend Section 9 of the Municipal Court Act of 1925, relating to the constitution of the court and to compensation of officials.

Referred to Committee on Local Government.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 643
Assembly Bill No. 1066
Assembly Bill No. 1246
Assembly Bill No. 1247
Assembly Bill No. 1435
Assembly Bill No. 1505
Assembly Bill No. 1843
Assembly Bill No. 2078
Assembly Bill No. 2134

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 643—An act relating to real estate subdivisions procedure for surveying, subdividing and mapping of real estate; the sale and disposal of real estate by reference to maps; regulating the powers and duties of cities, counties and towns with reference to the procedure for surveying, subdividing and mapping of real estate, and the preparation of official maps; prescribing penalties for violations thereof; and repealing acts and parts of acts in conflict herewith.

Referred to Committee on Business and Professions.

Assembly Bill No. 1066—An act amending Section 8703 of, and adding Sections 8722.1 and 10502.1, to the Education Code, relating to continuation high schools.

Referred to Committee on Education.

Assembly Bill No. 1246—An act to add new sections to the Education Code to be known as Sections 17005 and 17119, relating to continuation education.

Referred to Committee on Education.

Assembly Bill No. 1247—An act to add a new article to be known as Article 15 consisting of Section 16895 to Chapter 4 of Division 8 of the Education Code, relating to continuation education.

Referred to Committee on Education.

Assembly Bill No. 1435—An act to add Section 66a to the Code of Civil Procedure, relating to the number of judges of the Superior Court in the County of San Diego, and providing for the appointment of an additional judge and for his compensation.

Referred to Committee on Judiciary.

Assembly Bill No. 1505—An act to amend Section 3692 of the Political Code, relating to powers and duties of the State Board of Equalization.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1843—An act to amend Sections 89.5 and 89.6 of the Agricultural Code, relating to the power and duties of district agricultural associations, and the use of county fair property.

Referred to Committee on Agriculture.

Assembly Bill No. 2078—An act to amend Sections 142 and 382 of the Vehicle Code, and to add Sections 39.5, 168 and 628 thereto, relating to special highway construction equipment.

Referred to Committee on Transportation.

Assembly Bill No. 2134—An act to add Section 28004 to the Health and Safety Code, relating to horse meat.

Referred to Committee on Public Health and Safety.

REPORTS OF STANDING COMMITTEES

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 12, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Joint Resolution No. 16

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 11.

CRITTENDEN, Chairman

Above reported resolution ordered to third reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 441

And reports the same correctly engrossed.

SEAWELL, Chairman

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 63—An act to amend Section 737bbb of the Political Code, relating to the salaries of judges in counties of the thirteenth class.

Bill read third time.

Motion to Amend

Senator Mixter moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, lines 4 and 5, strike out "eight thousand dollars ($8,000)", and insert "nine thousand dollars ($9,000)".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 328—An act to amend Section 14345 of the Revenue and Taxation Code, relating to inheritance taxes.

Bill read third time.

Motion to Amend

Senator Donnelly moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 26, of the printed bill, as amended, strike out "single", and insert "one, but only one,".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 397—An act to add Article 1 to, and an article heading for Article 2 of, Chapter 2 of Division 1 and to repeal Sections 629, 630, 631, 1156, 1157, and 1158 of the Fish and Game Code, relating to the regulation of the taking of fish and game.

Bill read third time.

Motion to Amend

Senator Carter moved the adoption of the following amendment:

Amendment No. 1

On page 4, line 24, of the printed bill, as amended, after the word "taking", insert ", processing or use".

Amendment read and adopted.

Bill ordered printed, and to third reading.

RESOLUTIONS

The following resolution was offered:

By Senators Mayo, Deuel, Slater, Weybret, Judah, Kuchel, and Crittenden:

Senate Resolution No. 96

WHEREAS, The Stockton Record on April 8, 1945, celebrated its fiftieth anniversary as a daily newspaper in continuous publication, during all of which time it has been under the personal direction of its publisher, Irving Martin; and

WHEREAS, During these many years the Stockton Record has built for itself an enviable record of service to its community, to San Joaquin County, to the State of California, and in numerous instances, to the Nation, all in the best traditions of the newspaper profession; and

WHEREAS, The Stockton Record and its publisher, Irving Martin, have throughout these many years been leaders in civic affairs of the community and State, fearless and independent in espousal of all public improvements and endeavors for the benefit of the people and the public service of this outstanding newspaper has been matched by the personal service of its publisher, Irving Martin, who has served with distinction under three Governors of the State of California in positions of public trust and responsibility; and

WHEREAS, The Stockton Record has been built into one of the leading newspapers of the entire Nation and has achieved a mechanical perfection comparable with the

best newspapers of the United States, while ethically maintaining and fighting for the high traditions of honesty, fairness and unrelenting determination in pursuance of those matters of public policy in accord with the convictions of its publisher, all of which has been an inspiration and a credit to the newspaper profession of the United States; now, therefore, be it

RESOLVED, By the Senate of the State of California, that the Stockton Record and its publisher, Irving Martin, be congratulated upon the occasion of its fiftieth anniversary and the hope expressed that this fine daily newspaper and its honored publisher may look forward to many more years of usefulness in their chosen field, and to the continued and increased esteem in which each is universally held by all who know them.

Resolution read, and on motion of Senator Deuel adopted.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 44: By Senator Tenney—Relative to the General George S. Patton, Jr., Victory Project and War Veterans Memorial Park.

Referred to Committee on Military and Veterans Affairs.

ADJOURNMENT

At 5.30 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Tuesday, April 17, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FORTY-EIGHTH LEGISLATIVE DAY

ONE HUNDREDTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Tuesday, April 17, 1945

The Senate met at 1.30 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator McCormack, on motion of Senator Slater, account of illness.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following cosmetologists of Modesto:

Mrs. Leora Warren, Mrs. Hazel Schumaker, Hazil Pineo, Edith Raef, Dale Warren, Irma Jenson, Edith Lilly, Ethel Heune, Gloria Johnson, Gladys Barnes, Jeanette Robertson, Bessie Boren, Blanche Meinhart, Mary Lewis, Dorothy Shaffer, Pauline Christensen, Evelyn Atwood, Esther Costa, Chick Faenning, Mary Louis Borghello, Jeffie Stark, Mary Lou Gomes, Mabel Almeda, Margaret Rutzakis, Carmen Polston, Virginia Zamora, Helen Bacon, Hazel Wisnom, Ruby Howell, Mary Deal, Jeanette Haynes, Louise Rodewchel, Ruby Merritt, Evelyn Fantazia,

Rozie Harding, Clara Schapp, Bethel Larsen, Irene Fernandes, Hilda Pereira, Emily Azevedo, and Mary Peters.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Thomas J. Donnelly of Stockton, brother of Senator Donnelly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 16, 1945

MR. PRESIDENT: Your Committee on Rules as examined:

Senate Joint Resolution No. 16

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Public Utilities

SENATE CHAMBER, SACRAMENTO, April 13, 1945

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Senate Bill No. 822

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

PARKMAN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1945

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Senate Bill No. 42

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

PARKMAN, Chairman

Above reported bill ordered to second reading.

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, April 16, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 612

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported bill ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 16, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Joint Resolution No. 19

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 8; noes 1.

FLETCHER, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 16, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 260

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 16, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 217

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; noes 1; absent 2; not voting 1.

FLETCHER, Chairman

Above reported bill ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 537
Senate Bill No. 538

Has had the same under consideration, and reports the same back with the recommendation: Amend, and re-refer to the Committee on Military and Veterans Affairs.

Committee membership 11; committee vote: Ayes 6; absent 5.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 16, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 328

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1046

And reports the same correctly engrossed.

SEAWELL, Chairman

Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried.

Time, 1.35 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 1.39 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS

Senate Bill No. 261—An act to add Chapter 10 to Division 4 of the Education Code; to add Chapters 15.5 and 16.5 to Division 3 of said code; to amend Sections 7105, 7137, 7302, 9051, 9071 and 9191 of said code; to repeal Articles 1 and 3 of Chapter 7 of Division 4 of said code and to repeal Sections 6758, 7136, and 10604 of said code, all relating to the Public School System.

Bill read third time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "code;", insert "to add Sections 7105.1 and 7137.1 to said code;".

Amendment No. 2

In line 5 of the title of said bill, strike out "7136".

Amendment No. 3

On page 3, of said bill, between lines 39 and 40, insert
"SEC. 11. Section 7105.1 is added to said code, to read:
"7105.1. He shall allow as a district administrative allocation thirty dollars ($30) for each of the first 40 units of average daily attendance during the preceding school year in approved classes for adults in each district maintaining such classes."

Amendment No. 4

On page 3, line 40, of said bill, strike out "11", and insert "12".

Amendment No. 5

On page 4, of said bill, between lines 5 and 6, insert
"SEC. 13. Section 7137.1 is added to said code, to read:"

Amendment No. 6

On page 4, line 7, of said bill, strike out "fifty dollars ($50)", and insert "twenty dollars ($20)".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 456—An act to amend Section 12751 of the Education Code, relating to the suspension of credentials, life diplomas and other documents issued by the State Board of Education.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 786—An act to amend Section 14341 of the Education Code, relating to the Retirement Investment Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

RECESS

At 1.48 p.m., on motion of Senator Seawell, the Senate recessed for the purpose of allowing Lieutenant Charles E. Brady of the Air Transport Command, 1503 A.A.F.B.U. Pacific Division, Hamilton Field, California, to address the members of the Senate on the subject of "Air Evacuation".

REASSEMBLED

At 2.02 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

MOTION TO PRINT ADDRESS

Senator Jespersen moved that the following address delivered to the Senate by Lieutenant Charles E. Brady of the Air Transport Command, Hamilton Field, California, be printed in the Journal.

Motion carried.

Mr. President and Members of the Senate:

No one recognizes the value of time more than I. In my job, as in yours here, we are constantly working against time. Thus my remarks will be brief, and I hope, timely and interesting.

I wish to speak on the subject of "Air Evacuation," and shall attempt to show the part which California plays in this great work. Air Evacuation is something new in lifesaving which has been directly brought about by the war. It is acclaimed by flight surgeons as one of the five greatest steps in medicine in this war. As pilot of the Air Transport Command's huge four engined planes which daily shuttle back over the Pacific, I speak with first hand knowledge of the work being done in flying supplies out, and returning the wounded back to our hospitals here in the States.

The inevitable result of any armed conflict is casualties. Men are being wounded and killed every second. When a man is wounded his immediate usefulness is at an end. He must be taken to a hospital or dressing station and given quick treatment. Military authorities have long recognized the strategy of quickly evacuating their wounded and maintaining their units at a constant fighting strength. With our supply lines stretching clear around the globe this presented a knotty problem in logistics. Offensive action relies upon a constant stream of supplies moving forward to the front lines. This can be considerably hampered by strings of ambulances moving to the rear against the main traffic. Thus the need for some other means of evacuation became apparent. Air evacuation became a military necessity during the building of the Alcan Highway to Alaska in early 1942. Almost simultaneously, the need for evacuation by air developed in other parts of the world.

The first mass air evacuation in military planes occurred in Burma and Java in March, 1942. In Burma 1,900 sick and wounded soldiers were removed from Myitkyina to Dinjan in a 10-day period.

Another early large-scale evacuation, a strategic necessity, was from New Guinea, in the fall of 1942, when the 5th Air Force transported patients from Buna over the Owen Stanley Mounains to Port Moresby and Australia. Evacuation by plane was not only a tactical, but a medical necessity in such offensives as those on Tarawa, Saipan, and Guam, where fighting room was crowded and medical facilities limited. The choice in many cases was air evacuation or death.

The risk in transporting patients by air is practically non-existent. The Army proudly backs up this statement by statistics.

Of the first 50,000 patients transported by plane following D-day in Normandy, only three died in flight.

In 1943, the 11 air forces overseas, the nine Air Transport Command's wings overseas, and the Army Air Force in the United States flew a total of 173,000 patients. The death toll in flight was 11—or 6 for every 100,000 flown. Only one patient evacuated to the United States died before reaching the aerial port.

In the first five months of evacuation from Guadalcanal, during which 7,000 patients were flown out, only three died before reaching a base hospital.

Between the third and twenty-eighth of February of this year, our unit at Hamilton Field (near San Rafael) evacuated 1,654 patients from Leyte and Iwo Jima and returned them to hospitals here in California.

I flew one of those planes during that period. Perhaps you would be interested in a brief description of that fight.

We took off from Hamilton Field on the fourth of February with a cargo of airplane engines, medical supplies, mail, and passengers. Our take-off weight was 34 tons, our destination Saipan. After 12 hours, seven minutes flying time we landed at Hickam Field. Here we were relieved by a stand-by crew who took the plane on to Kwajalein, and they, in turn, were relieved by another crew who took the plane on to Saipan. After sufficient rest at Hickam Field we picked up another plane coming through and took it to Kwajalein. In this manner the planes maintain a through schedule while the crews lay over at stopping points along the route. Within three days we arrive at Saipan. Our ship is unloaded of its cargo and passengers. The crew gets a 12-hour rest and we are ready for the return trip. The same plane which

hauled cargo out can now be converted into a litter ship or "Purple Heart," as we call it. In 30 minutes litters are strung up the sides of the cabin four feet high and will accommodate 28 patients comfortably. Most of the planes are equipped with a small galley where hot soups and sandwiches can be prepared while in flight. Here we receive an addition to our crew of a flight nurse and medical assistant. As a result of their training, flight nurses are expected to be prepared for duty under extreme circumstances. One nurse, now on duty in this Country, was forced to parachute to safety in China several months ago. Another nurse, of my acquaintance, has survived two plane crashes and is still at her job.

As to the crew, it requires six of us to man the C-54 Douglas 4-engined transport plane: Pilot, copilot, navigator, radio operator, aerial engineer, and flight clerk. Every man in the crew is specially trained and we work together like a team. We can be compared to a business enterprise with the pilot in charge as president. The pilot, because of his skill and responsibility represents a $60,000 investment to the Government—the rest of the crew proportionately. The plane he flies may cost the Government up to $400,000, and the cargo and passengers may, in comparative terms, run the total investment well into a million dollars. Thus, it is paramount that the plane reaches its destination safely.

Without exception, all the wounded boys I have flown back, were cheerful, cooperative, and optimistic of their future. We take aboard 28 marines from Iwo Jima at Saipan. In all, we suffered 20,000 casualties on that small island. One Marine killed for every four yards taken. Most of those boys are back in the States now. It's not uncommon for a man to be wounded, let us say, on Iwo Jima, and three days later be playing golf here in the United States at one of our large hospitals.

The one thing our boys want to see most coming home is the Golden Gate Bridge. To them, it has become a symbol the same as the Statue of Liberty. It represents what they fought and bled for and to see their faces when it first comes into view is a soul-stirring experience.

To the men fighting in the Pacific, California is the last place they see when they leave and the first when they return. The treatment they receive here when they are brought back will condition their thinking for some time to come. They all will have to make an adjustment back to civilian life. At the present time the Air Corps has seven large rehabilitation hospitals which bridge the gap between Army life and the civilian. Here the men are taught to use limbs which have been encased in casts, they learn to use artificial limbs, they are taught to rationalize their fears and neuroses and are given self-reliance and an opportunity to once again become a productive member of society. Our casualty list now exceeds 800,000 and the war isn't over yet. When these men are released from the hospitals there is still much to be done which will not only be their own responsibility, but likewise that of the State and Federal Government. These men will need education, jobs, advice, and legal aid. The postwar period will find this country with the largest number of war veterans it has ever known. Let us, therefore, be mindful of that fact and plan accordingly. It is the desire of those of us in service that you regard favorably all veteran's legislation and any laws which will affect our future. We who return from the battlefronts will turn to such men as you for guidance and help in our Government. Many of us have ideas of our own which we have gathered from other countries around the world. We have learned much in our travels, in our contacts with other peoples and other countries. We have a greater appreciation of our neighbors' problems, his standard of living, and his philosophy of life, because we've been there and lived with him. Our knowledge will be of value and many of us will want to exercise it by taking an active part in government—and we shall represent a large body of opinion. We are formulating our own ideas of Democracy. We believe in it. Every bullet we are firing on Okinawa is another chink in our armor of Democracy. Those boys out there are here today with you in spirit. They know that their government at home is working for them. It's a matter of faith and our faith was never stronger than now. Those of us who return, will return older and wiser and more tolerant. We will respect the rights and opinions of others. We will be broadminded and open-eyed. We will be mindful of our country's part in the world's affairs. We will recognize our opportunity as America's "Time for Greatness," and see that she leads the world down the broad, straight highway of peace.

CONSIDERATION OF DAILY FILE (RESUMED)

CONSIDERATION OF MOTION TO RECONSIDER

Senate Bill No. 3—An act to amend Sections 6051 and 6201 of the Revenue and Taxation Code, relating to the sales and use taxes, to take effect immediately.

Motion to Reconsider Senate Bill No. 3

Pursuant to his motion previously made, Senator Breed moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 3 was amended.

The roll was called, and Senate Bill No. 3 refused reconsideration by the following vote:

AYES—Senators Breed, Burns, DeLap, Desmond, Deuel, Dillinger, Gordon, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, and Ward—17.
NOES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Keating, Powers, Quinn, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—22.

MOTION TO RE-REFER SENATE BILLS NOS. 3, 9, 279, AND 281

Senator DeLap moved that Senate Bills Nos. 3, 9, 279 and 281 be re-referred to Committee on Revenue and Taxation.

Division Demanded

Senator Swing demanded a division of the motion by Senator DeLap.

The President declared the division in order.

CONSIDERATION OF SENATE BILL NO. 3

Motion to Re-refer Senate Bill No. 3

Senator DeLap moved that Senate Bill No. 3 be re-referred to Committee on Revenue and Taxation.

The roll was called, and the motion lost by the following vote:

AYES—Senators Breed, DeLap, Desmond, Deuel, Dillinger, Gordon, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, and Ward—15.
NOES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Keating, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—24.

FURTHER CONSIDERATION OF SENATE BILL NO. 3

Motion to Amend

Senator Swing moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, as amended, after "Introduced by Senator", strike out "Breed", and insert "Hulse, Hatfield, and Swing".

Amendment read.

The President declared the amendment offered by Senator Swing out of order.

Senate Bill No. 3 ordered to print, re-engrossment and to third reading file.

CONSIDERATION OF MOTION TO RECONSIDER

Senate Bill No. 9—An act to amend Sections 17053.5, 17316, 17319.3, 17319.5, 19200, 19201, 19202, 19203, 19204, and 19205 of, and to add Sections 17108, 17325, 17326, 17327, 17328, 17329, 18135.1, and 18304.1 to the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

Motion to Reconsider Waived

Senator Ward waived his motion to reconsider the vote whereby Senate Bill No. 9 was amended.

CONSIDERATION OF MOTION TO RECONSIDER

Senate Bill No. 279—An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, relating to a franchise tax imposed on banks and corporations, and providing for the use of part of the proceeds of said tax, to take effect immediately.

Motion to Reconsider Waived

Senator Dillinger waived his motion to reconsider the vote whereby Senate Bill No. 279 was amended.

CONSIDERATION OF MOTION TO RECONSIDER

Senate Bill No. 281—An act to amend Section 5.5 of the Corporation Income Tax Act, relating to income tax imposed on corporations and providing for the use of part of the proceeds of said tax, to take effect immediately.

Motion to Reconsider Waived

Senator Dillinger waived his motion to reconsider the vote whereby Senate Bill No. 281 was amended.

MOTION TO RE-REFER SENATE BILLS NOS. 9, 279, AND 281

Senator DeLap moved that Senate Bills Nos. 9, 279, and 281 be re-referred to Committee on Revenue and Taxation.

The roll was called, and the motion lost by the following vote:

AYES—Senators Breed, DeLap, Desmond, Deuel, Dillinger, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, and Ward—14.

NOES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—23.

Senate Bills Nos. 9, 279 and 281 ordered to print, re-engrossment, and to third reading file.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 662—An act to repeal Sections 20394.1, 20394.3, 20394.4, 20394.5, 20394.6 and 20394.7 of the Education Code; to amend Sections 20393, 20394, and 20394.2 and to add Section 20394.12 to said code, relating to the board of appeals established to review the dismissal of employees of State colleges not in State civil service.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 486—An act to repeal Chapters 1, 2, 3, 4, 5, and 7 of Division 7 of the Education Code and to add Chapter 1 to Division 7 of said code, all relating to the authorization of persons to serve in the public schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 815—An act to add Sections 7.1, 7.2, 37.1, 56.1, 57.2 and 58.1, and to amend Sections 6, 6.5 and 7 of the Unemployment Insurance Act, relating to the coverage of seamen under this act.

Bill read third time.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "7.2", and insert "7.3".

Amendment No. 2

On page 6, line 39, of said bill, strike out "7.2", and insert "7.3".

Amendment No. 3

On page 6, line 41, of said bill, strike out "7.2.", and insert "7.3."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 1083—An act to add Section 57.1 to the Unemployment Insurance Act, relating to unemployment insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Seawell, Sutton, Swing, Ward, and Weybret—24.
NOES—Senators Breed, Burns, Carter, Crittenden, DeLap, Donnelly, Fletcher, Jespersen, Quinn, Salsman, Shelley, Slater, and Tenney—13.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 4.05 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Senate Bill No. 46—An act to add Section 2181.02 to the Welfare and Institutions Code, relating to aid to the aged, and providing for the manner of payment of relatives' contributions to the support of applicants for and recipients of such aid.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Fletcher, Jespersen, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—25.
NOES—Senators Brown, Collier, DeLap, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Judah, Keating, Sutton, and Weybret—12.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2171

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 2171—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately.

Request for Unanimous Consent

Senator Swing asked for, and was granted, unanimous consent to take up Assembly Bill No. 2171, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 2171

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Swing:

Resolved, That Assembly Bill No. 2171 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 2171—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately.

Bill read second time.

Assembly Bill No. 2171—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Shelley:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act relating to contracts for the construction, alteration, addition to or repair of any building, structure or improvement upon land, and requiring the owner, under penalty of personal liability, to obtain a good and sufficient bond to secure payment of accounts contracted for labor and material under such contract.

Respectfully submitted.

SENATOR SHELLEY

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 17, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Judiciary.

SEAWELL, Chairman.

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, and Weybret—33.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1271: By Senator Shelley—An act relating to contracts for the construction, alteration, addition to or repair of any building, structure or improvement upon land, and requiring the owner, under penalty of personal liability, to obtain a good and sufficient bond to secure payment of accounts contracted for labor and material under such contract.

Referred to Committee on Judiciary.

MOTION TO PRINT ADDITIONAL COPIES OF REPORT

Senator Hatfield moved that 4,000 additional copies of the report of the Joint Fact-Finding Committee on Un-American Activities in California be printed and made available for general distribution.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 604

Senator Powers moved that Senate Bill No. 604 be withdrawn from Committee on Business and Professions, for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 604

Senate Bill No. 604—An act to amend Section 5241 of, and to add Sections 5267.1 and 5312.1 to, the Business and Professions Code, relating to outdoor advertising.

Bill read second time.

Motion to Amend

Senator Powers moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 5241", and insert "Sections 5241 and 5312".

Amendment No. 2

On page 1, line 23, of the printed bill, after the word "structure", insert "which has been placed or erected and".

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 2 of the printed bill, following line 8, insert

"In case an application for a permit is filed for a sign or structure which has been maintained without a permit as required under this act, there shall be paid in addition to the current year's fees and penalties, if any, a penalty of one dollar twenty-five cents ($1.25) in the case of a sign and two dollars ($2) in the case of a structure for each prior year or portion of a prior year of such unlawful maintenance.

Section 5312 of said code is amended to read:

5312. The director may revoke any license or permit for the failure to comply with the provisions of this chapter and may remove and destroy any advertising display placed or maintained in violation of this chapter after 10 days' written notice posted on such structure or sign and a copy forwarded by mail to the dispay owner at his last known address, except that as to displays for which permits have been allowed to become delinquent, 10 days' written notice mailed to the last known address of the owner of the display named upon the application for such permit shall suffice, posting of the display shall not be required.

In the event of issuance of a permit for a display cited for violation of any provision of this chapter, the original application for permit shall be filed with the permit fee required by Section 5325 and in addition a penalty of one dollar ($1) shall also be paid before the permit is issued. [The same penalty shall obtain with respect to renewal of permits in the event of renewal subsequent to service of delinquency notice.]

Notwithstanding any other provision of this chapter the director or any authorized employee may summarily and without notice remove and destroy any advertising display placed in violation of this chapter which is temporary in nature because of the materials of which it is constructed or because of the nature of the copy thereon.

For the purpose of removing or destroying any advertising display placed in violation of the provisions of this chapter, the director or his authorized agent may enter upon private property without incurring any liability therefor."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 131

Senator Crittenden moved that Senate Bill No. 131 be withdrawn from Committee on Social Welfare for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 131

Senate Bill No. 131—An act to amend Sections 1500, 1501, 1503, and 1511 and to repeal Section 1523 of the Welfare and Institutions Code, relating to aid to needy children.

Bill read second time.

Motion to Amend

Senator Crittenden moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out line 1 and insert:
"An act to amend Sections 1501 and 1511 and to".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 17, inclusive, and insert "SECTION 1. Section 1501 of the Welfare and Institutions Code is amended to read:".

Amendment No. 3

On page 1, line 20, of said bill, before the first quotation marks insert "(a)".

Amendment No. 4

On page 1 of said bill, between lines 21 and 22, insert

"(b) An "abandoned child" means one who has been abandoned by both parents for a period of one year and the whereabouts of his parents is unknown; or who has been declared "abandoned" by finding of a court.

(c) An "orphan" includes a foundling. A "foundling" means a child deserted by both parents without means of identification.

(d) A "half orphan" includes:

(1) A child who has been deprived of the father's support or care by reason of his continued absence for a period of at least three years.

(2) A dependent illegitimate child whose paternity has not been acknowledged or legally established.

(3) A child of a parent who is committed to a State or Federal hospital or who has been deprived of civil rights by reason of commitment to any prison, whether of this or of any other State or of the United States."

Amendment No. 5

On page 2 of said bill, strike out lines 17 to 24, inclusive, and insert "SEC. 2. Section 1511 of said code is amended to read:"

Amendment No. 6

On page 2, line 44, of said bill, strike out "SEC. 5.", and insert "SEC. 3.".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 14

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 41
Assembly Concurrent Resolution No. 45

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Concurrent Resolution No. 41—Relative to "Living War Memorials."

Referred to Committee on Military and Veterans Affairs.

Assembly Concurrent Resolution No. 45—Relative to pledging loyalty to President Truman.

Above resolution ordered placed on third reading file.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 174
Assembly Bill No. 201
Assembly Bill No. 957

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 174—An act to amend Section 3 of an act entitled "An act to carry into effect the provisions of Section 22 of Article XX of the Constitution of the State of California as added at the general election held on November 6, 1934, relating to the business of loaning money on pledges of personal property known as pawnbroking, and providing penalties for the violation hereof," approved July 15, 1935, as amended, relating to pledges.

Referred to Committee on Financial Institutions.

Assembly Bill No. 201—An act to add Section 2020.06 to the Welfare and Institutions Code, relating to earnings of applicants for and recipients of aid to the aged.

Referred to Committee on Social Welfare.

Assembly Bill No. 957—An act to repeal Chapter 1085 of the Statutes of 1943; to repeal Chapter 14 of the Statutes of the Fourth Extraordinary Session of the Fifty-fifth Legislature; to repeal Articles 2, 3, 4 and 5, comprising Sections 6926 to and including 6991, of Chapter 13 of Division 3 of the Education Code; and to add Chapter 13.5 to Division 3 of, and Section 14565 to, the Education Code, relating to the public school system, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 469
Assembly Bill No. 898
Assembly Bill No. 903
Assembly Bill No. 1067
Assembly Bill No. 1259
Assembly Bill No. 1261
Assembly Bill No. 1501
Assembly Bill No. 1502
Assembly Bill No. 1503
Assembly Bill No. 1508
Assembly Bill No. 1509
Assembly Bill No. 1566
Assembly Bill No. 1750
Assembly Bill No. 1958
Assembly Bill No. 1988

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 469—An act to add Section 44.2 to the Vehicle Code, relating to privately owned vehicles of members of the California Highway Patrol.

Referred to Committee on Transportation.

Assembly Bill No. 898—An act to amend Sections 44, 44.1, 44.3 of, and to add Sections 44.7 and 44.9 to, the Vehicle Code, relating to authorized emergency vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 903—An act to amend Section 404 of the Vehicle Code, relating to service of process on nonresident.

Referred to Committee on Transportation.

Assembly Bill No. 1067—An act amending Section 9032 of the Education Code, relating to continuation education classes.

Referred to Committee on Education.

Assembly Bill No. 1259—An act to amend Sections 377 and 378 of, and to add Section 383.1 to, the Vehicle Code, relating to fees and procedure for refunds.

Referred to Committee on Transportation.

Assembly Bill No. 1261—An act to amend Sections 451, 454, 476 and 715 of the Vehicle Code, relating to traffic and signs.

Referred to Committee on Transportation.

Assembly Bill No. 1501—An act to amend Sections 6459, 6812, and 6902 of the Revenue and Taxation Code, and to add Section 6488 to said code, all relating to the taxation of the privilege of selling and of storing, using, or otherwise consuming tangible personal property and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1502—An act to amend Sections 6005, 6011, 6012, 6563, 6901, 6907, and 6935 of the Revenue and Taxation Code, all relating to the taxation of the privilege of selling and of storing, using, or otherwise consuming tangible personal property and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1503—An act to amend Section 756 of the Revenue and Taxation Code, relating to assessment rolls of State assessed property.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1508—An act to amend Sections 11271, 11315, 11336, 11572, 11576, 11577 and 11652 of the Revenue and Taxation Code, relating to reports, assessments, suits for refund, and records with respect to the tax imposed by the Private Car Tax Law.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1509—An act to amend Sections 7305, 7353, 7401, 7407, 7660, 7699, 7700, 7714 and 8126, to repeal Section 8191, to amend and renumber Section 8192, and to renumber Sections 8193 and 8194 of the Revenue and Taxation Code, relating to the definition of the term "distribution," exemptions from the motor vehicle fuel license tax and

determinations and refunds of the tax, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1566—An act to amend Section 488.5 of the Vehicle Code, relating to accident reports.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1750—An act to add Section 152.7 to the State Civil Service Act and Section 19398 to the Government Code, relating to employees returning from military service.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1958—An act to add Section 2611 to the Welfare and Institutions Code, relating to public assistance, and providing limitations on the taking of security for aid granted to indigent persons.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1988—An act to amend Section 20890 of the Government Code, relating to time spent in military service for the purpose of computing retirement benefits and contributions to the retirement system while in such military service.

Referred to Committee on Governmental Efficiency.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 771—An act to add Section 1912 to the Harbors and Navigation Code, relating to regulation of traffic upon property and thoroughfares under the control and jurisdiction of the Board of State Harbor Commissioners for San Francisco Harbor and making an appropriation, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 3 to 9, inclusive, and insert "1912. Except with the permission of, and subject to such conditions and regulations as are imposed, pursuant to this section, by the Board, it is a misdemeanor:

1. To park or leave standing any vehicle or animal, whether attended, or unattended, upon any property under the control and jurisdiction of the board or upon any thoroughfare located on such property.

2. To drive any vehicle or animal upon any wharf, bulkhead wharf, pier, quay, or storage area, within the control and jurisdiction of the board; except that signs indicating restrictions on such driving must be posted and clearly visible at the entrance from any thoroughfare or street to such wharf, bulkhead wharf, pier, quay, or storage area."

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 460

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 205
Senate Bill No. 588
Senate Bill No. 590
Senate Bill No. 524

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bills ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 1024

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; noes 1.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 87
Assembly Bill No. 819

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 1267
Assembly Bill No. 354

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

McCORMACK, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 17, 1945.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 63

And reports the same correctly re-engrossed.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 144
Senate Bill No. 1194
Senate Joint Resolution No. 19

And reports the same correctly engrossed.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 88—An act to amend Sections 2893 and 2896 of the Elections Code, relating to ballots in case of the death or disqualification of a candidate;

Senate Bill No. 120—An act to amend Section 7015 of the Insurance Code, relating to county mutual fire insurers;

Senate Bill No. 121—An act to amend Section 5056 of the Insurance Code, relating to county mutual insurers and the election and terms of directors thereof;

Senate Bill No. 122—An act to add Section 5081 to the Insurance Code, relating to county mutual fire insurers;

Senate Bill No. 123—An act to amend Section 6047 of the Insurance Code, relating to county mutual fire insurers;

Senate Bill No. 126—An act to amend Sections 8071 and 8072 of the Insurance Code, relating to the county mutual fire reinsurers;

Senate Bill No. 127—An act to amend Sections 6014 and 6017 of the Insurance Code, relating to county mutual insurers;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of April, 1945, at 11 a.m.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 140—An act to add Chapter 4, consisting of Section 10700, to Division 12 of the Elections Code, relating to elections of county and township officers;

Senate Bill No. 266—An act to amend Section 986.5 of the Military and Veterans' Code, relating to farm and home aid for veterans;

Senate Bill No. 267—An act to amend Secton 691 of the Military and Veterans Code, relating to the Veterans' Welfare Board;

Senate Bill No. 377—An act to add Section 207 to the Streets and Highways Code, relating to investment of moneys in the State Highway fund;

Senate Bill No. 394—An act to amend Secton 106 of the Agricultural Code, relating to plant quarantine regulations;

Senate Bill No. 397—An act to amend Section 1038 of the Agricultural Code, relating to tonnage license tax;

Senate Bill No. 398—An act to add a new section, to be numbered 1064.5, to the Agricultural Code, relating to economic poisons;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of April, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 404—An act to amend Section 281.5 of the Agricultural Code, relating to wax salvage plants;

Senate Bill No. 437—An act to amend Section 661½ of the Political Code, and Section 13923 of the Government Code, relating to revolving funds;

Senate Bill No. 446—An act to provide for the reversion to the General Fund of any unexpended balance in the appropriation made by Chapter 556, Statutes of 1919;

Senate Bill No. 469—An act to add Section 11009 to the Government Code, relating to investments of funds and the sale or exchange of securities by State agencies and the powers of the Department of Finance;

Senate Bill No. 492—An act to add Section 2714 to and repeal Sections 2710, 2710.1, 2710.2, 2713, 2720, and 2746 of the Penal Code, relating to revolving funds for the maintenance of the work program in prisons and institutions under the juris-

diction of the Department of Corrections, declaring the urgency thereof, to take effect immediately;

Senate Bill No. 494—An act to add Secton 5006 to the Penal Code, relating to an Inmate Welfare Fund, and transferring thereto the balances of certain other funds enumerated therein;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of April, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 495—An act to repeal Sections 2690, 2703, and 2704 of, and to add a new Section 2690 to, the Penal Code, relating to the temporary removal of persons from prisons and other institutions under the jurisdiction of the Department of Corrections;

Senate Bill No. 496—An act to add to the Penal Code Section 5005, relating to canteens at State prisons and other institutions under the jurisdiction of the Department of Corrections;

Senate Bill No. 497—An act to amend Section 2781 of the Penal Code, relating to the employment of prisoners in camps;

Senate Bill No. 498—An act to amend Section 2761 of the Penal Code, relating to the employment of prisoners upon work in the construction, improvement and maintenance of State highways;

Senate Bill No. 499—An act to provide for the employment of prisoners in State prisons in the production and harvesting of crops and the fighting of forest and range fires, to permit their removal for such work, to provide the conditions and regulations for the governance of such work, to authorize the establishment of camps for their housing in such work, to provide for the financing of such work from prisoners' earnings and public funds by creating a Prisoners' Harvest Fund and appropriating said fund, by repealing Section 2715 of the Penal Code and by adding Article 6 to Chapter 5 of Title 1 of Part 3 of the Penal Code, declaring the urgency thereof, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of April, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 620—An act to add Article 5a to Chapter 2, Part 1, Division 2 of the Welfare and Institutions Code, relating to the establishment of joint detention homes by counties;

Senate Bill No. 621—An act to add Article 5 to Chapter 1 of Title 1 of Part 3 to, and to amend Section 5003 of the Penal Code, relating to institutions under the jurisdiction of the Department of Corrections and providing for the establishment of a medium security prison, and the commitment and transfer of persons thereto and therefrom;

Senate Bill No. 689—An act to amend Sections 823 and 987.3 of the Military and Veterans Code, relating to the rate of interest on veterans' farm and home loans;

Senate Bill No. 690—An act to add Section 986.10 to the Military and Veterans Code, relating to contracts with veterans under 21 years of age;

Senate Bill No. 692—An act to amend Sections 985 and 987 of the Military and Veterans Code, relating to initial payments;

Senate Bill No. 1067—An act to add Section 3607 to the Public Resources Code, relating to the spacing of oil wells;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of April, 1945, at 11 a.m.

SEAWELL, Chairman

ADJOURNMENT

At 4.54 p.m., on motion of Senator Biggar, the President declared the Senate adjourned until 1.30 p.m., Wednesday, April 18, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FORTY-NINTH LEGISLATIVE DAY

ONE HUNDRED FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Wednesday, April 18, 1945

The Senate met at 1.30 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:
Senator McCormack, on motion of Senator Seawell, account of illness.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John E. Keller and Henry W. Lawson of Bijou.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ralph Bull of Eureka, former member of the State Highway Commission.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Henry McClernan of Glendale, City Attorney.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Charles E. Johnson of Yreka, and Mr. Hugh Corwin of Dunsmuir.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Siegfried Goetze of Hollywood.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Myrtle Ralston, teacher, and the following pupils of the Bates Joint Union School of Courtland: Lara De Herrera, Johnson Chan, Angela Nunez, Ronnie Reeve, Mildred Rueb, Mary Jane Wilkinson, Georgia Ann Howard, Henry Span, Moya Bryan, Donald White, Alvin Jonson, David Elliot, Thomas Zayas, Nina Valdez, Betty Jo McGinnis, Violet Burch, Beverly La Guerra, Philip Cooper, Meade Simpson, Mary Owyang, Esperanza Hernandez, Loren Harter, Ethel Jonson, Carmen Mannion, Buddy Barron, Norman Zgraggen, and Marilyn Robinson.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 18, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 136—An act to amend Section 6902 of the Labor Code, relating to operation personnel of railroads;

Senate Bill No. 400—An act to amend Section 123 of the Agricultural Code, relating to nursery stock shipments;

Senate Bill No. 491—An act to amend Sections 2700 and 3323 of the Penal Code, relating to the employment of prisoners;

Senate Bill No. 493—An act to amend Sections 1202a and 2900 of the Penal Code, relating to persons convicted of crimes, and providing for their delivery to State prisons and the time of commencement of their terms of imprisonment;

And reports that the same have been correctly enrolled, and presented to the Governor on the eighteenth day of April, 1945, at 10 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 18, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 3	Senate Bill No. 281
Senate Bill No. 261	Senate Bill No. 771
Senate Bill No. 279	Senate Bill No. 815

And reports the same correctly re-engrossed.

SEAWELL, Chairman

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 894

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman.

Above reported bill ordered to second reading.

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 451

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 5; noes 4; absent 2.

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 645

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 1; absent 4.

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 1266
Assembly Bill No. 1297

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

GORDON, Chairman

Above reported bills ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 437
Assembly Bill No. 524
Assembly Bill No. 525
Assembly Bill No. 526
Assembly Bill No. 529

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 1073
Assembly Bill No. 1082
Assembly Bill No. 294
Assembly Bill No. 716
Assembly Bill No. 719
Assembly Bill No. 720
Assembly Bill No. 721
Assembly Bill No. 722
Assembly Bill No. 723
Assembly Bill No. 430
Assembly Bill No. 431
Assembly Bill No. 432
Assembly Bill No. 433
Assembly Bill No. 434
Assembly Bill No. 435
Assembly Bill No. 436

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 156

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 329

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered re-referred to Committee on Finance.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 834

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 159

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 18, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 9

And reports the same correctly re-engrossed.

SEAWELL, Chairman

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Brown:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 18, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Sections 106.5, 106.6, 226, and 276 to, and to repeal Section 1009 of, the Water Code, relating to investigations of the use of water and proceedings to prevent the waste of water and declaring a State policy relating to the use and transportation of water.

Respectfully submitted.

SENATOR BROWN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 18, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Water Resources.

SEAWELL, Chairman

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Brown moved a call of the Senate.

Motion carried. Time, 1.41 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 822—An act to amend Section 1 and to repeal Section 1.5 of the "Highway Carriers' Act," relating to highway carriers.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Public Utilities:

Amendment No. 1

On page 1 of the printed bill, strike out lines 26 to 28, inclusive; and on page 2 strike out lines 1 to 9, inclusive, and insert

"(2) Any farmer resident of this State who occasionally transports property from the place of production to a warehouse, regular market, place of storage, or place of shipment the farm products of neighboring farmers in exchange for like services or for a cash consideration or farm products for compensation. "Occasionally" as used in this section shall be construed to mean occasionally or for a total annual compensation from all sources for providing such transportation for hire of not more than six hundred dollars ($600), and provided that such transportation shall constitute the sole transportation of persons or property for hire or compensation. Any person excluded from the definition of "operator" under subdivision (a) of Section 9603 shall keep available an account of each time he has transported property or laborers and the compensation received therefor. If during any month of a calendar year the sum of gross receipts of any farmer derived from transportation operations defined in this section shall exceed six hundred dollars ($600) for the calendar year, the farmer shall not be entitled to the exemption herein provided but shall be an operator as defined in Section 9603 (a) of this part. The "account" of transportation performed and compensation received therefor, as herein provided, may be any simple method of record keeping and in cases where record keeping practices are such that reports upon truck operations are reported at the end of the operating season, such end-of-the-season reports shall be deemed adequate for the purposes of this section."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Public Utilities.

Senate Bill No. 42—An act to amend Sections 1 and 2 of an act entitled "An act to provide for the conditional sale of railroad and street railway equipment or rolling stock, to regulate the making and recording of contracts therefor and declarations of the payment or performance thereof, and to authorize their recordation in the office of the Secretary of State," approved June 13, 1913, relating to the recordation of instruments under said act.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 260—An act to add Sections 4000.2, 4000.3, 4000.4, and 4000.5 to the Public Resources Code, relating to prevention and suppression of fires.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 1

On page 1, line 24, of the printed bill, as amended, after "purposes", insert ", which are contiguous to the lands described in subsections (a) and (b) hereof".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 217—An act to add Section 4050 to the Public Resources Code, relating to the powers of boards of supervisors.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

Amendment No. 1

On page 1, line 9, of the printed bill, as amended, after "vegetation" insert "including those areas of State-wide interest in which the protection responsibility is vested in the Division of Forestry of the Department of Natural Resources of the State of California."

Amendment No. 2

On page 1, lines 11, 12 and 13, of said bill, as amended, strike out "which is vested in the Division of Forestry of the Department of Natural Resources of the State of California".

Amendment No. 3

On page 1 of said bill, as amended, strike out line 25; and on page 2, strike out lines 1, 2, and 3, and insert

"(b) The State Board of Forestry shall adopt, within a reasonable time after the passage of this act, a survey plan of the comparative acreage valuation from the standpoint of fire protection of all lands within the State's responsibility described in subdivision (a) hereof, which valuation shall be based upon the following factors in relation to said acreage: (1) the cover value thereof; (2) the watershed value thereof; (3) the damage causable by runoff of water if it were burned; and (4) the cost of fire prevention and suppression thereon."

Amendment No. 4

On page 2 of said bill, as amended, in line 4, following "contract", insert "with the approval of the State Board of Forestry and the Director of Finance."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 537—An act making an appropriation for the acquisition of a site and the construction of building at the Women Veterans' Home of California.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "acquisition of a site and the construction of building at the Women", and insert "construction of a women's wing at the".

Amendment No. 2

On page 1 of said bill, strike out lines 3 and 4 and insert "of two hundred seventy-five thousand dollars ($275,000), or so much thereof as may be necessary, for the construction of women's quarters at the Veterans' Home of California at Yountville."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

Senate Bill No. 538—An act making an appropriation for the support of the Women Veterans' Home of California.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "support of the Women", and insert "construction of a women's wing at the".

Amendment No. 2

On page 1, line 2, of said bill, strike out "to the"; and strike out lines 3 to 6, inclusive, and insert "the sum of two hundred seventy-five thousand dollars ($275,000), or so much thereof as may be necessary, for the construction of women's quarters at the Veterans' Home of California at Yountville."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

Senate Bill No. 460—An act to amend Sections 11001, 11004, 11035, 11160, 11162, 11164, 11166, 11166.05 11166.07, 11166.1, 11166.11, 11166.12, 11170, 11200, 11227, 11391, 11395, 11451, 11479, 11530, 11556, 11570, 11572, 11574, 11715, and 11721 of, and to amend the headings of Chapter 5 of Division 10, Article 1 of Chapter 5 of Division 10, and of Article 2 of Chapter 5 of Division 10 of, and to add Sections 11014, 11015, 11016, 11162.5, 11715.7, and a new heading of Article 1 of Chapter 5 of Division 10 to, and to repeal the heading of Article 2 of Chapter 1 of Division 10 of, and to repeal Sections 11331, 11531, and 11720 of, and to repeal Article 1a of Chapter 5 of Division 10 of the Health and Safety Code, relating to the sale, transfer, possession, transportation, and use of narcotics.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In line 4 of the title of the printed bill, after the "11574", insert "11713".

Amendment No. 2

On page 1, line 8, of the printed bill, strike out "Codine", and insert "Codeine".

Amendment No. 3

On page 1 of the printed bill, strike out all of line 12.

Amendment No. 4

On page 1, line 13, of the printed bill, strike out "(i)", and insert "(h)".

Amendment No. 5

On page 2, line 8, of the printed bill, strike out "(j)", and insert "(i)".

Amendment No. 6

On page 4 of the printed bill, strike out lines 20 to 23, inclusive.

Amendment No. 7

On page 4, line 24, of the printed bill, strike out "3", and insert "2".

Amendment No. 8

On page 4, line 26, of the printed bill, strike out "4", and insert "3".

Amendment No. 9

On page 4, line 30, of the printed bill, strike out "5", and insert "4".

Amendment No. 10

On page 6, line 22, of the printed bill, after "shall", insert "knowingly".

Amendment No. 11

On page 6, line 35, of the printed bill, after "to", and before the word "visit", insert "knowingly".

Amendment No. 12

On page 7 of the printed bill, between lines 21 and 22, insert

"SEC. 36.5. Section 11713 of said code is amended to read:

11713. Any person convicted under this division for transporting, selling, furnishing, *administering*, or giving away, or offering to transport, sell, furnish, *administer*, or give away, any narcotic shall be punished by imprisonment in the county jail for not less than six months nor more than one year, or in the State prison for not more than six years.

If such a person has been previously convicted of a felony under the laws of the United States or of this or any other State, and if the previous conviction of a felony is charged in the indictment or information and is found to be true by the jury, upon a jury trial, or is found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in a State prison for not more than 10 years."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 205—An act to amend Section 9201 and to repeal Section 9202 of the Health and Safety Code, relating to the acquisition of nonperpetual care cemeteries by public cemetery districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 590—An act to amend Sections 26331, 26336, 26337, 26340, 26342, 26362, and 26363 of the Health and Safety Code, relating to drugs and devices.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 588—An act to amend Section 9d of "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the use of sealed containers and providing for the sterilization of bottles, receptacles and containers used for foods, drugs and liquors; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; providing for the licensing of premises upon which walnuts are shelled or otherwise prepared and for the inspection of such premises and prohibiting the purchase, acquisition or receiving of walnuts shelled or prepared other than on licensed premises; providing for license fees; providing for producer exemption and empowering the California State Board of Public Health to make rules and regulations, and providing for the keeping of records; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to license fees and providing for the disposition thereof.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 524—An act to amend Sections 11610, 11612, 11614, 11619, 11622 and to repeal Sections 11620 and 11621 of the Health and Safety Code, relating to the unlawful transportation, keeping, depositing, concealment and possession of narcotics in vehicles.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1024—An act to amend Sections 105, 106, 108, 113, 116, 123, 124 and 126 and to repeal Sections 109, 110, 111, 112 and 120 of the Vehicle Code, relating to the organization of the Department of Motor Vehicles.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1267—An act to amend Section 3 of an act entitled "An act declaring portions of the lands conveyed to the City of San Diego by an act entitled 'An act conveying certain tidelands and lands lying under inland navigable waters situate in the Bay of San Diego to the City of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof,' approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and excluding such portions from use for navigation, commerce and fisheries and granting such portions of said tidelands to the City of San Diego and County of San Diego," approved June 11, 1929, relating to grant of tidelands to City of San Diego and County of San Diego for county and municipal purposes.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 16, of the printed bill, strike out "of", and insert "or".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 87—An act to amend Section 142 of the Vehicle Code, relating to types of vehicles exempt from registration.

Bill read second time, and ordered to third reading.

Assembly Bill No. 819—An act to add Section 417.1 to the Vehicle Code, relating to financial responsibility.

Bill read second time, and ordered to third reading.

Assembly Bill No. 354—An act to add Section 44.6 to the Vehicle Code, relating to authorized emergency vehicles, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 7 to 9, inclusive, and insert "SEC. 2. This act shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this act is in effect it shall supersede any existing provisions of law which are in conflict with this act; but such provisions are not repealed by this act and after this act is no longer effective shall have the same force as though this act had not been enacted."

Amendment No. 2

On page 2, line 10, of said bill, strike out "SEC. 2" and insert "SEC. 3."

Amendments read and adopted.

Bill ordered printed, and to third reading.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 1.49 p.m., on motion of Senator Brown, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senator Brown was granted permission to introduce a bill by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1272: By Senator Brown—An act to add Sections 106.5, 106.6, 226, and 276 to, and to repeal Section 1009 of, the Water Code, relating to investigations of the use of water and proceedings to prevent the waste of water and declaring a State policy relating to the use and transportation of water.

Referred to Committee on Water Resources.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Jespersen:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 18, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Article 6 to Chapter 2, Division 7, of the Harbors and Navigation Code, relating to county improvement, development, protection, and maintenance of harbors within the county.

Respectfully submitted.

SENATOR JESPERSEN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 18, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Transportation.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1273: By Senator Jespersen—An act to add Article 6 to Chapter 2, Division 7, of the Harbors and Navigation Code, relating to county improvement, development, protection, and maintenance of harbors within the county.

Referred to Committee on Transportation.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented: By Senator Jespersen:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 18, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to create a flood control district to be called San Luis Obispo County Flood Control and Water Conservation District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

Respectfully submitted.

SENATOR JESPERSEN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 18, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Water Resources.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1274: By Senator Jespersen—An act to create a flood control district to be called San Luis Obispo County Flood Control and Water Conservation District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the

respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

Referred to Committee on Water Resources.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Joint Resolution No. 16—Relative to memorializing the Congress of the United States in relation to prices for fresh fruits.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 261—An act to add Chapter 10 to Division 4 of the Education Code; to add Chapters 15.5 and 16.5 to Division 3 of said code; to add Sections 7105.1 and 7137.1 to said code; to amend Sections 7105, 7137, 7302, 9051, 9071 and 9191 of said code; to repeal Articles 1 and 3 of Chapter 7 of Division 4 of said code and to repeal Sections 6758 and 10604 of said code, all relating to the Public School System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, McBride, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 369—An act to amend Section 19183 of the Education Code, relating to library funds of city school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 324—An act to amend Section 12201 of, and to add Sections 12024.1, 12103.5 and 12515 to, the Business and Professions Code, relating to weights and measures.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Powers, Rich, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 325—An act to amend Sections 12703, 12704 and 12705 of, the Business and Professions Code, relating to public weighmasters.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 323—An act to amend Section 12107 of, and to add a new Section 12107.5 to, the Business and Professions Code, relating to tares.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—37.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 81—An act to amend Section 737n of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Inyo.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 63—An act to amend Section 737bbb of the Political Code, relating to the salaries of judges in counties of the thirteenth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 64—An act to amend Section 4242 of the Political Code, relating to compensation for public service in counties of the thirteenth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, Desmond, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 18—An act to amend Section 4071 of the Political Code, relating to monthly financial reports to boards of supervisors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—37.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 350—An act to add Section 4056a to the Political Code, relating to county ordinances and providing for codification thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 151—An act to amend Section 4266 of the Political Code, relating to compensation for public service in counties of the thirty-seventh class.

Motion to Refer Bill to Inactive File

Senator Seawell moved that Senate Bill No. 151 be placed on the inactive file.

Motion carried.

Senate Bill No. 170—An act to amend Section 737a of the Political Code, relating to the salary of superior court judges.

Bill read third time.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "737a", and insert "737u".

Amendment No. 2

On page 1 of said bill, after line 5, insert

"SEC. 2. This act shall not take effect if Assembly Bill No. 43 is enacted by the Fifty-sixth Legislature."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 427—An act to amend Section 737ddd of the Political Code, relating to the salary of the judge of the Superior Court of the County of Ventura.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 576—An act to amend Section 4013 of the Political Code by adding thereto a new officer to be known as the controller.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Tenney, Ward, and Weybret—33.

NOES—Senators Crittenden, Rich, and Sutton—3

Bill ordered transmitted to the Assembly.

Senate Bill No. 12—An act to add Section 6365 to Part 1 of Division 2 of the Revenue and Taxation Code, relating to exemption from taxation under the Sales and Use Tax Law.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 390—An act to amend Section 28.6 of the Agricultural Code, relating to collections.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 319—An act to add Article 5, comprising Sections 540 to 542, inclusive, to Chapter 1 of Part 2 of Division 1 of the Health and Safety Code, relating to the registration and examination of sanitarians employed full time in State and local departments of public health.

Bill read third time.

Motion to Amend

Senator Desmond moved the adoption of the following amendment:

Amendment No. 1

On page 4, line 25, of the printed bill, as amended, strike out "any person who has had a"; and strike out all of lines 26, 27, and 28, and insert "any person who has, prior to the effective date hereof, been employed as a sanitarian, food and market inspector, food and drug inspector, or housing inspector by any city, any county, or any city and county, or any local health district of the State."

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 375—An act to amend Section 10607 of the Health and Safety Code, pertaining to proceedings to establish record of birth, death, or marriage.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 586—An act to add Division 23, comprising Sections 32000 to 32313, inclusive, to the Health and Safety Code, relating to the establishment, organization, government and powers of hospital districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—Senator Keating—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 109 An act to amend Section 4010 of the Natural Resources Code, relating to forest fire protection.

Motion to Refer Bill to Inactive File

Senator Collier moved that Senate Bill No. 109 be placed on the inactive file.

Motion carried.

Senate Bill No. 51—An act to amend Sections 65, 66, 75a, 79, 83, 83b, 84, 86, 88, 90, 92, and 93 of, to repeal Section 100b of, and to add Section 100b to, the State Employees' Retirement Act, and to amend Sections 20601, 20605, 20610, 20951, 20953, 21028, 21031, 21253, 21254,

21255, 21258, 21290, 21291, 21296, 21298 and 21300 of, to repeal Section 21297 of, and to add Section 21367.5 to, the Government Code, relating to the State Employees' Retirement System, revising bases of rates of contribution thereto and benefits payable therefrom, reducing the ages for normal and optional retirement, and providing for payment of benefits upon death of retired persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—29.

NOES—Senator Sutton—1.

Bill ordered transmitted to the Assembly.

MOTION TO CONSIDER ASSEMBLY BILLS

At 3.30 p.m., Senator Seawell moved that the Senate at this time discontinue further consideration of Senate bills on the Senate third reading file and refer to the Assembly third reading file for the purpose of considering Assembly bills.

Motion carried.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO 14, April 18, 1945

The Honorable Members of the Senate
Sacramento, California

GENTLEMEN: Since the Budget Bill was presented to you, the newly appointed Adjutant General, Brigadier General Victor R. Hansen, has been studying the needs of the Adjutant General's department. As a result of the study, and as a result of additional requests by the Western Defense Command, there have been brought to light certain conditions that necessitate additional budgetary provision for the ensuing biennium.

To meet these conditions during the next biennial period, there should be added to the amount recommended in the Governor's Budget for the support of the Adjutant General's Office the sum of $213,428.

The reasons for the above increases are as follows:

Headquarters Staff

Colonel (Inspector General). Since the original Budget was submitted an Inspector General has been placed on active duty for the purpose of determining the cause for the present unsatisfactory condition of property records, State-owned motor equipment, armories, and other State or Federal property assigned for the use of the State military forces. Information furnished by the Inspector General leads to the conclusion that this condition is the result of insufficient officer personnel to properly supervise the matters handled by the different departments of the Adjutant General's Office. It is believed the continued use of an Inspector General will in part prevent inefficiency in operations and loss of funds and property pertaining to the State Guard.

An intermediate stenographer-clerk is requested for the Inspector General.

A Recruiting Officer (Lieutenant Colonel) is wanted in lieu of the Assistant Plans and Training Officer (Major) for the purpose of recruiting members for the State Guard.

One intermediate account clerk is requested for the finance section to handle work in connection with allowances to organizations. It has been found that the present force is insufficient to handle the necessary auditing and checking to maintain this work in a satisfactory manner. Also $1,000 additional temporary help is requested to clear a temporary back-log arising from position turnover.

In the property section a Major is requested to serve as Property Officer. A First Lieutenant and a Warrant Officer are requested to take complete physical inventories of all property charged to armory custodians and unit commanders, checking of nomenclatures; auditing physical inventories against book inventories; identifying property which is not properly identified; and determining the origin of property which is not on the acquisition records. One senior account clerk and one intermediate account clerk are being requested to handle the current accounting on the State equipment which is now on hand. One intermediate typist-clerk is to assist the present clerical staff on Federal property, whose duties are such that they are unable at present to keep up with the present volume of work in this section.

Two Captains are requested for the motor transportation section to see that all motorized equipment such as Federal cargo trucks, command cars, motorcycles, armored cars, and all State-owned motor equipment such as sedans and trucks are properly distributed and ready for use. They are also to act as convoy officers and instructors in schools for drivers.

The above positions, with an additional allowance to cover traveling expense of new positions, will require an increase of $80,662 in the Budget.

High School Cadets

Two additional positions are requested. Captain and First Lieutenant for this function.

During the past year and a half in the administration of the California High School Cadet Corps, the Headquarters at Sacramento has been unable to properly administer the Cadet Corps throughout the State because of the lack of sufficient personnel. The Cadet Corps now has 101 active schools requiring constant supervision and inspection from the Adjutant General's Office. During the past year and a half there has been one outside field man to cover the entire State at considerable expense and time lost in travel.

It is recommended that the Budget be increased for the addition of two officers to supervise and inspect the various units throughout the State. It is recommended that one be stationed out of the Armory in Los Angeles so as to save days of travel from the south to the Headquarters in Sacramento and inasmuch as 60 per cent of the schools are in the south, it will be more economical and advantageous to have one of our field representatives stationed in that part of the State. In addition, a field representative is needed for the northern part of the State from Fresno North to the Oregon border. This officer would work out of the Headquarters at Sacramento, and inasmuch as the Cadet Corps is continually growing, it is imperative, in order to make the best use of the funds allocated, that a more efficient administrative office be inaugurated in the Capital.

It is recommended that an increase in operational expense be allowed which, with the addition of the two officers recommended above, will enable the California High School Cadet Program to act much more efficiently in its activities throughout the State.

State Guard Field Duty

One additional Colonel is being added at the request of the Western Defense Command for an overall tactical officer. Two Master Sergeants and two First Sergeants are requested in lieu of two Captains, one First Lieutenant and one Second Lieutenant positions. The net increase required for these positions is $4270.

Additional operating expenses are requested because the Federal Government has recently assigned to the State Guard 100 pieces of motorized equipment which require adequate storage and maintenance according to United States Army specifications. Unless these requirements are met the Federal equipment could be recalled, and it would be difficult in the future to secure, from the Federal Government, equipment which would be vitally needed in event of an emergency requiring the use of State Guard troops. Certain operating expenses are being increased as present expenditure records indicate the proposed estimates as submitted as being inadequate.

To finance these activities I hereby request, pursuant to the provisions of Section 34 of Article IV of the Constitution that Budget Bill Item 181 be amended to read as follows:

> "Item 181—For support of the Adjutant General, and the California State Guard, including rental of armories, and maintenance of high school cadets ---------- $2,437,700.00"

There is appended hereto a supplemental budget showing in detail the additional amounts involved in this request.

Respectfully submitted.

EARL WARREN, Governor

Supplemental Budget—Adjutant General and State Guard

HEADQUARTERS STAFF

Salaries and Wages	
1 Inspector General (Colonel)	$11,888
1 Intermediate Stenographer-Clerk	3,360
Recruiting Officer (Lieutenant Colonel in lieu of 1 Assistant Plans and Training Officer, Major)	1,362
Finance Section:	
1 Intermediate Account Clerk	3,360
Temporary Help (additional)	1,000
Property Section:	
1 Property Officer (Major)	10,032
1 First Lieutenant	6,808
1 Warrant Officer	7,008
1 Senior Account Clerk	4,320
1 Intermediate Account Clerk	3,360
1 Intermediate Typist-Clerk	3,360
Motor Transportation Section:	
2 Transportation Officers (Captain)	15,936
Supply Section:	
Supply Officer (Lieutenant Colonel) in lieu of 1 Colonel	—494
Personnel Section:	
Lieutenant Colonel in lieu of 1 Major	1,362
Totals, salaries and wages	$72,662
Operating expenses—Traveling	8,000
Total, Headquarters Staff	$80,662

HIGH SCHOOL CADETS

Salaries and Wages	
1 Captain	$7,968
1 First Lieutenant	6,808
Senior Stenographer-Clerk (Reclassification of Military Stenographer-Clerk, Grade 2)	1,200
Totals, salaries and wages	$15,976
Operating Expenses	
Printing	$2,800
Traveling	6,000
Telephone and telegraph	500
Gasoline and oil	1,500
Automobile parts and service	2,000
Freight, drayage and express	3,500
Insignia and expendable equipment	16,000
Totals, operating expenses	$32,300
Total, High School Cadets	$48,276

STATE GUARD—FIELD DUTY

Salaries and Wages	
1 Colonel	$11,888
Master Sergeants (2), First Sergeants (2) (in lieu of 2 Captains, 1 First Lieutenant, and 1 Second Lieutenant)	—7,618
Total, salaries and wages	$4,270
Operating Expenses	
Printing	2,200
Traveling	12,640
Postage	2,440
Tires and tubes	12,400
Automobile parts and servicing	4,800
Rent of premises	30,000
Repairs to office equipment	1,240
Premium on bonds	2,500
Laundering (other than uniforms)	2,000
Uniform accessories	10,000
Total, operating expenses	$80,220
Total, field duty	$84,490
Total Supplemental Budget	$213,428

Message read, and referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES

Committee on Finance

MR. PRESIDENT: Your Committee on Finance announces the following members on subcommittees of the Senate Finance Committee, and items in Senate Bill No. 294 assigned to each subcommittee for consideration:

Committee	*Department*	*Items*
1. Senators Biggar and Breed	Legislative	1- 18, inc.
	Corrections	45- 74, inc.
	Executive	26- 29, inc.
	Motor Vehicles	187-188, inc.
2. Senators Collier and Crittenden	General Administration	30- 38, inc.
	Agriculture	39- 44, inc.
	Employment	105
	Fiscal Affairs	106-110, inc.
	Professional and Vocational Standards	209-227, inc.
3. Senators DeLap and Desmond	Education—Schools and Colleges	75-104, inc.
	Institutions	145-171, inc.
	Military and Veterans Affairs	181-186, inc.
4. Senators Fletcher and Jespersen	Fiscal Affairs	134-136, inc.
	Industrial Relations	137-144, inc.
	Public Health	228-231, inc.
	Social Welfare	247-248, inc.
5. Senators Swing and Quinn	Investments	172-177, inc.
	Natural Resources	189-208, inc.
	Public Utilities	232-233, inc.
	Harbor Commission	277-280, inc.
6. Senator Rich	Judicial	19- 25, inc.
	Fiscal Affairs	111-133, inc.
	Justice	178-180, inc.
	Public Works	234-246, inc.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 371—An act and Section 18972 of the Government Code to amend Section 222 of the State Civil Service Act, relating to veterans' preference.

Bill read third time, and presented by Senator Ward.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 348—An act to amend Section 5710 of the Labor Code, relating to the taking of evidence in workmen's compensation proceedings.

Bill read third time, and presented by Senator Shelley.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 684—An act to amend Section 4460 of the Labor Code, relating to workmen's compensation, declaring the urgency hereof to take effect immediately.

Bill read third time, and presented by Senator Shelley.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.
NOES—None.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1030—An act to add Section 352a to the Political Code, relating to necessary expenses incurred by municipal and county officers and employees in connection with special training schools.

Bill read third time and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2054—An act to amend Section 4248 of the Political Code, relating to compensation of public officers in counties of the nineteenth class.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1221—An act to amend Sections 13651 and 13652 and to repeal Section 13653 of the Education Code, relating to decrease in number of permanent employees, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Tenney moved the adoption of the following amendment:

Amendment No. 1

On page 3 of the printed bill, strike out lines 22 to 28, inclusive, and insert "Because of the effects of the war on the attendance of pupils in many school districts of the State the governing boards of such districts have dismissed many permanent employees thereof, and, so long as such conditions continue, will be required to dismiss many additional permanent employees. The statutory provisions governing the relative priorities of such employees, both as to the sequence in which they shall suffer dismissal and the order in which they may be reinstated, and governing their rights when reinstated, are ambiguous and of uncertain meaning and application, resulting in confusion and inefficiency in the administration of the public schools. This bill is designed to resolve such ambiguities and it is necessary that same become effective prior to the close of the present school year."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1223—An act to add Section 15655 to the Education Code, relating to the rights of permanent certificated employees of school districts whose services have been terminated because of the effect of wars upon the attendance of pupils or continuance of particular services.

Bill read third time.

Motion to Amend

Senator Tenney moved the adoption of the following amendment:

Amendment No. 1

On page 1, in line 1 of the title, strike out "15655", and insert "13655".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1224—An act to add Sections 13004.1 and 13004.2 to the Education Code, relating to order of employment of certificated employees, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Tenney moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, strike out lines 6 to 12 inclusive, and insert "Because of the effects of the war on the attendance of pupils in many school districts of the State, the governing boards of such districts have dismissed many permanent employees thereof and, so long as such conditions continue, will be required to dismiss many additional permanent employees. The statutory provisions governing the relative priorities of such employees are ambiguous and of uncertain meaning and application, resulting in confusion and inefficiency in the administration of the public schools. This bill is designed to resolve such ambiguities and uncertainties and it is necessary that it take effect prior to the close of the present school year."

Amendment read and adopted.

Bill ordered printed, and to third reading.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator DeLap moved that Senate Bill No. 302 be taken from the inactive file for the purpose of amendment, and placed on the second reading file.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 302

Senate Bill No. 302—An act to amend Section 600 of the Probate Code, relating to the filing of the inventory and appraisement.

Bill read second time.

Motion to Amend

Senator DeLap moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 10 to 14 inclusive and insert "assessor. If the decedent was a resident of a California city at the time of his death, an additional copy of the inventory shall be transmitted by the executor or administrator to the Assessor of the City of which the decedent was a resident, within ten days after the filing of the inventory with the clerk of the court. The inventory must include the".

Amendment read and adopted.

Bill ordered printed, and to second reading file.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 838

Senator Brown moved that Senate Bill No. 838 be withdrawn from Committee on Local Government for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 838

Senate Bill No. 838—An act relating to property owned by any local governmental agency in its proprietary capacity or otherwise available for private use and situate without the boundaries of such agency, requiring all charges in respect to the sale or other disposition or the leasing, licensing or other use of such property to be just and reasonable, and providing for the administration and enforcement of the provisions of the act.

Bill read second time.

Motion to Amend

Senator Brown moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out lines 1 to 7, inclusive, and insert

"An act relating to real property of a city, county, or city and county, situate without the territorial boundaries of the owner, prescribing regulations concerning the handling and disposition of such property, whether by sale, lease, license or otherwise, and providing for the administration and enforcement of the provisions of this act."

Amendment No. 2

On page 1, line 2, of said bill, strike out "public district", and insert "city and county, whether governed under general laws or under a charter framed for its own government."

Amendment No. 3

On page 1 of said bill, strike out lines 3 to 6, inclusive, and insert

"(b) "Real property" as used herein is coextensive with lands, tenements and hereditaments and includes land or any interest or estate in land and any servitude upon land.

(c) "Real property of a local agency" or "real property belonging to a local agency," or similar expression or designation, refers only to that real property thereof which is situate within another local agency, and then only if the owner agency owns in excess of fifty per cent (50%) of all the land situate in such other local agency, excluding from the computation all land owned by the United States or by the State of California.

SEC. 2. No local agency shall make, demand or receive any charge in excess of a reasonable charge for the sale or other disposition or for the leasing, licensing or other use of any of its real property.

SEC. 3. In making a sale or lease of any of its real property, a local agency must first give preference to the person or persons, if any, who have occupied or used that property or any portion of it for not less than two years within the next preceding three years, and an opportunity, within a reasonable period of time from and after written notice to him or them, to buy or lease it at a reasonable price or rental.

SEC. 4. The reasonableness of any such charge shall be ascertained and determined as of conditions which obtained on the first day of January, 1944, in respect to the particular parcel or real property involved, or other similar property in the vicinity.

SEC. 5. Any interested person (whether an individual, a private or a public corporation, or a local agency) may apply to the State Board of Control for the ascertainment and determination of the reasonableness of any such charge.

SEC. 6. The amount of any such charge which the State Board of Control finds and determines is in excess of a reasonable charge, the State Controller shall deduct from the allocation he otherwise would make under the Vehicle License Fee Law to the local agency receiving such charge, and transfer that amount to the unappropriated moneys in the State General Fund. He shall make such deduction at the time of the first allocation which occurs after the filing with him of a certified copy of the board's finding and determination of the existence of such excess and of the amount thereof. If, in any case, the amount of the deduction exceeds the amount

of the allocation, the unused portion of the deduction shall be carried over and applied to the next succeeding allocation or allocations until exhausted. For the purposes of this section, the State Board of Control is authorized and directed upon its own initiative at any time and from time to time to ascertain and determine the reasonableness of any such charge, the existence of any such excess and the amount of the excess, and its findings and determination are conclusive.

SEC. 7. Any such proceeding before the Board of Control, whether initiated by the board or by an interested person, shall be conducted in accordance with rules of procedure which the board is hereby authorized to prescribe therefor. The board's determination shall be in writing and based upon written findings of fact made by it after a full and fair hearing held upon notice to all interested parties. Such findings of fact and determination by the board are admissible in evidence in any judicial action or proceeding in which the same issue is involved. They are therein prima facie evidence of the facts found and of the reasonableness or unreasonableness of the charge and of the amount of the excess, if any, over a reasonable charge, except that they are final and conclusive for all of the purposes of Section 6 hereof."

Amendment No. 4

On page 1 of said bill, strike out lines 7 to 22, inclusive; on page 2, strike out lines 1 to 4, inclusive; and on page 2, in line 5, strike out "SEC. 4." and insert "SEC. 8."

Amendment No. 5

On page 2, in line 17, of said bill, after the period insert

"These conditions are accentuated by the recent and current inflationary tendencies in respect to real property sales prices and rental rates, particularly in those areas in which a distant local agency owns and controls the greater part of the lands that are not owned by the State or the United States."

Amendment No. 6

On page 2, in line 18, of said bill, strike out "5", and insert "9".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Salsman, ordered printed in the Journal:

STANFORD UNIVERSITY, CALIFORNIA, April 17, 1945

Governor Earl Warren
State Capitol, Sacramento, California

DEAR GOVERNOR WARREN: There are many of us who are particularly concerned with the campaign being conducted by the League of California Cities, the County Supervisors' Association, and others, for the allocation of funds at this time for various types of public works projects. I have felt, with you, that all sorts of grants-in-aid or shared revenues are dangerous and lead to the type of "Christmas tree grabs" which you are facing at the present time. I have heard a great deal of discussion which is mostly against the manipulation going on in the Legislature on this matter.

I was particularly impressed with an article which appears in the March issue of the Washington Close-up, issued by the Citizens National Committee of Washington, D. C. It is discussing Federal grants-in-aid, but paragraph by paragraph with the change of the word "Federal" to "State" it would support your contentions in preserving the tax cuts which were made by the last Legislature and postponing the allocation of accumulated funds until they could be used after the war. This article sets up three classifications of spending: First, the normal type of civil and military functions for which there is constitutional sanction or general legislative practice; second, those activities of the executive branch which have greatly expanded during wartime and in which there may be some vague area between the State and local responsibility; and third, the classification which includes appropriations of a desirable nature as grants-in-aid or shared revenues such as the Motor Vehicle Fund, Liquor License Fund, or School Funds.

The article then goes on to raise ten questions which should be answered by those who are proposing that the State or Federal Government subsidize local areas out of other funds:

1. Is there positive proof of the need for the performance of the function for which the grant is to be made?
2. Is there satisfactory evidence that an attempt to perform the function has been made by the local governments and that the attempt has been unsuccessful?
3. Is there proof that the citizens of the local area agree with its inability to raise funds locally for these purposes?
4. Is aid requested from the State with full acceptance of positive answers to the three preceding questions and is the request of great enough need to justify jeopardizing the State funds?
5. Can aid be granted in such form that local incentive to satisfy its own needs will not be reduced or destroyed?
6. Will the granting of the requested aid establish a bad precedent?
7. Will the granting of the requested aid result in the injecting of improper or unwarranted State control into local government?
8. Will the granting of the requested aid result in substituting State for local judgment of the degree of need?
9. Can the requested aid be granted in such form that it will not establish inequalities between different areas?
10. Can the requested aid be so granted that opportunity for review of the need and revision of the grant may be provided at frequent intervals?

There is no presumption in the article that these ten direct questions (modified in my briefing), answered in the affirmative, fit the situation exactly. They are offered as a broad guide for consideration and in an effort to protect local autonomy and ability to carry on county and municipal government as needed in the various areas. Taxpaying citizens are looking for some method of defense to prevent such porkbarrel use of State funds.

It is to be regretted that more citizen agencies and associations have not organized a campaign behind your demand for a reasoned budgetary consideration, for a long term study and plan rather than a grab of funds which are available and tempting to the politically minded legislators. Many of us wish you well in your campaign, but know that you are fighting a losing battle where so much political prestige can come to those who are making the drive on the State treasury. With kindest personal regards, I am

Very sincerely yours

EDWIN A. COTTRELL

cc: Senator Byrl R. Salsman, Assemblyman Raup Miller

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 503

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bill ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 42
Assembly Joint Resolution No. 36
Assembly Joint Resolution No. 34

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Concurrent Resolution No. 42—Relative to the California Food and Fiber Production Council and the period of its existence and functioning.

Referred to Committee on Agriculture.

Assembly Joint Resolution No. 34—Relative to memorializing the United States Department of Agriculture to reopen to the public the Los Padres National Forest.

Referred to Committee on Natural Resources.

Assembly Joint Resolution No. 36—Relative to making President Roosevelt's Birthday, January 30, a legal holiday.

Above resolution ordered placed on third reading file.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 139	Assembly Bill No. 972
Assembly Bill No. 346	Assembly Bill No. 1043
Assembly Bill No. 576	Assembly Bill No. 1048
Assembly Bill No. 586	Assembly Bill No. 1063
Assembly Bill No. 589	Assembly Bill No. 1317
Assembly Bill No. 591	Assembly Bill No. 1319
Assembly Bill No. 593	Assembly Bill No. 1322
Assembly Bill No. 629	Assembly Bill No. 1537
Assembly Bill No. 725	Assembly Bill No. 1689
Assembly Bill No. 726	Assembly Bill No. 1818
Assembly Bill No. 755	Assembly Bill No. 2156

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 139—An act to amend Section 1 of "An act to add Sections 26.5, 48, 49, 50, 51, 132.5, 132.6, 2050.5, 2053.5, 2101.5, 2156.5, 2300.5, 2350.5, 2400.5, 2571.5, 2573.5, 2576.5, 2600.5, 2609.5, 2621.5, 2699.5, 2751.5, 2792.5, 2807.5, 2839.5, 2842.5, 2892.5, 2893.5, 2896.5, 2897.5, 2898.5, 3043.5, 3084.5, 3150.5, 3711.5, 3720, 4532.5, 5901.1, 5901.6, 5901.7, 5902.6, 5904.5, 5932.5, 7801.5, 7842.5, 7964.5, 7971.5, and 7972.5 to, and to amend Sections 293.5, 296.5, 5901.5, and 5931.5 of, and to repeal Section 132.5 of, the Elections Code, relating to elections, declaring the urgency thereof, to take effect immediately," approved February 2, 1944, to amend Sections 26.5, 2609.5, 2839.5, 2842.5, 2897.5, 2898.5, 3720, 5901.1, 5901.5, 5901.6, 5901.7, 5902.6, and 7971.5 of the Elections Code, to add Section 5931.6 to the Elections Code, and to repeal Sections 2050.5, 2053.5, 2101.5, 2156.5, 2300.5, 2350.5, 2400.5, 2571.5, 2576.5, and 7972.5 of the Elections Code, relating to elections.

Referred to Committee on Elections.

Assembly Bill No. 346—An act to amend Section 5 of an act entitled "An act relating to the determination of the wartime population of cities or cities and counties for purposes of allocation of moneys from the State Highway Fund and from the Motor Vehicle License Fee Fund for expenditures therein, and declaring the urgency thereof," approved May 18, 1943, extending the duration thereof, and declaring the urgency thereof.

Referred to Committee on Transportation.

Assembly Bill No. 576—An act to amend Section 19598 of the Business and Professions Code, relating to horse racing and the redistributions from pari-mutuels conducted in connection therewith.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 586—An act to amend Section 5503 of the Elections Code, relating to elections.

Referred to Commitee on Elections.

Assembly Bill No. 589—An act to amend Section 4536 of the Elections Code, relating to elections.

Referred to Committee on Elections.

Assembly Bill No. 591—An act to amend Section 3712 of the Elections Code, relating to elections.

Referred to Committee on Elections.

Assembly Bill No. 593—An act to amend Section 7201 of, and to repeal Sections 7881 and 7882 of, the Elections Code, relating to elections.

Referred to Committee on Elections.

Assembly Bill No. 629—An act to repeal Section 729 and to amend Sections 730, 731 and 740 of, and to add Section 1757.5 to, the Welfare and Institutions Code, relating to juveniles, imposing limitations concerning the places to which they may be committed and in which they may be detained, and providing for the supervision and visitation of such places by the director of the Youth Authority.

Referred to Committee on Social Welfare.

Assembly Bill No. 725—An act to add Sections 13115 and 13116 to Chapter 1 of Part 2 of Division 12 of the Health and Safety Code, relating to fire-proofing of tents and awnings used to temporarily house public gatherings.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 726—An act to repeal Sections 19810 and 19811 of the Health and Safety Code, and to add Sections 19810, 19811, 19812, 19813, 19814, 19815, and 19816 thereto, relating to inflammable articles, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 755—An act to amend Section 124 of the State Civil Service Act and Section 19141 of the Government Code, relating to reinstatement of State employees having permanent civil service status.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 972—An act to add Section 681.2 to the Code of Civil Procedure, relating to cost bills after judgment.

Referred to Committee on Judiciary.

Assembly Bill No. 1043—An act to add Sections 23.2, 23.3, 23.4 and 23.5 to "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to voluntary and involuntary dissolution and merger.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1048—An act to provide for the establishment of retirement systems for the purpose of creating benefits on account of members retiring by reason of age, length of service, disability or death, providing for licensing and supervision by the commissioner of Corporations.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1063—An act to amend Sections 3819 and 3929 of the Elections Code, relating to elections.

Referred to Committee on Elections.

Assembly Bill No. 1317—An act to amend Sections 12263, 12403, 12405, 12433 and 12997 of the Revenue and Taxation Code, and to repeal Section 12404 thereof, all relating to insurance taxation.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1319—An act to amend Sections 1326 and 1351 of, and to add Section 1350.5 to, the Insurance Code, relating to reciprocal insurers.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1322—An act to repeal Section 4 of an act entitled "An act to add Section 32.5 to the Insurance Code and to add Article 2.5 to Chapter 5, Part 2, Division 1 of said code, relating to life insurance and life insurance analysts," approved July 12, 1941, relating to insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1537—An act to amend Sections 41 and 53 of the Unemployment Insurance Act, relating to unemployment insurance and the amount and duration of benefits payable thereunder.

Referred to Committee on Social Welfare.

Assembly Bill No. 1689—An act to amend Section 2160.5 of the Welfare and Institutions Code, relating to aid to the aged in respect to the granting thereof to inmates of certain homes and institutions.

Referred to Committee on Social Welfare.

Assembly Bill No. 1818—An act to add Section 100.6 to the Streets and Highways Code, relating to ferries.

Referred to Committee on Transportation.

Assembly Bill No. 2156—An act amending Section 634 of the Welfare and Institutions Code, relating to the appointment, selection, and removal, and term of office of probation officers, assistant probation officers, deputy probation officers and of superintendents, matrons and other employees of detention homes.

Referred to Committee on Social Welfare.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 16

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 336
Assembly Bill No. 1167
Assembly Bill No. 1170
Assembly Bill No. 1171

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 336—An act to amend Section 862.16 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of a city council in cities of the sixth class.

Referred to Committee on Local Government.

Assembly Bill No. 1167—An act to amend Section 762 of the Code of Civil Procedure, relating to serving of notice in actions for the partition of real property.

Referred to Committee on Judiciary.

Assembly Bill No. 1170—An act to amend Section 1435.2 of the Probate Code, relating to the management, control and disposition of the property of insane or incompetent persons.

Referred to Committee on Judiciary.

Assembly Bill No. 1171—An act to amend Section 283 of the Probate Code, relating to notice of petitions in connection with estate of missing persons.

Referred to Committee on Judiciary.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1169
Assembly Bill No. 1215

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 1169—An act to amend Section 413 of the Code of Civil Procedure, relating to publication of summons.

Referred to Committee on Judiciary.

Assembly Bill No. 1215—An act to add Chapter 3.5, comprising Section 8301, to Division 4 of the Education Code, relating to the study of child growth and development.

Referred to Committee on Education.

REPORTS OF STANDING COMMITTEES

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 17, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 1074

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 18, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 48
Senate Bill No. 73
Senate Bill No. 271
Senate Bill No. 272
Senate Bill No. 513
Senate Bill No. 630
Senate Bill No. 642

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 18, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 288

Has had the same under consideration, and reports the same back with the recommendation: Do pass and place on inactive file.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bill ordered placed on the inactive file.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, April 16, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 677

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; noes 3; not voting 1.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 16, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 1249

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 18, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 42	Senate Bill No. 588
Senate Bill No. 205	Senate Bill No. 590
Senate Bill No. 524	Senate Bill No. 1024

And reports the same correctly engrossed.

SEAWELL, Chairman

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Seawell moved that Senate Bill No. 149 be taken from the inactive file and placed on the second reading file.

Motion carried.

PRINTING OF REPORT IN THE JOURNAL

Pursuant to the motion of Senator Seawell, made on April 13, 1945, the following partial report of the Legislative Auditor to the Legislative Budget Committee, was ordered printed in the Journal of this date.

REPORT TO THE LEGISLATIVE BUDGET COMMITTEE
ON
THE 1945-47 BUDGET AND THE BUDGET BILL

"Analysis of the Estimates of Revenue of the 1945-47 Budget"

By ROLLAND A VANDEGRIFT, Legislative Auditor

Members of Committee

Senators	*Assemblymen*
W. P. RICH, Chairman	T. FENTON KNIGHT, Vice Chairman
JERROLD L. SEAWELL	ALBERT C. WOLLENBERG
ARTHUR H. BREED, JR.	CHARLES W. LYON
T. H. DELAP	C. DON FIELD
RALPH E. SWING	LLOYD W. LOWREY

Analysis of the Estimates of Revenue of the 1945-47 Budget

(Pages A-6 to A-9, and Schedule 5, Pages A-14 to A-23)

Introduction

The Legislative Auditor has analyzed the estimates of revenue in the 1945-47 Budget and in general concurs in these estimates. We agree with the Budget Officers that it is exceedingly difficult at any time to forecast State revenues 30 months into the future. In this period of transition it is particularly difficult.

Revenues Depend on Economic Conditions—War Influences

Following the general assumption on which the Budget has been made, previously outlined, we feel that during the continuation of the war, revenues will be maintained on approximately the same level as they have existed for the 1943-44 Fiscal Year. That is, they will continue through the fiscal year ending June 30, 1945, and into the next biennium on about the same basis until the war conditions change. There will be some falling off in certain specific taxes for the 1944-45 Fiscal Year, and one particular item, "Return from Race Track Taxes," will show a material drop which will be continued probably into the 1945-46 Fiscal Year, or until the Federal ban on horse racing is removed.

Revenues Decline

If the war ends during the first year of the biennium, as has been estimated throughout the Budget, certain revenue receipts will probably show material decline, particularly during the reconversion period. There will undoubtedly be a decline in the sales tax receipts, personal income tax receipts, and the corporate income tax receipts with any material increase in unemployment. This will not show itself immediately for the reason that accumulated savings and other reserves will be called upon for some time to meet the expenditures of those who are unemployed.

Gasoline Taxes

The gasoline tax will be held down as long as there is strict rationing of gasoline and tires and a limited supply of new passenger cars and trucks for private use. We feel that there will be some lessening in these particular controls with the end of the war with Germany, so that

while other taxes that depend on business volume and employment may fall off, the reverse will occur with the lessening of restrictions affecting motor vehicles and taxes from these sources will increase. It is significant that during the years of greatest unemployment and largest payments for relief, motor vehicle registration and gasoline taxes not only held up but increased. Automobiles and the use thereof and life insurance are the last things Californians give up in financial stringency so we can expect tax receipts from these sources to be maintained and even increased in the period of reconversion.

The recent increase in gasoline consumption and upswing in traffic flow in the State is also significant as affecting the tax yield. The condition is explained in the January, 1945, Report of the Director of Motor Vehicles to the Governor, on page 7, in the following words:

> "Final figures on gasoline consumption for the year 1944 indicate that during the year there was approximately an *11 per cent increase* in the general *flow of traffic* throughout the State. According to reports from the field, *this increase is continuing currently.* Traffic counts taken at points on the State Highways System show that during January 1945, the number of vehicles counted were 8.8 per cent in excess of counts made at the same stations in January of 1944.
>
> A peculiar aspect of this increase in travel was a 13.3 per cent increase in passenger cars counted and a decrease of 3.2 per cent in freight vehicles counted. The number of freight vehicles represented, roughly, 21 per cent of all the traffic."
> *(Italics ours.)*

We recognize the fact that with the end of the war with Germany and the concentration on the war against Japan, there will be a shifting of certain military activities to the Pacific Coast. This may temporarily cause an upswing in all tax receipts for a short period of time but this should level off, and no particular adjustments of figures has been made for this situation.

Reconversion and Taxes

We do not agree with the Budget assumption that conversion from war production to the making of civilian goods in California will surpass the reconversion rate in the nation as a whole. This is for the reason that California, through conditions beyond our control, will be the center of intense war activity while other localities will have a lessening of such activity. Even after the war ends with Japan, we will have a condition of extraordinary activity in our ports—returning personnel and material, and in our shipyards in repairing and servicing ships engaged in this activity. In addition, our larger wartime industries have been connected with ship building and aircraft production. These industries cannot reconvert for they never engaged in any other activity. They must either reduce their activity to postwar aircraft and ship building, or use their excess plants and personnel in producing some commodity which they have never produced and have no organization to market. This condition will produce a greater degree of disturbance and unemployment than where actual reconversion is possible. This will cause, in California, a material reduction in purchasing and in tax

receipts from persons and businesses so drastically affected by ending of war production.

The estimates in the Budget have been made taking some note of these conditions and have adjusted revenue receipts accordingly. We believe, however, that in some places the estimates have been a little overly optimistic and in other places they have estimated changes more rapidly than they will take place.

We feel that whenever the adjustments of the postwar period are accomplished, the State will return to economic conditions and tax receipts that will parallel closely those of 1940. We believe that individual "take-home" income will suffer a material reduction at that time. We are not ready to predict that this will be markedly manifest during the coming biennium.

Reconstruction and Reemployment Commission Estimates

Like the Fiscal Officers of the State, we have examined critically the report prepared by the Reconstruction and Reemployment Commission on "Postwar Civilian Income," and we believe that the present basic wage rates will be maintained for the next two years. We believe, however, that there will be increasing unemployment amongst the women who are now working, the less skilled, the more elderly workers, and the less efficient. We already find this trend manifesting itself from about the beginning of 1944 continuously to the present date. In fact, the situation is presented in California Labor Statistical Bulletin No. 246 for January, 1945, page 2, in the following words. "Including force-account construction workers and administrative, supervisory, sales, technical, and office personnel, it is estimated that 971,000 persons were employed in manufacturing plants in California in January 1945. This compares with 983,000 in December 1944 and 1,125,000 in January 1944." This is a drop in factory employment of 154,000 in one year

Federal Activities Affect California Tax Receipts

We also believe that the continuation of high Federal taxes will eventually have a measurable effect upon business and tax receipts to the State of California. We are also of the opinion that the withdrawal of the Federal Government from purchasing of many commodities in large amounts will have a material influence on California's specialty products. For example, a reduction in the purchase of canned fruits and vegetables will immediately produce surpluses in one canning season. The maximum production in such items as peaches for one season would immediately produce a surplus affecting this whole industry and a considerable area of the State. It is our thought that this condition will not develop until the war with Japan has closed. Also, there will probably be an accumulated backlog of commodities beginning with the ending of the war with Germany. Competition and reduced purchase of other more limited crops, such as olives, will probably be manifest earlier. While this will produce difficulties with individual groups, it will not be widespread enough to materially affect the total tax yield to the State.

Tax Receipts 1944-45, 1945-46, 1946-47

Our estimates of tax collections show approximately $9,000,000 less receipts for the General Fund and approximately $5,000,000 more for gasoline and motor transportation tax for the biennium 1945-47. There

are other differences from the Budget estimate of minor amounts. Some of these estimates cannot be based on any actual measurements but can only be based on certain assumptions drawn from business trends and a personal evaluation of the incidence of certain taxes. For example, the inheritance tax receipts depend entirely on the number of sizeable and taxable estates that are passed by inheritance. We feel that the Budget estimates are a little high in relation to this tax. We feel that the gas tax estimates are certainly minimum and that the trends are favorable for an upturn of sizeable proportions in receipts from this tax.

Following is a tabulation giving estimated tax collections as shown in the Budget for the three Fiscal Years, 1944-45, 1945-46, and 1946-47, and estimates made by the Legislative Auditor for the same taxes for these fiscal years.

ESTIMATED STATE OF CALIFORNIA TAX COLLECTIONS
JULY 1, 1944 TO JUNE 30, 1947

	As shown in 1945-47 Budget			As estimated by Legislative Auditor		
	1944-45 Fiscal Year	1945-46 Fiscal Year	1946-47 Fiscal Year	1944-45 Fiscal Year	1945-46 Fiscal Year	1946-47 Fiscal Year
Inheritance tax	$10,000,000	$10,000,000	$10,000,000	$9,000,000	$9,000,000	$9,000,000
Insurance premium tax	11,654,250	12,922,500	12,995,000	11,600,000	12,000,000	11,500,000
Motor vehicle licenses	13,725,000	13,800,000	14,300,000	13,725,000	13,800,000	14,800,000
Gasoline tax	41,520,000	45,020,000	50,020,000	43,000,000	46,500,000	53,500,000
Motor transportation tax	6,200,000	5,100,000	3,900,000	6,200,000	5,200,000	4,600,000
Liquor taxes	17,075,000	15,725,000	14,325,000	18,000,000	16,000,000	15,000,000
Liquor licenses	6,250,000	6,275,000	6,475,000	6,250,000	6,275,000	6,475,000
Retail sales and use taxes	138,600,000	117,500,000	119,500,000	139,500,000	117,500,000	117,500,000
Race track taxes	4,196,575	none	6,939,000	4,196,575	2,500,000	4,000,000
Motor vehicle "in lieu tax"	14,250,000	15,500,000	17,500,000	14,250,000	14,500,000	15,500,000
Personal income tax	45,000,000	35,000,000	27,000,000	44,000,000	38,000,000	28,000,000
Corporation income tax	350,000	300,000	200,000	350,000	300,000	200,000
Diesel fuel tax	1,590,000	1,750,000	1,930,000	1,590,000	1,750,000	1,930,000
Private car tax	464,000	475,000	425,000	464,000	475,000	425,000
Gift tax	600,000	600,000	600,000	600,000	600,000	600,000
Regulatory taxes	1,353,900	1,418,300	1,344,300	1,353,900	1,418,300	1,344,300
Bank and corporation tax	57,000,000	53,000,000	43,000,000	57,000,000	52,000,000	40,000,000
Total	$269,828,725	$234,385,800	$230,453,300	$271,079,475	$237,818,300	$224,374,300

The total receipts for the taxes indicated for 1945, with only four months to run, are given in the Budget, as of the date that estimate was made, at $269,828,725. Our estimates, some of which were made subsequent to the Budget estimates, place the figure at $271,079,475. The Budget estimates for 1945-46 are placed at $234,385,800. Our estimate for this fiscal year places the figure at $237,818,300 or almost three and one-half million more. Budget estimates for 1946-47 are place at $230,453,300, while our estimate is $224,374,300 or approximately $6,000,000 less. Both of these estimates, as pointed out in the Budget, can be distinctly in error as economic changes occur either way which are not now contemplated.

Difference in Tax Receipts Not Material for Budget Purposes

For Budget purposes the difference in the two estimates, in so far as General Fund receipts are concerned, are relatively unimportant for the reason that there is no particular shortage of general funds. The same is relatively true as far as special funds are concerned, with one exception that if tax receipts available for the Department of Motor Vehicles are considerably greater than estimated, there will be no necessity of allocating funds to meet their Budget which will reduce allotments to counties for highway purposes. Also, *if receipts for highway purposes are larger than estimated, the Postwar Highway Reserve recommended by the Governor can be larger by the excess receipts above what were estimated in the Budget.* We have already recommended that the bill setting up these reserves be drawn so as to include all receipts above the amounts budgeted for expenditure.

We wish to point out that our differences in revenue estimates are not sufficiently large as to cause us to recommend to the Legislature any additional tax adjustments, either upward or downward, to meet the requirements of the Budget other than the reserve above mentioned.

Tax Reduction Continuance Possible Only If Budget Not Materially Increased

The continuance of the tax reduction enacted by the 1943 Legislature, which has saved the taxpayers of the State approximately $115,000,000 for the current biennium, is possible for the Biennium 1945-47 with an estimated saving of $105,000,000 if the Governor's Budget is not materially exceeded. It cannot be continued if the Budget is materially increased, and still retain sufficient reserves for an ample safety margin if economic conditions are more unfavorable than are anticipated.

Tax reduction is not possible if the expenditure program of the State for the 1945-47 greatly exceeds the Budget as presented by the Governor by any one or a combination of four possible events listed below:

1. If all of the recommendations for expenditures made by the Governor are enacted into law, this will consume all of the available unbudgeted and unallocated reserves, and in addition to the pay roll tax of 3

per cent recommended by the Governor to support his health plan, it will still leave a deficit for the biennium approaching $200,000,000, if we allow at the same time for setting up of the reserves recommended by the Governor. The Governor has recommended that $119,651,490 of the surplus be allocated as reserves as follows:

a. Transfer to postwar employment reserves	$ 40,000,000
b. To a new unemployment relief fund	50,000,000
c. For interest and redemption on certain general obligation bonds due between now and 1965	11,651,490
d. For a fire and earthquake reserve fund	3,000,000
e. For acquisition of beaches	15,000,000
Total of additional reserves	$119,651,490

2. If the Legislative appropriations that are already in bills before the Legislature for other items not recommended by the Governor are passed in major proportions, tax reduction is not possible and at the same time reserves recommended, and that appear desirable, are to be maintained.

3. A combination of the two above classes of appropriations will produce likewise an expenditure demand which cannot be met out of established reserves.

A fourth condition could likewise produce a deficit. This would be a distinct decline in economic conditions which does not appear to be likely.

We recommend that the tax reduction be continued, for we believe the Budget can be reduced materially without curtailing seriously any vital State services and, at the same time, still assist and encourage the war effort and maintain sufficient reserves. The degree to which the Legislature approves special appropriations will be the determining factor as to whether the continuance of tax reduction is possible or not. Our recommendation is made solely in considering the Budget and the Governor's recommendations for expenditures which, under our interpretation of the constitutional requirement for the Executive Budget, we feel should be considered as a part of the Budget. No consideration is given herein to other special appropriation measures.

CALIFORNIA STATE BUDGET—COMPARATIVE SUMMARY OF ESTIMATED REVENUES FOR THE BIENNIUMS 1945-1947 AND 1943-1945

(Source: California Taxpayers' Association, February, 1945)

Source	Total Revenues: Biennium 1945-1947	Total Revenues: Biennium 1943-1945	Total Revenues: Increase or decrease (—) from 1943-1945	Distribution by Funds: Biennium 1945-1947: General Fund	Biennium 1945-1947: Special [5] and Reserve [4] Funds	Biennium 1943-1945: General Fund	Biennium 1943-1945: Special [5] and Reserve [4] Funds
General Taxes							
Retail Sales and Use Tax	$237,000,000	$275,109,180	—$38,109,180	$237,000,000		$220,087,344	$55,021,836 [1, 4]
Bank and Corporation Franchise Tax [3]	96,500,000	124,797,115	—28,297,115	93,700,000	$2,800,000 [1, 4]	111,740,837	13,056,278 [1, 4]
Personal Income Tax	62,000,000	93,360,394	—31,360,394	62,000,000		93,360,394	
Inheritance Tax	20,000,000	19,761,538	238,462	20,000,000		19,751,538	
Gift Tax	1,200,000	1,148,157	51,843	1,200,000		1,148,157	
Insurance Gross Premiums Tax	25,700,000	20,829,566	4,870,434	25,700,000		20,829,566	
Alcoholic Beverage Taxes:							
Excise Tax on Distilled Spirits	24,800,000	26,040,370	—1,240,370	24,800,000		26,040,370	
Excise Tax on Beer and Wines	5,250,000	6,465,403	—1,215,403	5,250,000		6,465,403	
Liquor Licenses	12,750,000	12,405,513	344,487	6,375,000	6,375,000 [5]	6,202,757	6,202,757 [5]
Motor Vehicle Transportation License Tax	9,000,000	11,912,485	—2,912,485	9,000,000		11,912,485	
Motor Vehicle License (in Lieu) Fees	33,000,000	28,764,728	4,235,272	11,413,228	21,586,772 [5]	10,861,596	17,903,131 [5]
Private Car Tax	900,000	914,300	—14,300	900,000		914,300	
Totals—General Taxes	$528,100,000	$621,508,750	—$93,408,750	$497,338,228	$30,761,772	$529,324,748	$92,184,002
Special Taxes							
Motor Vehicle Fuel Tax	$95,000,000	$83,955,647	$11,044,353		$95,000,000 [5]		$83,955,647 [5]
Use Fuel Tax	3,680,000	3,079,899	600,101		3,680,000 [5]		3,079,899 [5]
Motor Vehicle Registration Fees	28,100,000	27,850,608	249,392		28,100,000 [5]		27,850,608 [5]
Horse Racing (pari-mutuel) License Fees	6,939,000	6,568,967	370,033	$1,382,000	5,556,200 [5]	1,384,785	5,184,183 [5]
Totals—Special Taxes	$133,719,000	$121,455,122	$12,263,878	$1,382,800	$132,336,200 [5]	$1,384,785	$120,070,337 [5]
Other Sources							
Interest on Investments	$4,919,000	$2,173,110	$2,745,890	$4,513,000	$406,000 [4]	$1,816,870	$356,240 [2, 4]
Interest on Treasury deposits in banks	355,000	330,424	24,576	355,000		330,424	
Charges for care of inmates in State Institutions	6,467,900	5,830,091	637,809	6,467,900		5,830,091	
Oil and mineral royalties:							
From State lands	8,345,000	6,888,378	1,456,622	2,371,500	5,973,500 [5]	1,965,000	4,923,378 [5]
From Federal lands, for Junior College Fund	1,500,000	1,955,189	—455,189		1,500,000 [5]		1,955,189 [5]
Interest, rentals, royalties, for School Fund	1,325,000	1,446,919	—121,919		1,325,000 [5]		1,446,919 [5]
Sundry departmental revenues	27,682,965	27,025,136	657,829	5,655,629	22,027,336 [5]	6,272,800	20,752,336 [5]
Miscellaneous	508,000	662,361	—154,361	508,000		662,361	
Totals—Other Sources	$51,102,865	$46,311,606	$4,791,259	$19,871,029	$31,231,836	$16,877,545	$29,434,061
Grand Totals—Revenues	$712,921,865	$789,275,478	—$76,353,613	$518,592,057	$194,329,808	$547,587,078	$241,688,400

[1] Revenue earmarked for Postwar Employment Reserve.
[2] Revenue for the Bond Sinking Fund of 1943.
[3] Including Corporation Income Tax.
[4] Reserve Funds.
[5] Special Funds.

NOTE.—Figures rounded to nearest dollar; may not add.

REPORT TO THE LEGISLATIVE BUDGET COMMITTEE ON THE 1945-47 BUDGET AND THE BUDGET BILL

"General Analysis of the California Budget for the 1945-47 Biennium"

By ROLLAND A VANDEGRIFT, Legislative Auditor

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Introduction

In previous sections of this report we have presented various phases analyzing the Governor's Budget for 1945-47. We have pointed out how far we believe it falls short of meeting the constitutional requirement for an Executive Budget. We have indicated by careful analysis of the Governor's Budget Message and his biennial message to the Legislature what the additional expenditures he has recommended will cost. We have pointed out how the actual expenditure program for the Biennium 1945-47 will exceed the Governor's Budget. We have analyzed the matter of the Governor's interpretation of uncontrollable expenditures and the differences we find from this interpretation, both as to constitutional requirement and continuing legislation. We have analyzed and explained the Governor's responsibility in relation to the Budget Document and the Budget Act or the Appropriation Bill. We have explained that the Legislature only enacts into law the Appropriation Bill, and the Budget has no effect or control other than what use the Governor and his Budget Staff choose to make. We have explained that the Appropriation Bill is the property of the Legislature and it can be made into any form the Legislature desires. We have explained how the controllable amount in the Budget, as viewed by the Legislature, is at least 50 per cent greater than can be considered controllable by the Governor. *We have given specific recommendations for legislative action on all of the above matters, where either economy or efficiency could be produced, or where we felt that the Legislature should exercise greater financial control.*

The following analysis of the Budget and the Budget Bill for 1945-47 is an analysis of these documents as presented to the Legislature by the Chief Executive. They cover the amounts as presented in these documents and it is not on the basis of our interpretation of what we feel they should contain. We are herein using the documents as presented to the Legislature and as they are before the several committees.

In making this analysis, we are following the items in the Budget Bills (Assembly Bill No. 500 and Senate Bill No. 294) which are identical bills. Since the Assembly Ways and Means Committee will be acting on the Assembly bill first, we are referring specifically to the sections in that bill, and not referring to the corresponding Senate Bill, so as to economize both time and space.

1. OVER-ALL ANALYSIS OF THE 1945-47 BUDGET

Budget Reaches All-Time High

The Budget totaling $683,710,643 is the highest in the history of the State. This represents an increase of $96,362,997, or an increase of 16.4 per cent over the actual and estimated expenditures for 1943-45 Biennium, but since the actual expenditures for 1943-45 will in our opinion be at least $15,000,000 less than the estimated and actual expenditures, the Budget really represents an increase of approximately $111,362,997 or 18.96 per cent increase over the actual expenditures for the current biennium.

We have previously pointed out that in this instance we are comparing the Budget for 1945-47 with the actual and estimated expenditures for the current biennium which not only include the additions to the original Budget made by the Regular Session of 1943, but also the additions made by the four special sessions. This is an increase of $219,763,638 or 47.3 per cent over the grand total of the original 1943-45 Budget as presented by the Governor. The Budget for 1945-47 exceeds the expenditures for the prewar Biennium 1939-41 excluding relief expenditures by $198,580,045 or 40.9 per cent.

The 1945-47 Budget calls for an expenditure for the biennium of an average of $81.01 for every man, woman and child in the State as compared with $74.15 for the 1943-45 Biennium for actual and estimated expenditures. When special appropriations are all in, this will be substantially larger.

The table on the following page summarizes the general upward trend in State expenditures for the biennial periods 1937-39 to 1945-47, inclusive. These have been reduced to a per capita figure and are particularly significant when we keep in mind that the 1945-47 is a Budget estimate while the figures for the prior bienniums are actual expenditures.

STATE EXPENDITURES FOR THE BIENNIAL PERIODS
1937-39 TO 1945-47 INCLUSIVE

Biennial periods	Population as of December 31 [1] Year	Number	Expenditures [2] Total	For unemployment relief	Amount after deducting unemployment relief	Percentage change in total amts. from 1937-39	Biennial per capita amounts
1937-38	1938	6,755,000	$528,227,629	$75,890,996	$452,336,633	xx	$78 19
1939-41	1940	7,000,000	562,248,252	77,118,297	485,129,955	6.4	80 32
1941-43	1942	7,510,000	510,229,122	1,980,640	508,248,482	—3.4	67 93
1943-45	1944	7,920,000	587,347,003 [3]	none	587,347,003	11.1	74 15
1945-47	1946	8,440,000	683,710,000 [4]	none	683,710,000	29.4	81 01

[1] Source: Governor's Budget for 1945-47, page A-8, for population figures from 1938 to 1941 inclusive, and State Reconstruction and Reemployment Commission for 1944 and 1946 population estimates. These two latter estimates represent the mid points between the high and low population estimates of the Reconstruction and Reemployment Commission.

[2] Sources: Governor's Budget Documents.

[3] Represents actual and estimated expenditures for the biennium ending June 30, 1945.

[4] Represents the grand total of estimated and proposed expenditures given in the 1945-47 Budget.

Preparation of the Budget

We have previously explained the procedure followed in making the Budget and the extent of participation of the Legislative Auditor. We believe that this cooperation aided in not only reducing the Budget but in a better distribution of expenditures. We wish to point out here, however, that many improvements can be made in budgetary procedure which will have the effect of not only improving the Budget and smoothing out irregularities but will also provide the Legislature with more complete information.

While this Budget for 1945-47 was prepared in the same manner as the previous one for 1943-45, this procedure leaves much to be desired in the evolutionary improvement in the budgeting of the State of California. We contend that California already has one of the best Budget laws, Budget documents and budgetary procedure. This, however, should be continuously improved. Following are suggestions for improvement:

(a) We believe that the actual sums appropriated by the Budget Act and subsequent special appropriations for the several departments and agencies of the State should be shown in the Budget Document so as to give actual comparisons and show savings and additions.

(b) Proposed expenditures for the Budget are based primarily upon the actual expenditures of the first fiscal year of the prior biennium and the actual and estimated of the second fiscal year. The actual and estimated expenditures of the second fiscal year are in general the annual budget allotments set up by the Department of Finance in their annual Budgets and generally they will be found to be in excess of the actual expenditures of the previous fiscal year. They do not show additions or savings that will undoubtedly be made during the actual expenditure program. The work load of the Department of Finance, Division of Budgets and Accounts, at this particular time reaches a peak and makes it impossible to refine these figures. As a result, the excesses in the actual and estimated figures for the second year of the current biennium are carried over into the Budget for the coming biennium. This has been continued in the 1945-47 Budget. We believe these estimates should be further refined and possible savings and other adjustments shown.

(c) As indicated in (b), proposed expenditures are based primarily on the expenditures and actual and estimated expenditures of prior fiscal years. Obviously under this arrangement past errors in expenditures are carried forward and generally perpetuated. The elimination of these errors is the exception rather than the rule. There is a continuous endeavor to eliminate them and, in some instances, this is accomplished for the budget of an entire function but it is not generally accomplished.

(d) Generally allowances for new personnel or new positions in the Budget for a given biennium are based primarily upon the number of positions existing in the immediate prior fiscal year at the time the Budget is being prepared. Seldom is there an analysis of the work-load or of just how many employees are really necessary. This is not always true. In some departments, such as Institutions, the work-load has been determined and has been used for many years in considering the Budget. However, under this general procedure a substantial

number of positions have been created shortly before the Budget preparation period and for relatively short periods of service and these are frequently continued without careful review as to their necessity over the entire biennial period. This condition will probably continue until individual reviews are made of the personnel needs and the work-loads in the several activities of the State. In preparing the 1945-47 Budget there was no really adequate comparison of the number and types of proposed personnel with satisfactory evidence in hand. There was a strict endeavor to hold down positions where vacancies had existed but this did not carry over generally where employees were on military leave.

(c) In the Budget for 1945-47 a particular problem in relation to personnel is apparent. Because of the war conditions, many of the positions shown as existing in the present fiscal year of the current Biennium (1944-45) are vacant and many of these have been vacant for a considerable time. In many instances they will not be filled. The increase shown for personnel for the Budget 1945-47 is likewise a Budget for positions. In this there are two possibilities that are uncertain. First, all of the existing vacant positions may not be filled as long as the war manpower stringency exists, and in fact, should there be greater demand on manpower, there may even be more vacancies. Likewise, these vacancies may extend over a longer period than anticipated in the Budget, this anticipation being for not more than the first fiscal year of the biennium. The second uncertainty is respecting returning military personnel to positions they formerly occupied. The Budget is set up on the basis that these will gradually return and that all of the positions of this nature will be filled for the last fiscal year of the biennium. It now appears that the war will extend longer than was estimated when the Budget was prepared. It also appears that the Army fighting in Europe will not be returning in any large proportions at the end of the war in Germany but will go on East and engage in the conflict against the Japanese. This will mean that no large body of military personnel will be returning until the war with Japan is over. The only exception will be those State employees in the military service that are discharged. While this is increasing, it will not include any large proportion of the military leave positions. It is now apparent that there is over-budgeting for the filling of these positions. For these two reasons, therefore, there is provision for more personnel in the Budget than will be available or apparently will be required.

There is also in many places in the budget the establishment of positions to provide for those persons put on during the war period who replaced employees on military leave so that these may be retained and the military personnel given positions when they return.

The Budget Committee has definitely gone on record that no positions above present occupied positions shall be filled for the coming biennium unless each and every position can be justified. To carry this into effect, and to produce a savings on personnel that will accrue because of vacancies and that should accrue where personnel is not required, and based on the further assumption that the services now rendered by the State

government in this period of war have been satisfactory on the whole to the people, we make the following definite recommendations:

1. That the Budget Document itself should in the future be made to show, in addition to the number of positions authorized, the number of actual vacancies for the total and for each class or position, and it should indicate each position that has been vacant more than 90 days.
2. It should likewise indicate those positions that have been created on a one time basis or for some special reason, such as positions created in the office of the Insurance Commissioner to make a one time survey of compensation insurance. Similar examples can be found in other departments.
3. We recommend for this Budget that the money required to continue positions authorized, but now vacant, through the coming Biennium 1945-47 be calculated for each department and agency, and likewise the amount of money required to provide new positions, including positions to be filled by personnel on military leave, and that this money be placed in a special fund. Provide that it cannot be spent by any department or agency of the State except for a position that has specifically been approved by the Department of Finance as necessary at the particular time when an employee can be secured to fill it. Moreover, that the specifications for this position shall not be changed so that the position is different than that which is required. Provide, however, that if new positions are authorized by the Department of Finance to completely replace other positions, that the money to pay them be allowed if in the opinion of the Department of Finance they are to perform substantially the work that was intended for a position set up in the Governor's Budget. It is, of course, expected that money for operations and equipment which will not be required for the reason that personnel was not employed, will likewise be saved by the operations of the Department of Finance.

(f) The preparation of the Budget has not been preceded by sufficient studies of particular programs and activities of the State with respect to their wisdom, efficiency and economy, and adequacy of organization. Some larger progress has been made in the last two years in this. We recommend that as an aid to effective preparation and administration of the Budget, there needs to be more continuous studies of the following:

1. The cost analysis of the several State functions, the operation of these functions and unit costs of services.
2. The adequacy of administrative organization and administrative procedure in different sections of the State service with a view of eliminating duplication and overlapping activities by different branches of the State service, as well as unnecessary and complicated procedure.
3. The use of materials and equipment, including automobiles, and cost analysis of travel expense for the different State agencies.

Such studies will build up a body of knowledge from which reasonably adequate yardsticks may be constructed, so as to measure the reason-

ableness of particular Budget requests. This will eliminate the present excessive reliance upon prior expenditures as a basis for budgetary action. Some States, notably New York, have already set up a good organization pattern for the initial phases of budgeting. Its budget agency includes a division of research and a management unit to aid the Budget experts. The research division makes continual studies of State operation with the object of improving methods and increasing efficiency.

Transition Budget From War to Peace

Just as the current Budget for 1943-45 is the first State Budget of World War II, a wartime Budget with many appropriations for war activity, the present Budget for 1945-47 is a transition Budget going from war to peace. However, since it is assumed that the war will last through the first fiscal year of the biennium, we have followed the principles set up by the Budget Committee that economies should still be carried on by every department of the State in order to continue to assist the war effort in every way. We feel that the activities of the several departments of the State should continue curtailment of spending throughout the war period, so as to assist in the war effort.

We have made recommendations in the following analysis in line with the Budget Committee's instructions to this effect.

No New Services Demanding Manpower

In the same spirit we have recommended against the establishment of any new services that will make a demand on manpower in general and that will in particular make a demand on such special services as nursing, medical and dental—where the armed services are in dire need of assistance.

Reduce Demand on Critical Material

We have also recommended against the additional use of critical materials, including paper, which will to a considerable extent interfere with the war effort. In reference to paper, we have recommended the cutting down of printing throughout the Budget, including a material reduction in the printing of free textbooks.

This is Item 79.5 in the Budget Bill and found on pages 784 and 785 of the Budget. It calls for a total appropriation for the biennium of $1,616,618 as compared with estimated actual expenditure for 1944-45 of $1,525,644. *We recommend that this be arbitrarily cut to $800,000 which will be equivalent to eliminating the entire expenditure for the first year of the biennium,* although we are placing in the Fiscal officers and the Director of Education the responsibility of determining whether this shall be entirely eliminated for the first year of the biennium or whether it shall be spread over the two fiscal years. This is a saving of $816,618.

In the analysis of the several agencies of the State we recommend further reduction in printing costs totaling $217,865 for the biennium.

We present herewith a schedule covering the expenditures for printing as presented in the Budget for 1945-47 for all of the agencies of the State. In the first column we show the actual expenditures for printing for 1943-44 with such exceptions as are explained in the footnotes. In the second column of figures we show the actual and estimated expendi-

tures for printing for 1944-45. It will be noted that in almost every instance there is a very large increase for 1944-45 over 1943-44.

In some instances it is clear that these increases are not based upon an analysis of the need of the agencies for printing. Furthermore, we have made inquiry into the actual amount that remains available in a number of these agencies for printing and we find that they have no commitments which will consume even a major portion of this sum. This is particularly true when we recognize that this biennium closes June 30, 1945, and the printing plant will be fully engaged between now and that date with legislative printing and in cleaning up a contract with the Federal Government. It will not be in a position to do much of the printing of the departments. Furthermore, there has recently been instituted a reorganization of the State Printing Plant which if carried into effect as proposed should result in a saving on printing for all of the State departments of at least 10 per cent, and in many instances it should be higher. In addition to this we have also examined the printing and the mimeographing over the past several years of several of the departments and agencies of the State and we are fully convinced that a considerable portion of it should never have been produced in the first instance. Secondly, a great deal of it could have been produced more economically both in the use of paper, the style, and the size. Frequently an excessive number of copies have been issued.

For these reasons we have recommended that a considerable saving be accomplished in printing and should be obtained for the Fiscal Year 1944-45. We have estimated this saving in the fourth column at $79,655. It is possible to exceed this.

In the fifth column we have shown the proposed expenditures for 1945-46 and in the sixth column our recommendations of allowances for this year. In the seventh column we show our estimated saving. This totals $110,370.

In the eighth, ninth and tenth columns we have done the same thing for the Fiscal Year 1946-47. The saving shown in the tenth column amounts to $107,495. *The total saving shown in the eleventh column for the biennium totals $217,865.* This is a saving of only 13.81 per cent. This can be accomplished entirely through more efficient operation and management of the State Printing Plant, and each department can secure everything in printing that it asks for in the Governor's Budget. A larger saving should be accomplished.

The total of our recommended expenditure for 1945-47 for printing for the departments exclusive of school textbooks and exclusive of those departments where we could not segregate it, and where we recommend that the Department of Finance in budgeting make such segregation in the future, amounts to $1,360,370. This is a slight increase over the total of actual and our recommended expenditures for the 1943-45 biennium amounting to $4,750.

We wish to point out that the recommended saving in printing for the departments is much less in proportion than was the reduction in the Governor's Budget for printing for the Legislature as compared with prior expenditures for it is almost $100,000 below previous experience.

STATE OF CALIFORNIA BUDGET

July 1, 1945, to June 30, 1947—Expenditure for Printing

Agency	(1) Actual 1943-44	(2) Estimated 1944-45	(3) Recommended 1944-45	(4) Savings 1944-45	(5) Proposed 1945-46	(6) Recommended 1945-46	(7) Savings 1945-46	(8) Proposed 1946-47	(9) Recommended 1946-47	(10) Savings 1946-47	(11) Total savings by agen. 1945-47
Governor	$1,350	$2,400	$2,400	---	$2,000	$1,500	$500	$2,000	$1,500	$500	$1,000
Lieutenant Governor	None	---	---	---	---	---	---	---	---	---	---
Legislature [1]	74,000	313,465	300,000	$13,465	---	---	---	300,000	300,000	None	---
Legislative Counsel Bureau	55	400	100	300	200	100	100	400	200	300	300
Supreme Court	500	600	500	100	600	500	100	600	500	100	200
Judicial Council	120	1,000	120	880	1,000	120	880	1,000	120	880	1,760
First District Court of Appeal	150	300	150	150	300	150	150	300	150	150	300
Second District Court of Appeal	145	400	145	255	400	145	225	400	145	255	510
Third District Court of Appeal	None	350	150	200	350	150	200	350	150	200	400
Governor	1,400	2,400	1,400	1,000	2,000	1,400	600	2,000	1,400	600	1,200
Codification Board (Code) [11]	None	40,000	40,000	---	15,000	15,000	---	5,000	5,000	---	---
Codification Board (Reg.)	None	None		---	5,000	5,000	---	5,000	5,000	---	---
State Employees Retirement System	800	700	700	---	1,200	700	500	800	700	100	600
State Personnel Board	3,150	3,550	3,150	400	4,300	3,150	1,150	4,300	3,150	1,150	2,300
Reconstruction and Reemployment Comm.	900	4,000	3,500	500	7,000	5,000	2,000	5,500	4,000	1,500	3,500
Secretary of State (Adm.)	4,150	3,800	3,800	---	4,500	3,800	700	5,000	3,800	1,200	1,900
Secretary of State (Elec. Pamphlets, etc.)	7,900	48,000	48,000	---	None	---	---	95,000	85,000	10,000	10,000
Secretary of State (Roster Public Officials)	3,350	1,200	1,200	---	1,500	1,500	---	1,500	1,500	---	---
Secretary of State (Collection Agencies)	400	500	400	100	600	400	200	600	400	200	400
Department of Agriculture	32,000	36,445	32,000	4,445	33,515	32,000	1,515	30,590	30,590	---	1,515
Corrections (Administration)	85	600	600	---	1,000	600	400	1,000	600	400	800
San Quentin Prison	5,200	3,500	3,500	---	3,500	3,500	---	3,500	3,500	---	---
Adult Authority	100	500	500	---	500	500	---	500	500	---	---
Adult Authority (Clinic)		150	150	---	1,800	1,500	300	1,800	1,500	300	600
Adult Authority Bureau of Parole	600	500	500	---	600	500	100	600	500	100	200
Youth Authority	2,900	7,300	6,500	800	10,130	6,500	3,630	9,830	6,500	3,330	6,960
Folsom Prison [15]											
Education Department	14,350	15,740	14,350	1,390	17,050	14,350	2,700	17,400	14,350	3,050	5,750
California State Library	3,200	3,600	3,200	400	3,600	3,200	400	3,600	3,200	400	800
Chico State College	1,600	1,750	1,350	---	1,650	1,350	300	1,750	1,350	400	700
Fresno State College	350 [12]	650	650	---	700	700	---	1,000	1,000	---	---
San Diego State College	1,200	1,575	1,200	375	2,200	1,200	1,000	2,840	1,200	1,640	2,700
Humboldt State College	550	650	550	100	650	550	100	650	550	100	200
San Francisco State College	1,200	2,375	1,200	1,175	3,000	1,200	1,800	3,600	1,200	2,400	4,200
San Jose State College	3,850	3,500	3,500		4,450	3,500	950	4,600	3,500	1,100	2,050
California Maritime Academy	250 [13]	800	800		500	500		500	500		
California Polytechnic School	400	1,445	1,445		2,500	2,000	300	2,700	2,500	200	500
Teachers' Retirement	1,050	2,500	1,050	1,450	2,500	1,050	1,450	2,500	1,050	1,450	2,900
University of California											
Hastings College [9]	290	300	300		300	300		500	300	200	200
Department of Employment [14]	12,600	7,755	7,755		15,000	15,000		20,000	20,000		
Board of Control											
State Controller [2]	17,400	27,340	22,500	4,840	27,230	22,500	2,730	29,930	22,500	7,430	10,160

STATE OF CALIFORNIA BUDGET—Continued

July 1, 1945, to June 30, 1947—Expenditure for Printing

Agency	(1) Actual 1943-44	(2) Estimated 1944-45	(3) Recommended 1944-45	(4) Savings 1944-45	(5) Proposed 1945-46	(6) Recommended 1945-46	(7) Savings 1945-46	(8) Proposed 1946-47	(9) Recommended 1946-47	(10) Savings 1946-47	(11) Total savings by agen. 1945-47
Board of Equalization [10]	$43,200	$51,970	$43,200	$8,770	$59,590	$52,000	$7,590	$54,635	$47,500	$7,135	$14,725
Department of Finance	3,500	4,800	4,800	---	5,200	4,000	1,200	5,600	4,500	1,100	2,300
Franchise Tax Commissioner [3]	48,000	42,200	42,200	---	49,000	45,000	4,000	48,200	45,000	3,200	7,200
Horse Racing Board	700	685	685	---	900	700	200	900	700	200	400
State Treasurer	975	600	600	---	850	850		850	850	---	---
Industrial Relations [4]	14,100	17,100	17,100	---	23,200	17,000	6,200	34,400	27,000	7,400	13,600
Institutions [5]	2,300	2,300	2,300		6,400	4,400	2,000	8,800	4,800	4,000	6,000
Department of Insurance [6]	5,500	7,000	5,500	1,500	12,000	9,500	2,500	6,000	5,500	500	3,000
Division of Banking	2,300	2,000	2,000	---	2,300	2,000	300	2,300	2,000	300	600
Division of Building and Loan	3,400	3,300	3,300		3,500	3,300	200	3,500	3,300	200	400
Division of Corporations	1,900	2,500	2,500		3,000	2,000	1,000	3,500	2,500	1,000	2,000
Division of Real Estate	7,650	5,000	5,000		5,000	5,000		5,500	5,500		
Department of Justice	5,050	5,800	5,050	750	5,950	5,050	900	5,950	5,050	900	1,800
Military and Veteran Affairs	4,100	5,900	4,100	1,800	4,900	4,100	800	4,900	4,100	800	1,600
Department of Motor Vehicles [6]	78,500	100,900	78,500	22,400	109,300	78,500	30,800	98,000	78,500	19,500	50,300
Natural Resources											
Division of Fish and Game	21,800	25,900	21,800	4,100	29,000	23,000	6,000	31,300	26,000	5,300	11,300
Division of Forestry	7,250	7,000	7,000		9,000	7,000	2,000	9,000	7,000	2,000	4,000
Division of Mines	775	800	775	25	1,500	775	725	1,500	775	725	1,450
Division of Oil and Gas	3,800	4,000	3,800	200	4,000	3,800	200	4,000	3,800	200	400
Professional and Vocational Standards [7]	22,200	23,830	23,000	830	33,400	23,000	10,400	27,000	23,000	4,000	14,400
Public Health [8]	27,880	29,850	29,850		34,450	30,000	4,450	34,450	30,000	4,450	8,900
Public Utilities (R. R. Comm.)	17,450	20,375	17,500	2,875	20,000	17,500	2,500	20,000	17,500	2,500	5,000
Public Works											
Division of Ports	225	275	225	50	275	225	50	300	225	75	125
Division of Architecture	400	450	450		900	500	400	900	500	400	800
Division of Highways	None										
Division of Water Resources	1,050	750	750		1,150	850	300	1,150	850	300	600
Water Project Authority	350	100	100		350	350		350	350		
Water Project Authority (Econ. Surv.)								4,190	3,000	1,190	1,190
Colorado River Board	1,050	3,140	1,050	2,090	1,000	1,000		1,000	1,000		
Reclamation Board	225	225	225		225	225		225	225		
Department of Social Welfare	11,000	11,075	11,075		11,585	11,000	585	11,585	11,000	585	1,170
Total for fiscal	$521,525	$913,750	$834,095	$79,655	$599,110	$488,740	$110,370	$979,125	$871,530	$107,495	$217,865
		521,525	521,525					599,110	488,740	110,370	or
Total for bienniums		$1,435,275	$1,355,620	$79,655				$1,578,235	$1,360,270	$217,865	13.81%

Total proposed expenditure for 1945-47 biennium $1,578,235
Total estimated expenditure for 1943-45 biennium 1,435,275

Total proposed increase ..... $142,960 or 9.96%

Total recommended expenditure for 1946-47 biennium $1,360,370
Total recommended and actual expenditure for 1943-45 1,355,620

Recommended increase ..... $4,750 or .343%

* Printing, stationery and postage.

Comment on Agency

	Actual 1941-1942	*Estimated 1942-1943*	*Actual 1943-1944*	*Estimated 1944-1945*
[1] *Legislature*	$98,855	$310,000 98,855	$73,925	$313,465 73,925
Actual and Estimated total for biennium		$403,855		$387,390

Although the actual and estimated expenditures for the above bienniums were in excess of the proposed expenditures for the 1945-1947 Biennium, we are recommending only the proposed amount—to wit: $300,000. This figure does not take into consideration any special session in 1945-46.

[2] *State Controller*

We find the largest increase in the following divisions:

Division:	*Actual 1943-1944*	*Estimated 1944-1945*	*Proposed 1945-1946*	*Proposed 1946-1947*
Accounting	$983	$7,500	$2,000	$8,500
Research and analysis	54	2,000	250	2,250
Inheritance and gift tax	2,970	3,200	5,800	4,000
Claims auditing and disbursement	7,980	10,000	10,000	10,000

Upon reviewing previous years, we find the following:

Actually spent—1939-1940	$15,845
Actually spent—1941-1942	25,705

We are recommending $22,500 for each of the next fiscal years.

[3] *Franchise Tax Commissioner*

Actual expenditure in 1939-1940 Fiscal Year was $22,200. For the 1941-1942 Fiscal Year it was $37,370. As the largest amount is in the Personnel Income Tax Division which will materially decline in the next two years, we recommend $45,000 for each of the next two years.

The expenditure for Personnel Income Tax Division as shown in 1943-1945 Budget is as follows:

Actual 1941-1942	*Estimated 1942-1943*	*Proposed 1943-1944*	*Proposed 1944-1945*
$34,714	$34,000	$38,500	$38,500

And in the 1945-1947 we find the following:

Actual 1943-1944	*Estimated 1944-1945*	*Proposed 1945-1946*	*Proposed 1946-1947*
$44,195	$38,500	$44,200	$38,500

[4] *Industrial Relations*

The increase caused mostly by the following:

Division:	*Actual 1943-1944*	*Estimated 1944-1945*	*Proposed 1945-1946*	*Proposed 1946-1947*
Industrial Accident and Prevention Bureau	$518	$2,000	$2,000	$2,000
Accident Statistics	131	500	1,950	1,950
Permanent Disability Rating Schedule	---	---	---	15,000
Industrial Welfare	548	---	3,405	---
Labor Statistics	3,060	5,000	5,000	5,000

It would appear that no increase over the 1944-1945 Estimated Expenditure of $17,000 (which is $3,000 over 1943-1944) should be necessary for 1945-1946. For 1946-1947 we recommend that the $15,000 for Permanent Disability Rating Schedule be cut to $10,000, thereby making the 1946-1947 recommended amount $27,000.

[5] *Institutions*

Increase caused by the following:

Division:	*Actual 1943-1944*	*Estimated 1944-1945*	*Proposed 1945-1946*	*Proposed 1946-1947*
Administration	$2,020	$2,000	$5,500	$5,500
Outpatient Mental Clinic (Includes printing and supplies)	New	New	600	3,000

It is our recommendation that Administration be cut to $3,500 for each year and that the Clinic be cut to $1,000 for 1946-1947. IF CLINIC IS NOT ESTABLISHED then funds are not to be used.

[6] *Department of Motor Vehicles*

The main increase is in the following divisions:

	Actual 1943-1944	*Estimated 1944-1945*	*Proposed 1945-1946*	*Proposed 1946-1947*
Registration	$51,600	$60,000	$75,000	$63,800
Drivers' Licenses	13,315	22,000	18,000	18,000

A review of previous annual expenditures does not show that any increase is necessary. We are, therefore, recommending for the next two years the same amount actually spent for 1943-1944 or $78,500 for each fiscal year.

[7] *Professional and Vocational Standards*

Principal increase in the following boards:

	Actual 1943-1944	*Estimated 1944-1945*	*Proposed 1945-1946*	*Proposed 1946-1947*
Contractor License	$2,688	$3,800	$6,300	$6,300
Nurse Examiners	1,483	1,700	4,700	1,700

Increases in each board due to printing new directory. The Contractors' Directory is sold for $10 per copy and nearly pays for itself—so why the increase. The Nurse Directory is claimed to be necessary for existing nurses for war work. We recommend the elimination of the increase in both instances.

[8] *Public Health*

The increase is general for all boards except for Emergency Maternity and Infant Care, which is as follows:

Actual 1943-1944	*Estimated 1944-1945*	*Proposed 1945-1946*	*Proposed 1946-1947*
$256	$3,000	$3,000	$3,000

We recommend for each of the next two years $20,000, which is the estimated expenditure for 1944-1945 and an increase of $2,120 over the actual expenditure of $25,850 for 1943-1944.

[9] *Department of Insurance*

The increase of $5,000 in 1945-1946 over 1944-1945 is believed to be for a manual. At the present time the department does not publish one. At the present time there is no standard manual or any they can recommend to applicants taking the examinations.

[10] *Board of Equalization*

Increase reflected in following Divisions:

	Actual 1943-1944	*Estimated 1944-1945*	*Proposed 1945-1946*	*Proposed 1946-1947*
Sales Tax	$25,770	$32,970	$34,390	$34,160
Research and Analysis	55	2,000	250	2,250
Valuation	1,205	2,700	2,400	2,400
Alcoholic Beverage Control (Tax Assessment)	810	1,200	1,800	1,800

As the 1941-1942 Fiscal Year actual expenditure was $57,460 (for the entire board) it appears as though the 1943-1944 estimate of $43,200 is low. We recommend $52,000 for 1945-1946 and $47,500 for 1946-1947.

We believe the proposed amount for Sales Tax Division, as shown above, is too high because of the certain decrease in returns during the next two years. Our reduction on the over all proposed amount is thereby reduced accordingly.

[11] *Codification Board*

If this agency is eliminated entirely, it will add another $20,000 to the proposed savings for the biennium.

[12] *Fresno State College*

As the 1943-1944 expenditure appears very low, we are recommending the full amount proposed for the next biennium.

[13] *California Maritime Academy*

We are recommending the proposed figures for 1945-1947 Biennium as it is doubtful if they will receive Federal aid.

[14] *Department of Employment*

These figures are not included in totals as this department is supported by Federal funds.

[15] *Folsom Prison*

They do not show any expenditure for printing. They do, however, show general office expense of $5,642, which compares to $2,038 appearing in like account for San Quentin Prison. It is presumed that printing is included in "general office" at Folsom. San Quentin shows printing separately.

[16] *Division of Highways*

They do not show any expenditure for printing. We are advised that this item is included in "general office" and no segregation kept on their books to show how much for printing. General office is reported as follows:

	Actual 1943-1944	*Estimated 1944-1945*	*Proposed 1945-1946*	*Proposed 1946-1947*
Central office	$39,275	$40,800	$42,000	$43,800
District offices	66,824	69,000	69,000	69,000
Contracts and right of way	1,190	1,200	1,200	1,200
	$107,289	$111,000	$112,200	$114,000

We recommend that the Department of Finance require more uniformity in keeping the records for the various accounts. Other divisions of Public Works keep and report a printing account. The Division of Highways does not report expenditure for automobile as such; this account is included with and reported under "equipment rental and depreciation."

State Has Not Curtailed Spending

The record clearly indicates that the State Government has not materially curtailed its spending to a wartime essential basis--in fact, the estimated total expenditures for 1943-45 are in round numbers $25,000,000 in excess of those for the prewar 1939-41 Biennium and over $59,000,000 in excess of the 1937-39 Biennium, when there was a huge unemployment relief expenditure.

Budget Increase Relatively More Than Stated

We have already stated that the Governor's Budget states that there will be an increase of $96,000,000 over 1943-45. This is an increase of 16.4 per cent. Despite the acute need for manpower by war industries and the induction of some 3,000 State employees into the armed services, there has been relatively little shrinkage in the number of State employees during the war. The peak employment by the State in 1941, just before Pearl Harbor, was 32,777. The total number employed by the State on December 31, 1944 was 26,990. The actual trends and the proposed additions in the Budget are shown by the following tables:

NUMBER OF CIVIL SERVICE AND EXEMPT EMPLOYEES
December 1936 Through December 1944

	Civil Service Employees				*Exempt Employees*				
Year	*Full Time*	*Part Time*	*Seasonal*	*Total*	*Full Time*	*Part Time*	*Seasonal*	*Total*	*Grand Total*
1936	17,026	1,744	1,088	20,455	1,823	760	33	2,606	23,061
1937	19,217	1,976	1,072	22,265	1,574	875	13	2,462	25,027
1938	22,040	1,528	1,257	24,795	2,069	783	31	2,883	27,678
1939	22,387	1,240	680	24,316	2,[illegible]	973	30	3,[illegible]	27,544
1940	23,475	831	1,854	25,160	2,325	1,581	31	3,937	29,097
1941	24,640	860	3,574	29,074	2,492	1,150	61	3,703	32,777
1942	21,459	1,072	1,667	24,148	2,306	1,154	153	3,613	27,761
1943	20,592	1,107	2,258	23,957	2,056	1,354	92	3,505	27,462
1944	20,857	1,108	1,727	23,752	1,944	1,230	67	3,238	26,990

THE CONTINUED UPWARD TREND OF STATE EMPLOYEES

	1943-44	Fiscal Years 1944-45	1945-46	1946-47
I. Budgeted Full Time Positions [1]				
1. Number of Full Time Positions reported as authorized in the 1945-47 Budget	23,333	24,578	25,937	27,452
2. Increase in authorized positions over number for 1943-44				
A. Number	-----	1,245	2,604	4,119
B. Per cent	-----	5.3	11.2	17.6
3. Increase in authorized positions over number for 1944-45				
A. Number	-----	-----	1,359	2,874
B. Per cent	-----	-----	5.5	12.3
II. Increase in Full Time Jobs Permitted by the 1945-47 Budget over the Number of Occupied Positions Reported on December 31, 1944 [2]				
A. Number	-----	-----	1,835	4,317
B. Per cent	-----	-----	9.9	23.2

[1] 1945-47 Budget.

[2] Sources: 1945-47 Budget and a letter from the State Personnel Board of February 13, 1945. The calculations on which these figures are based exclude employment, statistics of the University of California, the Division of Highways, the Governor's Office, and the Lieutenant Governor's Office. These agencies were excluded to secure comparability between the employment statistics reported in the Budget and by the Personnel Board. The exclusion of these agencies substantially understates the expansion in personnel that would be permitted by the 1945-47 Budget as at least one agency, the University of California, has additional positions budgeted for the coming biennium.

This relatively minor decline in the number of State employees during the war for California contrasts very markedly with the decline of one-third in the number of State employees for Pennsylvania between 1939 and November, 1943.

It appears now that the demand for manpower for the war effort will continue over a longer period of time than has been assumed in the Budget. The failure of the California State Government to fully coordinate its spending and its personnel policies with the needs of the war effort as they have and now exist are illustrated definitely by the following:

> At the time of the presentation of the 1945-47 Budget to the Legislature, which document contained recommendations for the filling of 442 new positions including 40 for nurses for the State hospitals for the mentally ill, the press of the State reported that because of the acute shortage of nurses eleven general U. S. Army hospitals were arriving in the European war zone without a single nurse. One Army hospital with 3,000 wounded patients had only 74 nurses. This represented a ratio of 40 patients per nurse. This number was subsequently cut to 53 nurses for 3,000 patients.

Impact on Manpower

In our report to the Legislature which appeared in the Senate Journal of March 20, 1943, page 663 under the discussion of the impact of manpower of the State on the war effort, we made a statement which we again wish to call to your attention and to reiterate. It is as follows:

> "It should also be recorded here in the beginning of our report that the full impact of the demand for manpower has not been felt

in State employment and that little or nothing has been done to actually cut down the number of employees in order to effectively assist in releasing manpower."

The actual and estimated number of State employees budgeted for all funds for the biennium ending June 30, 1943 was 26,944. The number provided for in the 1943-45 Budget was 26,102, a reduction of only 842.

The total amount for salaries and wages actual and estimated for the biennium of 1941-43 was $110,607,544. For the Budget 1943-45 it was placed at $115,769,115, an increase of $5,161,570. The actual and estimated turned out to be $109,658,975 or a slight decrease of $948,569 for the reason manpower could not be secured—not because there was not an effort to get it. The same figure for salaries and wages for the Biennium 1945-47 is placed in the budget at $130,608,616, an increase of $20,949,641,[1] an increase of 19.1 per cent over the actual and estimated for 1943-45. This is despite the fact that two organizations, the War Council and the Farm Production Council, received appropriations for the 1943-45 Biennium—as shown on pages 23 and 83 of the 1945-47 Budget, and are entirely omitted for 1945-47. This shows the War Council had an average of 43 employees and the Farm Production Council with an average of 141 employees, a total of 184, which are omitted entirely in the 1945-47 Budget.

The Budget for 1943-45 made a considerable allowance for vacant positions and it turns out that the estimate was about correct. In the Budget hearing for 1943-45 the Legislative Auditor repeatedly urged that greater reductions be made in the State's use of manpower so as to release more manpower for the war effort.

Salary Savings Made in 1943-45

We felt then that the salary saving item in the Budget Bill was not as high as it should be placed. As a result of our insistence, a special item was placed in the Appropriation Bill, Chapter 62, of the Statutes of 1943, setting up a Salary Restoration Fund—Item 229 in the Budget Act, in the amount of $2,500,000. According to the Budget for 1945-47, page 778, only $658,187.15 was allotted from this fund between July 1, 1943, and November 30, 1944, leaving on December 1, 1944, a balance of $1,841,812.85. Although there were seven months more of the biennium to go, it is believed at least a million and a half dollars will remain unspent in this fund at the close of the biennium.

Larger Salary Savings Possible 1945-47

We feel that the conditions which will exist in the Biennium 1945-47 are again so uncertain that the process used in the Appropriation Act of 1943 in this respect can be repeated. *We recommend that an item be included for a Salary Restoration Fund in the amount of $3,000,000 to be deducted from all appropriations for salaries from the General Fund and to be set up on exactly the same terms as provided in the 1943 Appropriation Act.* We believe that this fund can very readily be placed at $3,000,000 because of the increased pay scales that have been established during the current biennium. If this procedure is not followed, it is recommended that a more drastic policy be followed

[1] $4,394,021 is from special funds.

by the Legislature by increasing the salary savings throughout the Budget by the sum of three and a half million dollars and that this sum be eliminated from the Budget by this process on an allocation to be made by the Department of Finance.

For the current Biennium 1943-45 the salary savings have already been accomplished for the First Fiscal Year 1943-44, and the net result is shown in the column of actual expenditures for salaries and wages. For the Second Fiscal Year, 1944-45, the item of salary savings has been entered and the total of these items in the Budget for this one year is $3,282,000. The total of the salary savings for the two fiscal years of the 1945-47 Biennium totals $2,559,000. This you will note for the two years is approximately only two-thirds of the salary savings for the one prior year. From these figures it will be seen that our recommendation to increase the salary savings for the biennium by the sum of three and a half million dollars is conservative and the three million dollars for Salary Restoration Fund is even more conservative.

We are moved to make this recommendation not only because of the continuance of the war as is estimated in the Budget, but also due to the fact that recent changes in the requirement for the production of more war material and the apparent decision of the military strategists to move our armed forces in Europe at the end of the war with Germany by the way of the East to engage in the war with Japan. In the meantime there will move from the United States by the way of the Pacific the most modern arms and equipment to re-equip this veteran force from the European theatre of war. This procedure will continue to drain the manpower for longer than was formerly anticipated but will probably result in ending the war with Japan quicker than otherwise would have been the case.

Salary Savings Direct Reduction in Appropriation

In our report of March two years ago we stated that "in light of recent developments and the probable impact of the war on manpower, it is believed that an additional salary savings of 5 per cent can conservatively be expected. Our appropriation for salaries should accordingly be reduced this additional 5 per cent and this sum added to the item for salary savings already indicated. If the appropriation can be reduced accordingly throughout the Budget, this would result in a reduction in General Fund expenditure of $3,013,000 and a reduction in special funds of $2,775,000." *We believe that we can reiterate this statement with confidence that it will be demonstrated by the actual facts—but we recommend the increasing of the savings to $4,800,000 for the General Fund and $1,600,000 for the special funds.*

The following schedule compares salaries for the two bienniums:

SALARIES AND WAGES BUDGET
1943-45 vs. 1945-47 Biennium

	1943-45	*1945-47*
Special funds	$ 28,313,000	$ 33,090,000
Saving at 5 per cent	1,415,650	1,654,500
Net	$ 26,897,350	$ 31,435,500
General funds	$ 81,345,975	$ 97,518,616
Saving at 5 per cent	4,067,298	4,875,930
Net	$ 77,278,677	$ 92,642,686
Total (General and Special) for the biennium	$109,658,975	[1] $130,608,616
Saving at 5 per cent	5,482,948	6,530,430
Net	$104,175,027	$124,078,186

[1] Increase 1945-47 over 1943-45—Up $20,949,641 or 19.10%

Salaries not included in the Budget (revolving fund, etc.)	$6,809,000	$7,475,000

Source: Department of Finance, 3-13-45.

Alternate Method of Controlling Both Salaries and Wages and Personnel

An examination of the Budget for 1945-47 shows an increase of personnel particularly for the second year, 1946-47, of the biennium. However, there is some material increase for the first year, 1945-46. It must be understood that in considering personnel both for the current biennium and the budgeted Biennium, 1945-47, we are actually considering positions. Many of them may be vacant and in fact in the Department of Institutions they have currently 502 vacant positions. In budgeting when these positions are continued, it is expected that they will be filled. When new positions are established there is also the expectation that they will be filled. In addition, we now have a complicated situation due to the possible return of State employees on military leave. They are entitled to their old positions, and will replace other employees who are occupying these positions. There is a disposition to keep present employees as well as the returning military leave personnel.

Since it appears that the war will continue for a longer period of time than was anticipated when the Budget was drawn up, there are a number of definite uncertainties as respects personnel. The following conditions probably will prevail: There will be more vacant positions than has been estimated; it will be impossible to secure competent personnel to fill new positions; persons on military leave may not return in the numbers anticipated; it may not be necessary to fill all of the positions anticipated if there is not a return to peacetime conditions in the second year of the biennium.

These many unknowns cause us to suggest another procedure both for the control of personnel and the control of salaries and wages so as to save that which is not spent under these conditions. We believe that this can be accomplished by amending the Appropriation Bill to accomplish the following purpose.

Purpose of Amendment

The purpose of this amendment is definitely to sequester or set aside in a special fund all of the money required to continue through the

Biennium 1945-47 the following three classes of personnel designated below, and to provide that none of this sequestered money may be spent until each individual position is filled. Such positions shall not be filled except with the express approval of the Department of Finance, or some other qualifying agency, for each position, and the Department of Finance or other qualifying agency, when it approves the necessity of filling such position, shall report to the members of the Legislature and to the Legislative Auditor the reasons supporting the granting of the necessary funds for paying the salary of said position.

Should any of these positions so established again become vacant, the money previously allocated therefor shall be returned to the special fund established and the same procedure followed in again refilling such vacant position. The fund set up shall be similar to the Salary Restoration Fund provided in Item 229 of AB No. 1600, Chapter 62, Statutes of 1943.

There should also be an expression of the Legislature establishing legislative intent to the effect that the same procedure shall be followed in respect to all special funds where budgetary control is exercised by the Department of Finance. In fact, such instructions should be given so that there will be a uniform policy throughout the State service.

The classes of employees for which salaries and wages shall be deducted to make up the above mentioned special fund are as follows:

1. Those positions that are now vacant in the several departments and agencies of the State for the 1944-45 Fiscal Year and which positions are carried forward into the 1945-47 Budget.
2. All new positions which are established for the 1945-47 Biennium, and so designated in the Governor's Budget, and for which an appropriation is approved by the Legislature.
3. All positions that are to be filled by State employees now on military leave for which funds are appropriated and which positions are temporarily vacant or are being now created.

Suggested Amendment to the Budget Bill

The Budget Bill, Assembly Bill No. 500 or Senate Bill No. 294, can be amended to make the above suggestions effective. It will probably be wise to set up the entire Budget Bill designating the three categories of expenditures as mentioned in the Governor's Budget Message, and as previously provided in Assembly Bill No. 1800, Chapter 600, Statutes of 1941. These schedules are: (a) salaries and wages; (b) operating expense; (c) equipment.

Amendment to Assembly Bill No. 500 or Senate Bill No. 294

Assembly Bill No. 500 or Senate Bill No. 294 is to be amended by adding a new item, numbered 281, as follows:

> Item 281—For Salary Restoration Fund for the payment of salaries and wages to be allocated on the authorization of the Department of Finance (or some other agency)[1] to each State officer, department, board bureau and other State agency, including The Regents of the University of California, in augmentation of the respective appropriations for the support of each for the Ninety-seventh and

[1] We use Department of Finance, but some other allocating agency may be established.

Ninety-eighth Fiscal Years in an amount for each thereof not in excess of the amount shown in the schedule for each item of appropriation under subdivision "Salaries and Wages" and entitled "Salary Restoration Fund"—which total sum has been arrived at by calculating the cost of filling positions now vacant and the salary adjustment credited thereto for the Biennial Period 1945-47 and also the sum necessary for new positions and for the filling of all positions by persons now on military leave, as provided in that certain document entitled "State of California Budget for the Biennium July 1, 1945 to June 30, 1947, Ninety-seventh and Ninety-eighth Fiscal Years, submitted by Earl Warren, Governor, to the California Legislature, Fifty-sixth Session and as amended by the Budget Act of 1945 ----------$------"

To receive an allocation from the Salary Restoration Fund, an officer, department, board, bureau, commission or other State agency, including The Regents of the University of California, shall prove to the Department of Finance that it has personnel in number and class provided in such document sufficient to require the allocation authorized to be made by this item and it shall demonstrate to the satisfaction of the Department of Finance that it is necessary and desirable to fill said positions; and it shall substantiate by presentation of such information as the Department of Finance may require. The Department of Finance shall certify that this condition exists as respects any officer, department, board, bureau, commission or other State agency and the authorization of the Department of Finance allocating funds to any department from the Salary Restoration Fund shall be sufficient evidence for the Controller to transfer said funds.

Should such position or positions become vacant and remain so for a period of 90 days, the unused portion of said funds shall revert to the Salary Restoration Fund.

The Department of Finance shall submit to each member of the Legislature and to the Legislative Auditor not later than the fifteenth day of each month a report on all authorizations given pursuant to this section during the preceding month. The report shall contain such information regarding such authorization as shall be sufficient to apprise the members of the Legislature and the Legislative Auditor as to the reasons and necessities therefor.

It is suggested that the Legislature express its intent to apply the same control to special funds and to expenditures from continuing legislation—which are not, of course, in the Budget Bill. We suggest this should be done by resolution expressing in general the following:

WHEREAS, The Governor's Budget for the Biennium 1945-47 recognizes that this period will be one of transition from war to peace and it is, therefore, impossible to estimate the personnel that will be available for the several departments of the State or the number of State employees who may return from military leave; and

WHEREAS an amendment has been placed in the Budget Bill—Assembly Bill No. 500, as Item 281—setting up a Salary Restoration Fund, which applies to all appropriations for salaries and wages appropriated by this act; and

WHEREAS, This only represents a fraction of the entire Budget as presented by the Governor to the Legislature for the Biennium 1945-47 and, therefore, there is a large expenditure of the State for other purposes where personnel is employed where similar conditions will prevail; be it therefore

Resolved by the Assembly, That it is the legislative intent that such controls be applied by the Department of Finance to the expenditure of all such funds for salaries and wages for the Biennium 1945-47 and it is the expectation of the Legislature that identical budgetary controls be applied by the Department of Finance in the expenditure of all funds—General, special and fixed charges—for the employment of personnel in exactly the same terms as provided in said Item 281 of the Budget Bill for 1945-47.

Other Savings Resulting From Personnel Reduction

It is the intention of the Legislature that when salary savings are made effective that comparable savings which result when personnel is not employed should accrue in the other categories of the schedules as provided in the Budget Bill, i. e., operating expenses and equipment, wherever such appear in the Budget Bill and for each and every department and agency where appreciable savings have been made on the basis of personnel and in conformity with the provisions of Item 281.

A Transition Budget to Peace Eliminates War Agencies

The transition from war to peace should mean the elimination of as many wartime activities as is possible.

War Council

The Governor has not included in his Budget any item for the continuance of the War Council. *We recommend that it be immediately abolished, effective as early in March as is possible and the then remainder of the money appropriated for this service should be reverted to the General Fund; the property and records to be turned over to the Department of Finance and this organization to be completely liquidated;* if it is necessary to retain any of the services performed that they be specifically assigned with the necessary financial support to the regular departments of the State Government that can perform them.

This body replaced the State Council of Defense of 1941-43 and it was promised as an economy body but its actual costs exceed that of the body it replaced. The need that might have developed appears to have disappeared.

Farm Production Council

We recommend that the Farm Production Council be continued only through the farm labor season of the Year 1945 and that no new money be appropriated for it, but that it be allowed to expend so much as is necessary of the money already appropriated and budgeted for it, and that it be allowed to expend the receipts received from the sale of property and supplies, including the proceeds from the sale of the Ryde Camp.

We furthermore recommend that this camp be sold as soon as possible.

We recommend that strict budgetary control be exercised over the operation of this organization, as was provided in the Appropriation Bill passed by the Special Session of the 1943 Legislature. We recommend that when the 1945 farm labor season is closed that unless there are the most compelling reasons that labor problems cannot be solved by other means that this organization be liquidated and any surplus funds be reverted to the General Fund, the property and records to be turned over to the Department of Finance for the purpose of liquidation.

The council has two outstanding liabilities in connection with the use of the fair grounds at Tulare and Stockton of possibly $250,000 or more. These should be settled at once.

Evidence is accumulating that some relief in the labor situation is under way. The Department of Employment has had an increasing number of beneficiaries appearing on the weekly roll since January, 1944. The number has increased in the past month from 16,000 to 20,000. While this is not a significant number, it is indicative of the trend—which will be greatly accelerated with any slowing down in war industries. Employees in manufacturing have declined 184,000 since January, 1944.

State Guard

We recommend that the State Guard be held to its present established size, with an emphasis on quality and efficiency. This organization is a substitute for the National Guard during the war activity and should be maintained in the same relative status until the National Guard is re-established; or until, perhaps, the State Guard becomes fused with the National Guard. Further detailed recommendations concerning this will be given under the item of appropriation for the State Guard.

We have found in our investigation of this agency an inexcusable slackness in accounting for property. We recommend that this be corrected at once and report that General Hansen, Adjutant General, is making progress in doing this. Some more staff may be necessary to adequately account for all property. Legislative enactment to require proper records and accounting have been introduced into the Legislature.

We also recommend that the law be changed so as to require an audit by the State Department of Finance of all expenditures and that budgetary control of expenditures be set up by the Department of Finance for all funds and property controls for all property the same as is established for other State departments. This should include a full inventory and accounting not only for State property but for Federal property where there is any State responsibility.

The present shortage in property and the overpayment on Federal property which has been subsequently located should be settled equitably as soon as possible.

We also recommend that all surplus and unneeded property held by the State Guard be disposed of as soon as possible. The armories and warehouses where much of this is located should be inventoried, this surplus property disposed of, and remaining property put in order. In this connection, we further recommend that any surplus property which is surveyed by the Guard and found to be unserviceable or not required shall not be disposed of until approval is secured from the

Department of Finance and wherever feasible the liquidation facilities of the Department of Finance shall be used for the disposal of such property.

A bill has been introduced into the Legislature by the Budget Committee to provide the above suggested remedies and with some minor amendments is acceptable both to the Adjutant General and the State Department of Finance.

Other Wartime Services

Wartime activities and services in the other State departments should be closed out as rapidly as possible and these purely wartime services should not be continued as peacetime activities unless specifically acted upon by the Legislature. This includes:

The Fire Disaster Pool in the Division of Forestry.

The wartime activities of the Division of Real Estate, functioning to control unfair practices due to housing shortages resulting from the war.

Many other wartime activities of the several departments concerned will be taken up when these Budget items are specifically studied.

We wish to emphasize here that in this transition the services established purely as wartime activity should end with the termination of hostilities. Specifically, *the wartime salary bonus for State employees paid as a wartime salary bonus to meet the increased cost of living should disappear and the salary scale should be modified by the Personnel Board so as to be kept comparable with salaries paid for like positions in private enterprise and other governmental service, as the law requires.*

No provision has been made in the Budget in relation to this item, the failure to do being contrary to the Budget assumptions that the war would end during the Biennium. This failure is due to the fact that a further assumption is made in the Budget that the present costs of living and the present scale of salaries in private enterprise will prevail throughout the biennium. We maintain that if the war ends and there is a closing down of wartime industries in California, that there will be a reversal in the labor market and it will—at least for a time—become an employers' market rather than an employees' market. If salaries go down materially in private enterprise there is an obligation on the State Personnel Board to make determination of the facts and reduce State salaries accordingly. This could produce a material salary saving which should be impounded and revert to the surpluses.

Wartime Prices for Commodities Maintained

The allowance for the prices on commodities for the several departments in the Budget have been continued at current prices. It appears probable that these prices will be maintained during the first year of the biennium. It is probable, however, that at some time during the biennium surplus war materials will be available to the State in relatively large quantities and undoubtedly at reduced prices. Some such materials have already been purchased at a material savings.

There may also be a current overproduction of many commodities the State buys, particularly in food commodities. If this should take place there should be material saving in the amounts budgeted on the basis of the continuation of current prices.

It is recommended that some provision be made in the Budget so that such savings, if they occur, can be captured and retained for the benefit of all taxpayers of the State.

Capital Outlay May Be Cheaper—Savings Possible

There is, with the exception of highways, an overly large sum set up in the Budget for capital outlay, including highways, the total being $58,612,598. It is admitted in the Budget that this figure is some 33⅓ per cent higher because of wartime prices. In other words, the same structures and buildings could be secured for approximately two-thirds of this sum based on prewar prices.

It is recommended that construction of the proposed buildings be postponed wherever it is at all feasible, not only to the second year of the biennium but certainly until after the war is ended and the effect thereof on labor and materials be ascertained. It may be possible for a large saving to be made through this procedure.

The capital outlay program requires some further analysis. The 1943-45 Budget of the Governor proposed only $803,255 in capital outlay from the General Fund. The actual and estimated expenditure from this fund for 1941-43 was $8,479,945 showing a Budget reduction for 1943-45, of $7,676,690. Actual expenditure for 1937-39 Biennium was $17,290,539 and for 1939-41, $7,125,955. The budgeted amount for 1941-43 for capital outlay from the General Fund was not out of line. That budgeted for 1943-45 was far below average and it made the Budget appear smaller.

The comments of the Budget Committee in their report, Senate Journal of March 20, 1943, page 668, were pertinent then and now. They said:

> "Anyone familiar with State institutions, colleges, schools and prisons recognizes that a suspension of capital outlay for any biennium does not eliminate the need for the expenditure but merely postpones it. Therefore, while there is a reduction in expenditures for capital outlay resulting in an actual smaller Budget for a particular biennium, it is not a reduction in expenditures in the same way as is a reduction in operating expenses. It is merely a postponement. The question certainly can be raised if a reduction in capital outlay in any sense represents a true economy in government if the objects of the capital outlay are in fact needed and desirable."

The results for 1943-45 were different from the Budget and in fact the actual estimated expenditures turned out to be much larger than the average normal capital outlay of the State, and the largest expenditure for many bienniums.

The Budget for 1943-45 called for $803,255 from the General Fund for capital outlay. The actual and estimated turned out to be $22,569,263*. This was added by special appropriations in the regular and special sessions.

A comparison of total capital outlay from all funds for the current 1943-45 and Budget Bienniums are as follows:

*Postwar Construction Fund considered as General Fund.

CAPITAL OUTLAY ALL FUNDS
1943-45 and 1945-47

Departments	*Actual and Estimated 1943-45*	*Estimated and Proposed 1945-47*	*Increase or Decrease*
Agriculture	$850,636	$14,460	—$836,176
Corrections	395,072	514,227	— 119,155
Education	1,590,823	1,244,183	— 346,640
Fiscal Affairs	1,664,957	1,852,600	187,642
Institutions	858,612	932,748	74,736
Military and Veterans Affairs	62,532	107,880	45,384
Natural Resources	635,491	1,262,095	626,604
Public Works	27,688,858	38,517,457	10,828,703
Postwar Construction Fund	8,252,678	14,166,842	5,914,164
Total	$41,999,059	$58,612,598	$16,613,539
Special Funds	5,878,117	41,543,258	
General and Postwar Emp. Res.	$26,120,942	$17,069,340	
Postwar Emp. Reserve	3,551,678	13,266,842*	
General Fund	$22,569,264	$3,802,498	

*$798,322 for plans included in this figure is already appropriated by Chapter 20, Stat. 1944.

Capital Outlay for Postwar Construction and Postwar Employment Reserve

It is proposed to expend $8,252,678 for postwar construction during the Biennium 1943-45, see page 762 of Budget 1945-47. We do not believe that more than a small part of this can be spent this biennium. We are of the opinion it will be probably necessary to carry this over to 1945-47 for expenditure. We are in accord with this procedure for all of the items are set up by legislation, passed at the 1943 Special Session with the safeguards of the Property Acquisition Act.

The amounts spent in 1945-47 from the 1943 appropriation *will make the Budget for this biennium larger.*

Items 251, 252 and 253 of the Budget Bill of 1945-47, page 23 and page 763 of the Budget, propose to spend $900,000 for sites as listed below under the Property Acquisition Act.

Item 251. Site for Department of Corrections Young Offenders	$300,000
Item 252. Site for Corrections Insane, Criminals, etc.	300,000
Item 253. Site for Corrections Medium Custody Institutions	300,000
Total	$900,000

We recommend these items be allowed in the Appropriation Bill. The sites are necessary and ample safeguards are placed around the purchasing procedure.

The Legislative Auditor has spent many days studying the whole Postwar Building Program and has worked continuously with the Director of Finance, Mr. Dean, as a member of his working committee on this matter. The study and care in formulating this program is the most comprehensive and intelligent procedure ever brought to bear to plan for the building needs of the State.

Items 254 to 274 inclusive of the Budget Bill, pages 23 to 25, and pages 762-766 of this Budget, provide for the expenditure of $12,468,520 from the Postwar Employment Reserve.

These items are all considered as emergencies in the Budget. *We have previously recommended that each item be reviewed by the Legislature to determine this, and if any are not so found to be emergency, they be postponed for the biennium. This is made for the reason that this construction probably will cost at least 33 to 40 per cent more now than it will when unemployment relief is necessary.*

We also recommend that the items determined to be emergency be provided for by appropriations from the General Fund in that these expenditures are not determined to be necessary or helpful for unemployment relief.

Details for each of the above items, all expenditures proposed from Postwar Employment Reserve, and our recommendation for each is shown in the following schedule:

Item	*Department*	*Budget Page*	*Purpose*	*Amount*	*Recommendation*
254	Agriculture	762 and 764	Plant quarantine stations	$163,150	Delay to end of war with Japan or end of biennium.
255	Agriculture	762 and 764	Minor construction	40,000	General Fund — Soon as material is available.
256	Corrections	762 and 764	Major construction and improve-provements	1,080,500	$525,500—Kitchen, etc.—At once from General Fund. $555,000 — Segregation buildings, shops—Delay to end of war or to next biennium or build own labor.
257	Corrections	762 and 764	Major construction and improvements	106,000	New reservoir—General Fund—1946-47.
258	Corrections	762 and 764	Major construction addition	99,000	Supplement $262,000 for housing 300 prisoners *at once* from General Fund, but only so much thereof *as necessary if use own labor.* Balance to revert. More capacity will cut unit overhead costs.
259	Corrections	762 and 764	New intermediate prison	4,615,000	Postpone to end of war with Japan or end of biennium. Get site this biennium.
260	Corrections	762 and 764	Minor construction and repair—Allocated by Department of Finance	250,000	From General Fund—Now.
261	Corrections—Youth Authority	762 and 764	Minor construction — Youth Authority. Allocated by Department of Finance	100,000	From General Fund—Now.
262	Education—Deaf School	762 and 765	Two dormitories	468,000	$234,000 from General Fund, 1946-47—$234,000 postpone to end of war or end of biennium.
263	Education	762 and 765	Minor construction—Allocated by Department of Finance	250,000	General Fund—Now.
264	Institutions—Agnews	762 and 765	Ward bed—Annex replace wooden cottages—400 patients	585,000	Postpone to end of war or end of biennium.
265	Institutions—Camarillo	762 and 765	Two units attendants' quarters	299,000	Recommend from General Fund—Do as soon as possible—Care for 700 patients. Overhead costs be reduced.
266	Institutions—Napa	762 and 765	Two groups of ward buildings	1,371,670	New boilers—Allow from General Fund in sum of $45,000. $538,000 from General Fund for 1946-47 for one ward building. Hold remainder, $788,670, to end of war with Japan.

Item	Department	Budget Page	Purpose	Amount	Recommendation
267	Institutions—Norwalk	762 and 765	Ward bed—Infirmary—Men	$119,600	General Fund as soon as material available—75 men.
268	Institutions—Stockton	762 and 765	Three ward buildings—Women	1,021,600	Allow $200,000 from General Fund as soon as material available to complete sum for female ward for $500,000—$821,600 postpone to end of war or end of biennium.
269	Institutions—Pacific Colony	762 and 765	Two ward buildings	286,000	Ward building for 200 patients. Allow General Fund as soon as can be built.
270	Institutions	762 and 765	Minor repairs—Allocated by Department of Finance	500,000	Allow now, General Fund, allocated by Department of Finance.
271	Military and Veterans—Veterans Home	762 and 766	Mess hall, hospital wing, convalescent barracks	748,000	Allow from General Fund at once $150,000 to supplement 1941 appropriation mess hall and $364,000 for convalescent barracks—Hold $234,000 until end of war.
272	Military and Veterans—Veterans Home	762 and 766	Minor construction	100,000	Allow from General Fund allocated by Department of Finance.
273	Division of Forestry	762 and 766	18 barracks @ $12,000 each	216,000	Allow 10 *@* $12,000—$120,000 from General Fund. Hold $96,000.
274	Division of Forestry	762 and 766	Minor construction	50,000	Allow from General Fund allocated by Department of Finance.

Total of Items 254 to 274	$12,468,520
Total recommended for immediate appropriation from General Fund	4,376,100
Total allocation recommended from Postwar Employment Reserve to be spent during biennium only if war ends with Japan and if material control ends	8,092,420

We recommend that the several items as listed in the preceding schedule in the sum of $4,376,100 be appropriated from the General Fund for the agencies as indicated, and they be placed in the items for the several agencies in their proper place in the regular order in the Budget Bill.

We are not here at this time passing on the correctness of the amounts for the objects desired. We believe that they are ample and include some 30 per cent allowance for present prices above prewar prices. If prices go down savings should be made.

The capital outlay actually available for expenditure during the Biennium 1945-47 with this reduction will exceed the State average for normal times. The carry-over from prior appropriations, going back to as far as 1937 and particularly the unexpended amounts from 1941-43 and 1943-45 bienniums, exceed $7,000,000 and the amounts included with the regular appropriation items for the agencies in the Budget Bill bring this up to close to twice the normal average expenditure for capital outlay.

We reserve for further consideration the capital outlay in the regular items for the agencies in the Appropriation Bill, and will make recommendation when analysis of these items is presented.

We also recommend that the several items as listed in the preceding schedule in the sum of $8,092,420 be appropriated from the Postwar Employment Reserve for the agencies as indicated and the money for these items be available during the biennium only if the war with Japan ends and control of necessary material ends. Otherwise provide that reconsideration and reappropriation is required to spend this money subsequent to January 30, 1947, when the next Regular Session of the Legislature can review the whole problem of expenditure from the Postwar Employment Reserve.

These recommendations if followed will have the effect of reducing the General Fund surplus by $4,376,100 and leave in the Postwar Employment Reserve $8,092,420 but with this sum specifically earmarked as having first priority for expenditure and available for use if the war with Japan does end prior to January 30, 1947.

Other Over-all Savings Possible From 1945-47 Budget

The possibilities of further over-all savings from the 1945-47 Budget can not be realized unless some additional comparisons and analyses are made which may appear to be repetitious. The value of presenting these, we believe, warrants running the risk of being repetitious.

The table below shows the gross totals by purposes and funds for 1945-47 compared with this current biennium of 1943-45:

1945-47 CALIFORNIA STATE BUDGET
Compared with 1943-45 Actual and Estimated Expenditures

State Expenditures from all Funds	
Spent 1943-45	$487,347,003
Budget 1945-47	683,710,643
Up	$96,363,640

State Expenditures from General Fund		*State Expenditures from Special Funds*	
Spent 1943-45	$144,279,874	Spent 1943-45	$70,526,383
Budget 1945-47	142,466,261	Budget 1945-47	103,475,583
Down	$1,813,613	Up	$32,949,200
Payments to Local Governments from General Fund		*Payments to Local Governments from Special Funds*	
Spent 1943-45	$298,976,353	Spent 1943-45	$70,012,715
Budget 1945-47	340,279,855	Budget 1945-47	76,606,061
Up	$41,303,502	Up	$6,593,346

State Expenditures from Reserve Funds	
Spent 1943-45	$3,551,678
Budget 1945-47	20,882,883*
Up	$17,331,205*

*Includes $7,616,041 set up in Bond Sinking Fund of 1943.

The Budget for 1945-47 totals $683,710,643. Of this $482,746,116 is from the General Fund and $180,081,644 from special funds, and $20,882,883 from reserve funds. These reserve funds are really only earmarked amounts from the General Fund so that the General Fund expenditures in effect are much larger than the Budget gives and correctly so.

We have, just preceding this, recommended that some $4,000,000 less be expended from the Postwar Employment Reserve and that amount more be spent from the General Fund.

The $482,746,116 expenditure proposed from the General Fund is $39,489,888 increase over expenditures from this fund for 1943-45, and if our recommendation is followed it will be $43,865,988. *This, while a very large increase, does not give the true picture.* The full effect of proposed increased expenditure is not shown for the reason that several large items set up as expenditures for 1943-45 were one-time appropriations and need not be repeated, or they do not appear at all in the 1945-47 Budget.

ITEMS SHOWN AS EXPENDITURES IN BUDGET FOR 1943-1945

(They are all one time expenditures or will carry over unexpended)

Purpose	*Amount*	*Remarks*
Teachers' Retirement System	$25,762,298	Added to reserve above current costs. Not spent.
Local civilian defense	1,791,000	War assistance solely.
War Council	567,506	Omitted by Governor from 1945-47 Budget.
Farm Production Council	2,839,794	Omitted from 1945-47 Budget.
Rector Canyon Dam	1,370,269	Chapter 1208, Statutes of 1941. Not spent. Page 343 of Budget.
Highway Plans and Rights of Way	12,000,000	Postwar planning. One time expenditure.
Reclamation Board	1,069,332	Egbert Tract—flowage. Carry over obligation for 20 years, one time expenditure.
Legislative claims	323,129	Bills will be in for items probably as large as this.
Storm and flood damage	559,116	Special bill.
County highway plans	1,500,000	Postwar planning—one time expenditure.
Acquisition of sites, State buildings	4,000,000	This can not all be spent. 1945-47 Budget, page 763.
Debt Service	6,185,908	Reserve set up 1943 over current obligations.
Local agencies, plans and sites	4,375,000	Appropriated by Chapter 47, Statutes of 1944, Fourth Extra Session. Will not be spent by June 30, 1945.
Veterans' Education Institute	158,794	Omitted for 1945-47 from Governor's Budget. Balance not budgeted.
Total	$62,502,146	

In comparing expenditure programs from the General Fund for the two bienniums, to make them comparable it is necessary to add the $62,502,146 (total of the items in the above schedule) to the $39,489,889 biennial Budget increase which shows a true difference of $101,992,035. This then shows that for comparable service there was an increase of $101,992,035 for 1945-47 over 1943-45, or almost 26 per cent for General Fund expenditures. Such an increase is far in excess of population and comes at a time when the Budget estimate shows a falling off in revenue.

How long can the State General Fund continue biennial increases in expenditures of 26 per cent?

The people, by approving No. 9 on the last general election ballot, caused a large part of this increase by constitutional requirement. *Nevertheless, such a large percentage increase does give opportunity for material economies.*

Comparative Summary of Actual and Estimated Expenditures 1943-45 and Proposed for 1945-47

The following table gives the comparison in summary form of the actual and estimated expenditures for the 1943-45 Biennium, and that proposed for the 1945-47 Biennium.

CALIFORNIA STATE BUDGET

COMPARATIVE SUMMARY OF ACTUAL AND ESTIMATED AND PROPOSED EXPENDITURES FOR THE BIENNIUMS 1945-1947 AND 1943-1945

(Source: California Taxpayers' Association, February, 1945)

Function State Government	Total Expenditures			Distribution by Funds			
				Biennium 1945-1947		Biennium 1943-1945	
	Estimated and Proposed Biennium 1945-1947	Actual and Estimated Biennium 1943-1945	Increase or Decrease (—) from 1943-1945	General Fund	Special and Reserve$ Funds	General Fund	Special and Reserve$ Funds
Current Expenses:							
Legislative	$1,309,494	$1,337,193	—$27,699	$1,309,494		$1,337,193	
Judicial	1,678,818	1,544,947	133,871	1,678,818		1,544,947	
Executive	290,871	847,112	—556,241	290,871		847,112	
General Administration	1,776,997	1,398,057	378,940	1,730,057	$46,940	1,369,104	$28,952
Agriculture	8,340,905	9,423,699	—1,082,794	3,563,643	4,777,262	5,353,196	4,070,503
Corrections	12,514,973	9,462,164	3,052,809	12,514,973		9,462,164	
Education	32,298,948	25,493,443	6,805,505	32,171,456	127,492	25,045,771	447,672
Employment	312,380		312,380	312,380			
Fiscal Affairs	21,305,732	17,518,839	3,786,893	18,562,115	2,743,617	15,384,115	2,134,724
Industrial Relations	3,824,845	3,193,295	631,550	3,671,281	153,564	3,024,385	168,910
Institutions	29,101,351	23,850,891	5,250,460	29,101,351		23,850,891	
Investment	2,450,509	2,025,604	424,905	621,012	1,829,497	550,588	1,475,016
Justice	1,633,504	1,458,849	174,655	1,563,504	70,000	1,388,849	70,000
Military and Veterans' Affairs	4,019,666	3,086,400	933,266	3,779,706	239,960	2,872,676	213,723
Motor Vehicles	18,184,150	15,671,503	2,512,647		18,184,150		15,671,503
Natural Resources	14,034,919	10,634,518	3,400,401	7,811,561	6,223,358	6,312,044	4,322,474
Professional and Vocational Standards	1,794,581	1,496,897	297,684		1,794,581		1,496,897
Public Health	2,727,304	1,948,616	778,688	2,216,186	511,118	1,478,470	470,146
Public Utilities	2,471,509	2,169,511	301,998	1,543,348	928,161	1,338,584	830,927
Public Works	26,297,780	25,339,874	957,906	1,995,155	24,302,625	2,093,057	23,246,817
Social Welfare	1,199,105	813,223	385,882	1,199,105		813,223	
Miscellaneous	3,954,793	3,615,056	339,737	3,954,793		3,615,056	
Credits for Overhead Services to Special Fund Agencies	—1,329,462	—938,026	—391,436	—1,329,462		—938,026	
Totals—Current Expenses	$190,193,672	$161,391,665	$28,802,007	$128,261,347	$61,932,325	$106,743,400	$54,648,265
Capital Outlay:							
Agriculture	14,460	850,636	—836,176	14,160	300	849,036	1,600
Corrections	514,227	395,072	119,155	514,227		395,072	
Education	1,244,183	1,590,823	—346,640	251,703	992,480	730,539	860,284
Fiscal Affairs	1,852,600	1,664,957	187,643	384,460	1,468,140	1,565,274	99,683
Institutions	932,748	858,012	74,736	932,748		858,012	
Military and Veterans' Affairs	107,880	62,532	45,348		107,880	52,532	10,000
Natural Resources	1,262,095	635,491	626,604	55,200	1,206,895	32,951	602,541
Public Works	38,517,563	27,688,858	10,828,705	750,000	37,767,563	13,384,849	14,304,009
Postwar Construction Program	14,166,842	8,252,678	5,914,164	900,000	13,266,842$	4,701,000	$3,551,678
Totals—Capital Outlay	$58,612,598	$41,999,059	$16,613,539	$3,802,498	$54,810,100	$22,569,263	$19,429,796
Debt Service	15,768,457	14,338,324	1,430,133	8,152,416	7,616,041$	14,338,324	
Reserves for Contingencies	2,250,000	628,887	1,621,113	2,250,000		628,887	
Totals State Government	$266,824,727	$218,357,935	$48,466,792	$142,466,261	$124,358,466	$144,279,874	$74,078,061
Payments and Grants to Local Governments							
For Public Schools	$216,283,711	$195,627,819	$20,655,892	$213,458,711	$2,825,000	$192,248,256	$3,379,564
For Social Welfare and Public Health	119,675,144	97,412,613	22,262,531	119,675,144		97,412,613	
For Highways and Streets	46,179,967	44,852,544	1,327,423		46,179,967	1,500,000	43,352,544
For Civilian Defense	342,000	2,136,988	—1,794,988	342,000		2,136,988	
For Other Purposes	34,405,094	28,959,104	5,445,990	6,804,000	27,601,094	5,678,496	23,280,607
Totals—Payments and Grants to Local Governments	$416,885,916	$368,989,068	$47,896,848	$340,279,855	$76,606,061	$298,976,353	$70,012,715
Total Expenditures	**$683,710,643**	**$587,347,003**	**$96,363,640**	**$482,746,116**	**$200,964,527**	**$443,256,228**	**$144,090,775**

An examination of this table shows very few decreases for either current expense and/or subventions, and most of these are bookkeeping reductions or have some particular explanation. Of these five minus items in the third column of figures on the table an analysis shows the following:

Function	*Decrease 1945-47 Below 1943-45*	*Remarks*
Legislative	$ 27,699	Arbitrary sum, the amount budgeted is $100,000 less than average expenditure and will undoubtedly be over-spent by approximately this sum.
Executive	556,241	Elimination of War Council entirely from Budget for 1945-47 reduced this by $567,506 so really is an increase for normal functions.
Agriculture	1,082,794	Results from entire elimination of expenditure for the Farm Production Council of $2,839,794 so all other services up and more than this savings.
Credits for Overhead Services to Special Funds	391,436	This really an increase in *charges* of General Fund costs and not a deduction.
For Civilian Defense	1,794,988	The entire activity is left out of the appropriation bill and only balance in the appropriation carried forward.

Education Expenditures Can Be Reduced

Education expenditures appear in two places in the above schedule of expenditures from the General Fund.

1. Current Expense Higher Education and Department	$32,423,159
2. Subventions School Subventions	213,458,711
Total	$245,881,870

This is the largest single class of expenditures in the Budget and the largest increase in both categories in the Budget.

We have recommended that the subventions for schools be cut to the constitutional requirement. This will reduce this item by approximately $6,265,000.

We also recommend that a complete audit of all such subventions for schools be provided and required by an independent State agency, preferably the Department of Finance, or an independent State Auditor General, if one is established, of all school expenditures spent as subventions. With a biennial expenditure of $213,458,711 from the General Fund involved the biennium savings will be a very large figure. The late Assemblyman, Lee Bashore, estimated the possible savings would perhaps run to $8,000,000 a biennium or even more.

This audit should not be made by the Department of Education or any other school people as they are interested parties.

Textbooks

We have also recommended (reasons already stated) that the appropriation for free textbooks—Item 79.5 of the Appropriation Bill (page

784 of Budget)—be cut to $800,000, saving of $816,618, and thus aiding the war effort by cutting the use of vital war material and manpower.

Welfare

Expenditures for welfare is the next largest category. Reference to the above table will show it to be set at $120,874,249 for the 1945-47 Budget. This is divided as follows:

Aid to Needy Aged	$105,539,250
Blind	2,296,381
Children	10,305,596
Tuberculosis Subsidies	1,533,917
Social Welfare Administration	1,199,105
Total	$120,874,249

While all of the above items except the last are fixed by continuing legislation, they can all be controlled by the Legislature. They do not appear in the Budget Bill but they are in the Budget.

The item for subsidies to Tuberculosis Sanatoriums found on page 786 of the Budget in our opinion is over-estimated. Some institutions previously assisted are not now qualifying and expenditures are running below estimates. The expenditures in our opinion will run about as they have for 1943-45 or $1,259,408, *or a reduction of $274,508 from the budgeted amount. This should show as a saving for the biennium.*

Reductions Recommended

The expenditures for Education and Welfare total $366,756,117 or 76 per cent of the General Fund total.

Our recommended reductions here in labeled fixed charges are:

Subventions to schools	$6,265,000
Free Textbooks	816,616
Auditing Educational Allotment	5,000,000
Tuberculosis Subsidies	274,508
Total	$12,556,124

Other Expenditures From General Fund

Other recommendations on items in the Budget Bill will be considered in sequence subsequently.

The budgeted expenditures from the General Fund other than for education and welfare totals $115,989,997 or less than 25 per cent of the total. This is spread over hundreds of items. They will be covered in following the Budget Bill items and recommendations will be made for each one. An over-all view may help in seeing the difficulty of controlling these expenditures and why an over-all approach may yield larger returns than a detailed consideration in the limited time available to the Legislature.

Six departments or functions require $85,195,051 of this total of $115,989,997.

These divisions and the amounts for each are:

Budget Division	*Amount*	*Remarks*
Corrections	$13,029,200	Newly organized and showing large increased expenditures. Needs to be examined closely as unit costs have almost doubled since 1933-35.
Fiscal affairs	18,946,575	A new Budget name. Includes Department of Finance, Controller, Treasurer and others that control or handle funds.
Institutions	30,034,099	Also should be gone over carefully as unit costs are increased materially and requests are based on a survey by a Federal employee who has little regard for costs. Many new services included.
Natural resources	7,886,761	Largest increase is for forestry, which offers new protection, expansion of functions and enlargement of all-year crews.
Debt service	8,152,416	Biennial fixed charge and not controllable.
Subventions to local governments other than education, welfare and public health	7,146,000	These should be audited by the State and better controls set up.
Total	$85,195,051	

Over-all Controls Recommended

Reference to the table on expenditures will show how the remaining $30,794,946 from the General Fund in the Budget for 1945-47 is distributed.

It is clear that if some over-all method of reducing the entire amount in the six larger divisions of expenditures and the numerous smaller ones is available, more can be accomplished than to make many small adjustments.

We believe that this can be done by the following procedure with as much or more equity than has been used in making the Budget.

Careful use of the Budget Document will show that the actual expenditures for the fiscal year 1943-44 are generally lower than the actual and estimated expenditures for the next fiscal year, or 1944-45. This follows from the fact that savings and adjustments have been made for the first year and the second are estimates.

Savings Made From Appropriations 1943-44 Should Be Equaled for 1944-45

Comparison with the actual amount budgeted for the first year of the current biennium will show that a savings was accomplished of approximately $17,000,000. When bills outstanding are paid, this will still leave twelve or thirteen million dollars or possibly a little more as a saving. Relatively, the same condition should prevail for the Fiscal Year 1944-45, which has four months yet to run. The total saving for the biennium under appropriations should be twenty-four to twenty-six million dollars. This leads to the conclusion that there should be a comparable savings possible for 1945-47, and this should be made throughout the Budget with the exception of some few departments and agencies. *To be on the conservative side, we, therefore, recommend a reduction of $10,000,000*

to be made by the Department of Finance arbitrarily from all the General Fund expenditures; this to be distributed in general on the basis of the ratio that $10,000,000 is to the total appropriation from the General Fund expenditures subject to this reduction. In other words, if it was considered that some department or office, such as the Treasurer's office, was budgeted so close as to not make possible this percentage reduction, the total amount appropriated for this office will be taken from the grand total in determining the ratio or percentage reduction.

This is to apply to both classes of expenditures; that is, those that do not appear in the appropriation bill and which are by constitutional provision and continuing legislation and those that are in the appropriation bill. These that are in the appropriation bill are to be reduced by the determined percentage.

This reduction is in addition to all others that are specifically recommended for individual appropriations, where services are entirely eliminated.

Further Reductions in the Budget

There are other over-all reductions that we recommend in the Budget that can be stated in general terms and which can apply to practically every department, which we recommend as follows:

Printing

1. We previously recommend earlier in this report a general cut in all allocations for printing with the exceptions noted in the attached schedule. These reductions as indicated are recommended for the reason that the printing costs throughout the Budget are in general increases over the estimated and actual expenditure for the Fiscal Year 1944-45. We specifically recommend that these increases in general be cut back to the actual and estimated for 1944-45. These cuts are shown in the preceding schedule.* They amount to a total of $217,865 for the biennium.

We believe that an actual reduction of printing is in order and that many items that are now printed can be reduced in size or frequently eliminated without hurting any service. This applies to mimeographing and other reproduction.

Specifically we recommend that the written or printed reports of the several departments for the Governor's Council be required once every six months in place of monthly. This will also save the time of from one to three persons in the several departments. The material comes out so frequently now as to be of less value than if it came out less often. A bill has been introduced to make this effective.

This recommendation for reduction in expenditures for printing is in keeping with the Ways and Means Committee action in refusing to increase the appropriation for their own printing. The same ratio of saving is recommended for the State as a whole.

Furthermore, we feel certain that the recent reorganization of the State Printing Plant will result in a material reduction in printing costs. If it does not, then, in our opinion, the *Legislature should take over the control of this plant and set it up on the same basis as the United States Government Printing Office.*

*Pages 17-23, inclusive.

Automobile Use and Abuse

2. We recommend an arbitrary cut of the total amount allowed for the operation of State automobiles in the flat amount of 10 per cent. This sum for each department to be held in a reserve by the Department of Finance and to be allocated back to the several departments concerned when they have exhausted the amount in the Budget allowed for this purpose, upon the certification and to the satisfaction of the Department of Finance, that no automibile of the department or agency has been used during the biennium for any other than State business.

This is for the purposes of endeavoring to eliminate the abuses in the use of State automobiles, which continue even in this time of restrictions on the use of State automobiles through gasoline rationing. Our investigation shows that the automobiles of the State operated by many departments are still used for private purposes — the largest abuses being to transport State employees to and from their work, thus providing transportation at State expense which is not available to the taxpayers of the State and which is contrary to the gasoline rationing provision.

There are other abuses that are more flagrant. There are departments that complain that they can not perform the services required because of the limited use of automobiles available due to gasoline rationing, where the cars of this department are almost daily being used to provide private transportation in the nature of taxicab service for the employees of the department. In some instances these cars are used to pick up several State employees, not only to bring them to work but to transport them from work, frequently stopping to allow shopping on the way home.

A large number of State automobiles are driven by State employees on Saturday and Sunday, when both their employment record and the vacation that they claim indicates that neither Saturday nor Sunday is a work day for this particular employee.

These abuses are not limited to those holding minor positions in the State Government. These abuses are unfair to the great body of the State employees who in no wise are guilty of this misuse of State equipment.

In addition to the above procedure we recommend that the allowances for the use of automobiles for the several agencies of the State be reduced according to the following schedule.

The total savings will be at least $144,132 and still there will be provided substantial increase in automobile allowances for 1945-47 over 1943-45. The details are given on the schedule below.

STATE OF CALIFORNIA BUDGET — July 1, 1945, to June 30, 1947 — Expenditure for Automobiles

Agency or Dept.	Actual 1943-44	Estimated 1944-45	Recommended 1944-45	Savings 1944-45	Proposed 1945-46	Recommended 1946-47	Savings 1945-46	Proposed 1946-47	Recommended 1945-46	Savings 1946-47	Savings by Agency 1945-47 Biennium
Judicial Council	$310	$300	---	$300	$400	---	$400	$400	---	$400	$800
Lieutenant Governor	266	266	---	266	266	---	266	266	---	266	532
Reconstruction and Reemployment Commission	125	900	$810	90	1,200	$1,080	120	1,000	$900	100	220
Secretary of State	1,475	1,200	1,200	---	2,000	1,500	500	2,000	1,500	500	1,000
Agriculture	115,750	111,575	111,575	---	125,000	112,500	12,500	138,645	124,780	13,865	26,365
Corrections[1]	50,980	62,510	56,260	6,250	68,145	61,330	6,815	59,795	53,815	5,980	12,795
Education	10,050	8,390	7,550	840	8,740	7,865	875	8,840	7,955	885	1,760
State Controller	5,100	6,945	5,100	1,845	9,385	5,100	4,285	9,585	5,100	4,485	8,770
Board of Equalization	78,245	92,820	78,500	14,320	92,930	78,500	14,430	93,080	78,500	14,580	29,010
Finance	8,785	6,215	5,595	620	9,350	8,415	935	9,600	8,640	960	1,895
California Horse Racing Board	---	---	---	---	---	---	---	500	450	50	50
State Treasurer	1,020	1,000	900	100	1,025	925	100	1,025	925	100	200
Industrial Relations	47,825	48,840	43,955	4,885	54,460	48,000	6,460	53,440	48,000	5,440	11,900
Institutions[2]	30,140	30,365	27,330	3,035	33,990	30,590	3,400	36,780	33,100	3,680	7,080
Investment	27,195	28,130	25,320	2,810	28,830	25,945	2,885	29,030	26,130	2,900	5,785
Justice	13,140	13,900	12,510	1,390	15,870	14,280	1,590	30,160	27,140	3,020	4,610
Military and Veterans Affairs[3]	17,480	39,420	35,480	3,940	34,195	31,045	3,450	34,195	31,045	3,450	6,900
Motor Vehicles[4]	294,920	315,200	283,700	31,500	438,800	340,675	98,125	456,300	343,175	113,125	211,250
Natural Resources											
Beaches and Parks[6]	13,040	16,200	14,580	1,620	19,950	17,950	2,000	18,150	16,335	1,815	3,815
Fish and Game[5]	85,025	82,670	74,400	8,270	121,200	109,080	12,120	113,600	102,240	11,360	23,480
Forestry	159,980	179,260	160,000	19,260	193,045	170,000	23,045	194,745	170,000	24,745	47,790
Mines	1,650	2,000	1,650	350	5,000	2,500	2,500	5,000	2,500	2,500	5,000
Oil and Gas	6,350	6,500	5,850	650	6,500	5,850	650	6,500	5,850	650	1,300
Professional and Vocational Standards	11,650	12,100	10,890	1,210	15,200	13,680	1,520	15,700	14,130	1,570	3,090
Public Health	17,575	22,925	20,635	2,290	25,615	23,055	2,560	25,975	23,375	2,600	5,160
Railroad Commission	8,055	11,200	10,080	1,120	11,000	9,900	1,100	11,000	9,900	1,100	2,200
Public Works	73,060	81,570	73,410	8,160	92,565	83,310	9,255	96,200	86,580	9,620	18,875
Social Welfare	10,600	11,020	9,920	1,100	12,500	11,250	1,250	12,500	11,250	1,250	2,500
Totals	$1,089,791	1,193,421	1,077,200	116,221	1,427,461	1,214,325	213,136	1,464,311	1,233,315	230,996	444,132
		1,089,791	1,089,791	---				1,427,461	1,214,325	213,136	---
Total for biennium		$2,283,212	$2,166,991	$116,221				$2,891,772	$2,447,640	$444,132	or 15.35%

Total proposed expenditure for 1945-1947 biennium $2,891,772
Total actual and estimated expenditure for 1943-1945 biennium 2,283,212

Proposed increase ..... $608,560 or 26.65%
Total recommended expenditure for 1945-1947 biennium $2,447,640
Total actual and estimated expenditure for 1943-1945 biennium 2,283,212

Recommended increase ..... $164,428 or 7.2 %

Comment on Agency	*Page in Budget*	*1943-1944*	*1944-1945*	*1945-1946*	*1946-1947*
1 *Youth Authority*	133 to 137	10,525	22,560	26,000	29,475
(Increase due to increase in Personnel)					
2 *Department of Institutions*					
Out Patient Mental Hygiene Clinic		----	----	600	3,000
Sonoma State Home	483	1,275	1,525	1,300	3,000
3 *Military and Veteran Affairs*					
Adjutant General & State Guard	527 to 531	15,665	37,650	32,550	32,550
(Increase caused by the allocation of 99 automobiles by the Federal Government.)					

Upon review of previous Budgets we find the following:

4 *Department of Motor Vehicles*						*1939-1940*	*1940-1941*	*1941-1942*	*1942-1943*
Division of Registration	563	4,826	3,600	8,125	8,125	4,775	5,000	3,915	4,000
Division of Law Enforcement (Autos)	565	231,469	247,500	345,000	360,000	195,600	211,000	243,650	220,000
Division of Law Enforcement (Motorcycles)		55,515	60,000	82,500	85,000	78,500	79,500	76,100	86,000

For the fiscal year of 1943-1944 the Division of Registration Estimated in the Budget $4,500, whereas they actually spent $4,826. You will note by the above that this is the largest amount since 1943-1944. We are recommending that the amount for the biennium of 1945-1947 be reduced to $5,000 for each fiscal year or $10,000 for the biennium against $16,250 as appears in the 1945-1947 Budget.

For the same period (1943-1944) the Division of Enforcement Estimated $156,995 for automobile expense, whereas they actually spent $231,469. The largest expenditure, for automobile expense, since June 30, 1939, was $243,650 for the 1941-1942 Fiscal Year. This was also the period in which their personnel was the highest. From January, 1940, to June, 1942, the personnel increased from 721 to 1,052. As of December 31, 1944, it was 772.

Therefore we believe $500,000 for the 1945-1947 biennium or $250,000 for each Fiscal Year should be a fair allowance for automobile expenditure.

For motorcycle operations we would recommend as proposed which should give them a surplus to operate on.

Comment on Agency	*Page in Budget*	*1943-1944*	*1944-1945*	*1945-1946*	*1946-1947*
5 *Natural Resources*					
Division of Fish and Game	587	46,800	47,000	75,000	65,000
(Increase caused by increase of 16 game wardens in 1945-1946 and 32 game wardens and 10 other employees in 1946-1947.)					

Item Analysis of the Proposed Appropriations in the Budget Bill (Assembly Bill No. 500 and Senate Bill No. 294) for the 1945-1947 Biennium

Legislative (Items 1 to 15, inclusive, of the Appropriation Bill, Assembly Bill No. 500, and pages 1 to 3, inclusive, of the budget)

No Budget hearings were held as respects appropriations for the Legislature. The constitutional requirements for salaries are provided. Allowances for mileage and contingent expenses are based upon prior allowances, with no account being taken of the cost of special sessions. We present herewith a tabulation showing the actual legislative costs from January 3, 1943, to December 20, 1944:

LEGISLATIVE COSTS
JANUARY 3, 1943, TO DECEMBER 20, 1944

Assembly

	Contingent Expenses	Pay officers and clerks	Mileage	Salaries	Living Expenses	Grand total
Regular Session	$58,220 03	$36,593 78	$5,072 10	$181,782 67	------	$281,668 58
First Extra	------	297 00	2,522 00	------	------	2,819 00
Second Extra	------	594 00	2,521 60	------	------	3,115 60
Third Extra	10,475 [illegible]	494 00	2,007 [illegible]	------	$3,470 00	16,786 79
Fourth Extra	4,741 91	894 00	2,365 20	------	5,910 00	13,911 11
Totals	$73,417 43	$38,872 78	$14,848 20	$181,782 67	$9,380 00	$318,301 08

Senate

Regular Session	$60,011 83	$36,219 10	$2,164 70	$86,900 00	------	$185,295 63
First Extra	------	------	1,057 30	------	------	1,057 30
Second Extra	------	186 00	1,123 10	------	------	1,309 10
Third Extra	5,285 49	495 00	1,108 80	------	$1,840 00	8,729 29
Fourth Extra	5,833 88	873 00	909 60	------	3,280 00	10,896 48
Totals	$71,131 20	$37,773 10	$6,363 50	$86,900 00	$5,120 00	$207,287 80
Legislative Printing, Binding, etc.						337,032 16
Legislative Mailing						3,000 00
Grand total						$865,621 04

The Budget proposes a total expenditure for the 1943-45 Biennium of $1,078,686, a reduction of $76,902 or of 7 per cent from the estimated amount to be spent for the current biennium and also new services. Legislative offices in the sum of $10,464 were added at the same time. This is in contrast to a total Budget increase of 16.4 per cent and an increase for almost every other function of State Government. The Legislature of California, like Congress, session after session enlarges the scope and appropriations for every other branch and function of government but does not enlarge its own service staff or appropriation to check on these enlarged activities to see if they function as required or if appropriations are faithfully made and reported.

The following table further summarizes estimated and proposed expenditures for the 1943-45 and 1945-47 biennial periods:

Expenditures Current Expenses	*Actual & Estimated 1943-45*	*Estimated & Proposed 1945-47*	*Increase (+) or Decrease (—) from 1943-45*
Senate	$285,974	$285,500	— $474
Assembly	471,504	472,000	+ 495
Joint expenses	390,387	303,000	—87,387
Legislative office:			
Los Angeles	3,580	6,400	+ 2,820
San Francisco	4,142	6,040	+ 1,898
Alameda County		5,746	+ 5,746
Total Expenditures	$1,155,588*	$1,078,686	—$76,902

* Includes estimated expenditures for the 1945 Regular Session to June 1945. Also includes deficiencies in existing appropriations for the 1943-45 biennium aggregating $126,086.

The proposed decrease of some $87,000 for joint legislative expenses is represented by a cut of that amount for legislative printing, binding, etc., to a total of $300,000. *It is certain that this sum will be insufficient to cover printing and binding expenses.* It is significant that allowances for printing in all other agencies have been increased.

It appears that $100,000 more should be added to this appropriation to cover what will undoubtedly be required, making a total of $1,178,678, which will amount to an increase of about $23,000 or 2 per cent over the expenditures for the current biennium. The total Budget, based on the Governor's figures, shows an increase of 16.4 per cent.

Reasons for the addition of $100,000 are as follows:

1. The cost of printing and paper probably will remain high.
2. With the end of the war probably occurring during the biennium, it is probable that the Legislature will be convened into special sessions to deal with the many postwar problems that will arise.
3. There are likely to be as many, or more, interim legislative committees during the coming biennium as has been the case during the current biennial period, and their activities require the expenditure of money.
4. The size of the job to be done by the Legislature if it exercises its constitutional responsibility increases as the Budget increases.

We wish to emphasize that *there is no particular merit in setting up a Budget which includes items that will be less than will be reasonably required, and it certainly should be consistent with comparable estimates made in other parts of the Budget.* This is not true as respects legislative printing and other joint expense. The amount in the Appropriation Bill for this purpose is placed at $300,000, which is exactly the amount in the appropriation bills for the 1941 and 1943 Regular Sessions. However, all through the remaining parts of the Budget for almost every agency and translated into the Appropriation Bill, increases have been allowed for printing. This is particularly significant in Item 36, allowing the Secretary of State $95,000 for printing the constitutional amendments, which is $39,000 in excess of expenditures for that purpose during the current biennium. What will be required is equally as uncertain as what the Legislature will need.

Past under-budgeting for the Legislature has necessitated deficiency appropriations. On the basis of estimates in the Governor's Current Budget, deficiencies in existing appropriations for the 1943-45 appropriations for the Legislature total $126,086 to meet the estimated expenditure of $1,155,588. We recommended in March, 1943, that for the 1943-45 Biennium the sum of $200,000 be added to the appropriation for the Legislature. Actually, our estimate of the additional sum needed will be exceeded by about $82,186 due in part to the four special sessions. Our present estimate that an additional $100,000 at least will be required does not include any added services for the Legislature.

Items 13, 14, and 15 in the Budget Bill, for the support of legislative offices should be changed from "*Senate Office*" to "Legislative Office." These three items appear in the Budget for the first time. They provide for a permanent office to serve the entire Legislature in the three counties indicated. Offices have been opened in Los Angeles and San Francisco. The office is not yet opened in Alameda County. Apparently it was the intention of the Legislature in establishing these offices to make them available for all legislators.

Legislative Counsel Bureau

Item 16 of the Appropriation Bill, pages 4 and 5 of the Budget, is set up in the sum of $199,358, an increase of $37,769 or 23 per cent. Of this increase, $29,040 represents the budgeted salaries of three new positions for personnel expected to return from military leave and $6,780 amounts to the increased salary expense resulting from reclassification of seven positions to higher classes.

This bureau, due to the loss of experienced men to the armed services, has been forced to work an excessive amount of overtime, for which they have not been compensated. The increasing services required by interim committees likewise has added to its burden. If trained personnel now on military leave return to their positions undesirable overtime conditions will be corrected in a large part. It is believed that the bureau could not operate effectively on less money than is budgeted for the coming biennium, particularly since there will probably be extra legislative sessions.

Working Conditions of the Legislative Counsel

Again we wish to call attention to the fact that greater efficiency and a larger return for the money expended can be secured if the Legislative Counsel *is given adequate quarters.* The work performed requires close attention and concentration. In many instances it is highly technical and frequently it not only requires concentrated thought but also consultation with others. During the session almost continuous conferences between the members of the Legislature and the members of the Legislative Counsel Bureau staff occur in relation to legislation being prepared or amended. The desks of the staff members are so crowded together that it is practically impossible to hold such conferences without interfering with the work of other staff members. The chief of the bureau frequently must hold conferences with committees and groups and the representatives of the various departments of the State. He does not have adequate space to hold such conferences. It is evident that greater economy and efficiency will result if quarters are provided to meet this particular problem.

Waste of Legislative Counsel Time

We wish to again point out that a considerable amount of time of the Legislative Counsel Bureau is wasted through improper consideration and indiscriminate requests. For example, the carte blanche authorization given by some members of the Legislature to citizens interested in legislation to have any bills drawn which they wish is frequently an extravagant waste of time of the Legislative Counsel Bureau. Frequently inexperienced persons make requests that are poorly considered, indefinite and subsequently prove to be unacceptable to the legislator authorizing the request. Frequently the requests of legislators themselves are so indefinite as to place an undue burden on the imagination as well as the technical skill of the Legislative Counsel Bureau.

The numerous duplicate requests of the various members of the Legislature cause a large amount of duplicate and overlapping work and increase the burden and the costs of the bureau. The Legislature itself has the sole power of correcting this situation through its rules and procedure. There are some difficulties involved in providing procedure which will allow all of the latitude that is necessary for individual and untrammeled action on the part of the members and at the same time eliminate waste and unproductive work on the part of the staff of the bureau that, no matter what the burden, endeavors to provide every service.

California Code Commission

Item 17, page 3 of the Appropriation Bill, page 6 of the Budget. Appropriation $29,450. This proposed appropriation represents an increase of $11,445 over expenditure for the current biennium. The proposed increase is necessary to expedite this agency's important work of codifying the laws. *We recommend this appropriation as a good investment for the State.* Future economy in printing bills and expediting legislative business will result.

California Commission on Uniform State Laws

Item 18, page 3 of the Appropriation Bill, page 7 of the Budget. Appropriation $2,000. This proposed appropriation is practically the same as expenditures for the current biennium. No reduction is advisable unless the entire function is eliminated. State business, including adjustments in taxes resulting from the war activity and the possible return to a peacetime status, probably emphasizes the need for this service.

Supreme Court

Item 19, page 3 of the Appropriation Bill, pages 8 and 9 of the Budget. Appropriation $527,080.

This is an increase of $55,591 or 12 per cent over expenditures for the current biennium or less than the Budget average increase of 16.4 per cent. Of this increase, $24,520 arises from salaries of four proposed new positions and the promotion of second assistant reporter of decisions as provided for by Section 767 of the Political Code. There also is scheduled $38,760 for special salary adjustments.

This increase includes the following adjustments of salary rates:

	Current		*Proposed*
Law Clerk	$300 + 25	to	$400 + 25
Assistant Law Clerk	150 + 25	to	275 + 25
Stenographer	150 + 25	to	190 + 25

There is some difference of opinion among the members of the court as to the assistance and cost thereof each member requires. This we believe depends on the individual work habits and abilities of the several justices and we doubt if there ever will be a unanimous decision on the matter by the court. We believe there are sufficient funds in the proposed appropriation to supply the needs of both the majority view and the dissenting opinion and that the court can and should make its own internal arrangements so as to best provide for its needs.

Unlike practically all of the other State agencies, there is no credit set up for salary savings due to the war effort. It is believed that these will accrue and that salary savings can be and will be made by this court on a basis comparable with other departments. We believe the sum of $1,000 or more will remain unspent in this category at the end of the biennium. We feel the court has made its Budget request only after carefully considering its requirements for rendering adequate service.

In our report to the last regular session of the Legislature we recommended that the salaries of the employees of the Supreme Court be studied by the Personnel Board in relation to the salaries paid by other departments for like services and that the salary scale be established for those employees on a comparable and equitable basis, giving full recognition to the dignity of the court. We pointed out that no such study had ever been made by the Personnel Board. It is reported that the Department of Finance has just initiated arrangements with the Personnel Board for such a study. We heartily commend this action and look forward to the findings of the study.

Judicial Council

Item 20, page 3 of the Appropriation Bill, and pages 10 and 11 of the Budget. Appropriation $116,100. The cost for 1931-33 was $55,977, less than half of this Budget, and in 1941-43 it was $50,781—even lower.

The increase of $47,327 over expenditures for the current biennium is almost as much as the entire cost of 1941-43. Of this increase, $12,423 is for support, including upward salary adjustments of $4,200 for four positions, and $34,904 is for extra compensation and expenses of judges assigned by the Judicial Council to courts other than those in which they regularly sit. This total increase does not seem justified for the following reasons:

1. No salary savings are set up out of the salaries of a purely technical staff, in excess of $56,000. Also, the rates have not been established by the Personnel Board on a basis comparable to those of other State agencies. We recommend that a modest salary saving of $1,000 be set up here.
2. We also notice an operating expense item of $800 is included for automobile maintenance. We do not find reason for travel on a regular basis which justifies the full time assignment of a State automobile.

3. We believe that the item of $50,000 for extra compensation and expenses of judges assigned by the Judicial Council to courts other than those in which they regularly sit should be reduced to $40,000, which is still an increase of $24,904 over expenditures for the current biennium. We do feel that the constitutional requirement providing for the pay of the extra compensation for judges sitting in another court should be made. However, we do not believe that permanently incapacitated judges should continue to hold office and be paid—partly by the State—and other judges sent in to hear all of their cases and be paid travel expense and possibly extra compensation. If these incapacitated judges can not serve, they should be retired as the Retirement Act contemplated and provides.

We believe the Judicial Council, as part of its duty to improve the courts and judicial procedure, might well recommend to the Governor retirement of justices if such action would accomplish this general purpose and remedy any existing abuse. Copy of a letter from the Chairman of the Judicial Council, presenting the council views on this matter, is presented herewith:

March 2, 1945

Hon. Albert C. Wollenberg,
Chairman, Assembly Ways and Means Committee,
Sacramento, California.

MY DEAR MR. WOLLENBERG: Concerning our Budget request for funds to pay increased compensation and expenses of assigned judges during the 1945-1947 Biennium, I would like to call your attention to the following constitutional and statutory provisions:

Section 1a, Article VI of the Constitution;

(6) ***

"The chairman (of the Judicial Council) shall seek to expedite judicial business and to equalize the work of the judges, and shall provide for the assignment of any judge to another court of a like or higher jurisdiction to assist a court or judge whose calendar is congested, to act for a judge who is disqualified or unable to act, or to sit and hold court where a vacancy in the office of judge has occurred.

*** "The several judges shall cooperate with the Council, shall sit and hold court as assigned, ***

*** Any judge assigned to a court wherein a judge's compensation is greater than his own shall receive while sitting therein the compensation of a judge thereof. The extra compensation shall be paid in such manner as may be provided by law. Any judge assigned to a court in a county other than that in which he regularly sits shall be allowed his necessary expenses for travel, board and lodging incurred in the discharge of the assignment."***

Chapter 486, Statutes of 1929 (Deering's General Laws, 1944, Act 3904, Sec. 1) provides for the manner of paying extra compensation and expenses of assigned judges, and the proportions to be paid by the State and county. Subdivision (f) thereof states: "The payment by the State toward such extra compensation and expenses shall be made from the moneys appropriated for the support of the Judicial Council."***

Under the provisions of Chapter 486, Statutes of 1929, the State is chargeable with increased compensation and expenses of assigned judges as follows:

1. The State is chargeable with a portion of the expenses of a superior court judge assigned to another superior court when there is no increase in compensation, but it is not chargeable with any increased compensation under these assignments, as the State's contribution toward the salaries of all superior court judges is uniform. See subdivisions (a) and (d).
2. The State is chargeable with a portion of the increased compensation and expenses of a municipal court judge or justice of the peace assigned to a superior court. See subdivisions (c) and (d).

3. The State is chargeable with the entire increased compensation and expenses of judges sitting pro tempore in the supreme court and district courts of appeal. See Section 3.

Due to the depression, funds appropriated for support of the Judicial Council were so reduced for the Biennium 1933-1935 that it was not possible to pay the State's share of increased compensation and expenses of assigned judges, and subsequent appropriations have been equally inadequate. On account of limited appropriations, since July 1, 1933, it has been necessary to ask judges to accept assignments under waiver of the constitutional increase in compensation and expenses to which they were entitled. They have generously made this waiver, and a tremendous volume of work has been accomplished by them.

Since July 1, 1933, under the provisions of Chapter 926 of the Statutes of 1933, amended by Chapter 258 of the Statutes of 1943 (Deering's General Laws, 1944, Act 3904, Section 1a), *the respective counties have borne the State's portion of the expenses of superior court judges assigned to outside superior courts.*

During the period July 1, 1933, to June 30, 1943, superior court judges assigned to district courts of appeal wrote a total of 2,363 opinions, but our appropriations permitted payment for only a small fraction of their time devoted to this extra work; i.e., no increased compensation during the 1933-1935 and 1935-1937 periods, when 1,538 opinions were written, or during the year 1937-1938; approximately $0.43 on the dollar was paid for their work during the year 1938-1939; during 1939-1941 they were not paid any increased compensation; and during the biennium 1941-1943 they were only paid for their work during the year 1941-1942.

The superior court judges who assisted the district courts of appeal have waived the remainder of the increased compensation to which they were entitled, and, since July 1, 1933, the municipal court judges and justices of the peace assigned to superior courts have waived all of the State's share of their increased compensation and expense.

From our statistical data concerning the annual outside assistance given the respective superior courts by assigned judges, we estimate that the State's share of the expenses of superior court judges serving in superior courts other than their own would be $5,000 a year, and that the State's portion of the increased compensation and expenses of municipal court judges and justices of the peace assigned to superior courts would be $5,000 a year, or a total of $10,000 per year for superior court assistance.

We have estimated that at least $1,000 a year should be provided for compensation and expenses of justices who may be assigned to the Supreme Court, and $14,000 a year for district court of appeal assistance, making a total of $15,000 per year for these courts.

In connection with the suggestion by Mr. Vandegrift at the hearing before your committee to the effect that failure to make assignments to superior courts might bring about the retirement of disabled judges, I wish to call your attention to the constitutional provisions of Section 1a. Article VI, heretofore quoted, requiring the assignment of judges by the Chairman of the Judicial Council.

The involuntary retirement of a justice or judge is provided for in Act 5849a, Section 3, Deering's General Laws, 1944, and requires action by the Governor and consent of the members of the committee on qualifications.

I trust that the information given herein may clarify the situation.

Very truly yours,

(s) PHIL S. GIBSON, Chairman

cc: Mr. James F. Dean
Mr. Rolland A Vandegrift"

4. The fourth item of saving is in printing. The actual expenditures for 1941-43 were $138.77, and for 1943-45 $1,121, while the request for the coming biennium totals $2,000. We recommend that this be reduced to $1,100, or a reduction of $900 for the biennium, and that any additional requirement, if any, be secured from the Emergency Fund.

The total reductions for the Judicial Council, therefore, would amount to $12,700.

First District Court of Appeals

Item 21 of the Appropriation Bill, pages 12 and 13 of the Budget. Appropriation $257,940.

This is an increase of $11,681 over expenditures for the current biennium, and consists of salaries of two proposed new positions of law clerk and the upward special salary adjustments for two established positions. We believe a possible salary saving of $500 can be made but see no necessity of a Budget reduction.

Second District Court of Appeals

Item 22 of the Appropriation Bill, pages 14 and 15 of the Budget. Appropriation $357,780.

This is an increase of $12,463 due partly to one proposed new position for a Legal Research Secretary with a biennial salary of $7,800. We recommend a salary saving item of $600.

Third District Court of Appeals

Item 23 of the Appropriation Bill, pages 16 and 17 of the Budget. Appropriation $141,580.

This is an increase of $6,540 which occurs to cover minor increases for special salary adjustments, for operating expenses, and for equipment. There are 12 employees, which is next to the lowest number for any of the Appellate Courts. No suggested saving is advisable.

Fourth District Court of Appeals

Item 24 of the Appropriation Bill, page 18 of the Budget. Appropriation $169,760.

This is a decrease of $485, one of the few in the Budget. This is a traveling court. There is an item of $21,000 for travel which is approximately the same as the amount expended for the current biennium. There also is an item of $21,000 for the rental of quarters in the several towns in which the court sits. No credit for salary savings is suggested because of the small number of employees of this court.

Judges' Retirement Fund

Page 19 of the Budget. This is not found in the Appropriation Act for the reason that it is a fixed charge. The amount scheduled for the coming biennium, $108,578, is practically the same as that for the current period. More use of this provision for retirement of incapacitated judges will save the State in cost for judges to do the work of incapacitated justices.

State's Share of Salaries of Judges of Superior Courts

Item 25 of the Appropriation Bill, page 794 of the Budget. Appropriation $1,304,000.

This is a fixed charge prescribed by Section 736b of the Political Code. The State's share is fixed at $4,000 per judge per year. It can be controlled by the Legislature.

Executive

Items 26 to 29, inclusive, of the Budget Bill, pages A-10 and 20 to 25, inclusive, of the Budget.

Summary of Executive Function

Page A-10 of the Budget indicates that the proposed expenditures for the 1945-47 Biennium for the Executive function (covering the activities

of the offices of the Governor, the Lieutenant Governor, and the War Council are $556,241 or 65.7 per cent less than the expenditures for the current period 1943-45.

War Council

The table below shows that this reduction ensues entirely from the fact that *there is no item in the Budget or in the Appropriation Bill for the War Council* for the 1945-47 Biennium.

It is presumed from this that the Governor does not recommend that the War Council be continued in the 1945-47 Biennium. *In this we heartily concur and go one step further and recommend that it be discontinued at once (March 1945); that all property it has be turned over to the Department of Finance for liquidation;* that all necessary residual functions be given to appropriate existing agencies of the State; and that all remaining funds be reverted to the General Fund.

Expenditures of the War Council for the current biennium are estimated at $567,505.

The percentage decrease of 65.7 per cent shown on Schedule II-B, page A-10 of the Budget, for the Executive function gives an erroneous impression, as no normal function of this branch of the government was decreased but on the other hand, they were increased as shown on the following schedule:

Office	Expenditures: Actual and Estimated 1941-43	Actual and Estimated 1943-45	Proposed 1945-47	Increase (+) or Decrease (—) for 1945-1947 over 1943-45: Amount	Per cent
Governor	$213,682	$253,433	$261,285	$+7,852	+ 3.1
Lieutenant Governor	12,938	26,172	29,586	+3,414	+13.0
War Council	419,921	567,505	------	—567,505	—100.0
Total	$646,541	$847,110	$290,871	$—556,239	—65.7

The schedule below reveals that the estimated expenditures for the current Biennium (1943-1945) actually exceed the amounts proposed in the Budget of two years ago by substantial amounts.

Office	Expenditure proposed for 1943-45 by the 1943-45 Budget *	Actual and estimated expenditures for 1943-45 as reported in the 1945-47 Budget **	Excess of actual and estimated expenditures for 1943-45 over amounts indicated by the 1943-45 Budget: Amount	Per cent
Governor	$207,000	$253,433	$46,433	22.4
Lieutenant Governor	12,930	26,172	13,242	102.4
Total	$219,930	$279,605	$59,675	27.1

* Governor's Budget, 1943-45, pages 18 to 20.
** Governor's Budget, 1945-47, pages 20 to 22.

Governor

Item 26 of the Budget Bill, page 20 of the Budget. Appropriation $234,285.

This is an increase of $7,851 or only 3.1 per cent as compared with 16.4 per cent increase for the Budget as a whole, one of the smallest increases by percentage in the budget. The same number of positions are provided for as in the current biennium.

It appears that operating expense can be reduced by $7,200, as follows, without curtailing the operations of the office and we believe that if conditions make this possible this saving or more will be made by this office.

Governor's Office—Operating Expense

	Actual 1943-44	Estimated 1944-45	Proposed by Budget for 1945-46	Proposed by Budget for 1946-47	Estimates of Normal Costs 1945-46	Estimates of Normal Costs 1946-47	Possible Savings 1945-47
Office	$ 3,445	$ 5,400	$ 4,700	$ 4,700	$ 4,500	$ 4,500	$ 400
Printing	1,347	2,400	2,000	2,000	2,000	2,000	0
Traveling	4,775	9,600	8,600	8,600	6,000	6,000	5,200
Telephone and Telegraph	9,016	10,800	10,800	10,800	10,000	10,000	1,600
Postage	2,091	3,000	3,000	3,000	3,000	3,000	0
Totals	$20,674	$31,200	$29,100	$29,100	$25,500	$25,500	$ 7,200

Appropriation as requested recommended.

Item 27 of the Budget Bill and page 21 of the Budget provides $14,000 for the special Secret Service Fund for the biennium for the Governor's Office, which is the same amount as for the current period. By law this is exempt from accounting and audit and can be spent by the Governor in any way he sees fit.

Item 28 of the Budget Bill, and page 21 of the Budget, provides for the support of the Governor's residence in the amount of $12,000. This is the customary appropriation for this purpose.

In our report on the Budget for 1943-45, published in the Senate Journal of March 20, 1943, we pointed out that the request made in that Budget for the Governor's Office was insufficient if he expected to discontinue the practice of borrowing help, automobiles, and other services. Our estimates proved correct and more money was required to eliminate the borrowing of help.

The practice of borrowing cars continues as has been the established procedure since 1934. Three cars are in use by the office which were purchased by other departments. Our recommendation made then can be repeated. However, with this exception actual costs of the office now are reflected in the expenditures.

Lieutenant Governor

Item 29 of the Budget Bill and page 22 of the Budget. Appropriation $29,586.

This shows an increase of $3,413 or 13 per cent over expenditures for the current biennium, and $16,648 or 129 per cent over reported expenditures for the 1941-43 period.

A reduction of $10,524 in this appropriation distributed as follows would bring this office back to what it formerly had as a Budget and in borrowed services.

1. Elimination of the position of Intermediate Stenographer-Clerk	$ 4,200
2. Elimination of the position of Senior Legal Stenographer	5,160
3. Reduction of proposed allowance for travel expense from $3,164 to $2,000	1,164
Total	$10,524

These reductions would leave an allowance of $19,062 which is still $6,124 in excess of actual reported expenditures for the 1941-43 period

and also covers all costs of borrowed services. The recommended reduced amount would provide the Lieutenant Governor with a Secretary and the operating expenses needed to carry out his activities currently required of him as presiding officer of the Senate, and for service on the boards and commissions now provided by law, and for such service as acting Governor when the Governor is out of the State or incapacitated.

An examination of the several statutes wherein the Lieutenant Governor serves as a member of a board or commission and the actual practice of each shows that his expenses in this connection are covered. In each instance the Lieutenant Governor as a member of such body is allowed his expenses and also, in the case of the State Lands Commission, such clerical and other service as he requires.

He is also allowed his mileage as presiding officer of the Senate whenever called upon to attend a regular or special session. There are no duties required that justify assigning a State automobile for the sole use of the Lieutenant Governor other than that this high office in a state of the size and importance of California does require public participation in many matters, not as a matter of assigned duties by law but as a consequence of the office. The present Governor has been absent from the State more and oftener than any other Governor, thus placing on the Lieutenant Governor a greater obligation in this respect. The Lieutenant Governor, although not required by any duties to do so has practically given up the practice of law and states he devotes his full time to the office. Here is a case where the Legislature must view an appropriation from the two aspects of

(1) What is required by law and practice of the office?

(2) What does the incumbent do as an assumption of the requirements of the office?

The amount of the appropriation will depend on this decision of which view should be supported by an appropriation.

We can repeat our statement of 1943 as continuing to be applicable to this office.

> "The secretary provided for the Lieutenant Governor and the other operating expenses should be sufficient for all the activities now required of the Lieutenant Governor as presiding officer of the Senate and service on the boards and commissions now provided by law. If the Lieutenant Governor is required to render additional services to the State and serve on additional boards or commissions, the additional expense of secretarial service, office and travel should be considered at that time. It does not appear to be necessary from the requirements of the office for the Lieutenant Governor to maintain several offices throughout the State in order to render to the public all the services required in connection with this office."

General Administration

Codification Board

Item 30, Budget Bill, page 26 of the Budget. Appropriation $55,961, an increase of $4,889.74.

This board is composed of the Legislative Counsel, the Director of Finance and the Secretary of State. It was established in 1941, sponsored by the State Bar Association for purpose of correcting an abuse

or deficiency in administration by certain State boards whereby persons were injured by failure to know some regulation, rule, or order or change thereof and violated the same. It was provided that the above board would collect and publish such rules and supplements to the same and keep the public, and particularly the attorneys, informed of all such rules, amendments and changes thereof.

The board has in our opinion done a good, intelligent, and economical job but this does not strike at the root of the evil. This for the reason the several boards and commissions can change or amend rules at will, and they are effective before this board can collect and publish them.

For this reason it is recommended the Codification Board be abolished and all remaining unexpended and unobligated funds be reverted to the General Fund and Item 30 of the 1945 Budget Bill be stricken. Savings will be $55,961.

If the law is corrected (Assembly Bill No. 1002 is on the subject) to strike at the evil at the source such as requiring 30 days' notice before a change in all board rules, etc., becomes effective and the publication of same is required, then *it is recommended that this service be rendered on a loose leaf or supplement basis on a cost charge basis, and it be made self-supporting.* Saving to the General Fund will then be the same.

Board of Administration, State Employees' Retirement System

Item 31, Budget Bill, page 27 Budget. Appropriation $155,432. Increase $130.78.

The showing of such a small increase is misleading unless it is noted that one service, *War Savings Bond Division*, is abolished for the second year of the biennium (see page 28 Budget) with a reduction of $20,725.96. All this sum and $130 is added costs for other services. Most of the increase is due to the actuarial survey required during the biennium.

No large saving is possible, but should be a reduction for 1947-49 Biennium.

We only recommend the percentage saving in operations and salary recommended for the overall General Fund Budget of $10,000,000 or the personnel reserve savings.

For other pertinent comments see Budget Committee report of 1943 to the Legislature.

California Commission on Interstate Cooperation

Item 32, Budget Bill, page 29 of Budget. Appropriation $25,000, same as 1943. This is $1,224.25 above actual expenditures. Recommend only overall percentage cut to save relative share of $10,000,000 overall savings or general personnel savings as adopted.

State Personnel Board

Item 33, Budget Bill, pages 30-35 Budget. Appropriation $875,869, up $181,559 or 26.1 per cent, or approximately 10 per cent more than average of the Budget.

I. STATISTICAL FACTS

A. *Summary*	*Estimated 1943-45*	*Proposed 1945-47*	*Change Amount*	*Per cent*
Board	$75,254	$79,189	$3,934	5.2
Administration	125,310	162,687	37,376	29.8
Records and Transactions	161,059	199,920	38,861	24.1
Classification and Pay	68,966	102,542	33,575	48.6
Testing and Recruiting Services	261,887	331,531	66,643	25.4
Cooperative Personnel	32,737	38,520	5,787	17.7
Total Expenditures	$725,213	$914,389	$189,176	26.1
Less: Reimbursement for special services to other State agencies and to units of local government	30,900	38,520	−7,620	−24.7
Net total Expenditures	$694,313	$875,869	−$181,556	−26.1

About one-third of the increased costs or $61,560 is caused by addition of 11 new positions in 1945-46 and 12 in 1946-47. Four war emergency positions are continued costing $11,885 for the biennium.

Salary adjustments and operating costs make up the balance.

If the State is to expand its personnel as proposed in the 1945-47 Budget by the additional personnel in other State departments then the Personnel Board will require additional help to service them. In addition, the increase in the number of new classes of employees established since 1943 requires more service. If the labor market changes to an employers' market from a stringency in workers the problem of selection will be increased and will require more help.

The personnel provided does not contemplate performing the added services necessary, if new departments and agencies as recommended by the Governor in his Biennial Message are established which will require the servicing of five or six hundred additional personnel.

In general the present Personnel Board should be commended for its improved functioning, its close attention to its problems and the general improvement in administration.

The board, in our opinion, still spends too much time in deciding minor matters which could be handled by the staff on the basis of general policy.

This board has a larger responsibility than is generally recognized affecting the performance of State personnel, the quality of governmental service and the cost thereof.

In our opinion the board has a duty to perform toward the employees, their empoyer, the State of California, and to the taxpayers who pay the bill. If the State errs by being over-liberal in classification of positions and pay scales, promotions, additional sick leave with pay, and in many other ways, the cost for State service goes up. If for lack of technical staff these functions can not be properly performed either the State or the employee suffers.

In our opinion the board must be diligent in maintaining salary scales equitable with those paid in private business and in other governmental service. This not only means increasing pay when competing private business raises pay but it also means that the board should be just as diligent, if not more so, in seeking out cases where pay is above the current labor market and reductions should be made accordingly. We have not found a single instance where this has been done. In our opinion the board should take the initiative for unless it does there is no one else who will perform this service for the taxpayers.

In the preceding schedule it is shown that the largest per cent increase is for classification and pay, or up 48.6 per cent. It is our opinion that this is justified and should assist in establishing equitable classes and pay scales.

The Personnel Board should take the lead in assisting and rewarding the efficient public servant and help to get rid of the incompetent. Under the present rules of procedure it is practically impossible to get rid of an incompetent person. Frequently a civil service employee is preparing charges against another civil service employee and in practically every instance the department administrator who brings charges is practically tried himself and if he loses the case is likely to have a difficult internal personnel problem. We suggest that a procedure be worked out whereby the problem of getting rid of an incompetent, dishonest or otherwise objectionable employee be made the duty of the board and that all that is required of the employer is to file a statement of fact supporting a recommendation for dismissal and from here on out the Personnel Board shall make its own investigation, its own findings and its order of dismissal.

Performance Reports

At the present moment automatic increases in pay are paid to all those who qualify on their performance reports and who are not now receiving the maximum of their range. An examination of the Budget document will show that money has been budgeted to take care of salary increases for the next two years for approximately 99 per cent of the State employees. It is manifestly impossible for 99 per cent of the State employees to attain such a record. The application of the biological curve to the attainment of State employees will also show that there is something drastically wrong with the performance reports. If the Personnel Board accomplished nothing else than revision and making effective the performance reports so the State could reward the competent and get rid of the incompetent it would be worth the entire Budget of this agency.

Sick Leave

The board has full power to control sick leave. The importance of this matter is realized when we consider that it costs the State of California $1,000,000 a year to give sick leave allowances that have been granted in the past. See following memorandum for the Personnel Board from their Executive Officer dated August 13, 1943.

"Memorandum for the State Personnel Board

Subject: Report on Sick Leave

As Director of Finance, Mr. R. A. Vandegrift had a study made early in 1932 of sick leaves approved by the commission. This study showed that a large number of employees were taking the maximum amount of sick leave each year. In order to reduce this abuse and induce employees to take sick leave only if and when it was needed, Mr. Vandegrift prevailed upon the Civil Service Commission to adopt a new rule (essentially the present rule) based on the principle of saving or accumulating unused sick leave against the day when some serious illness might cause an extended absence from

duty. In the following excerpt from Mr. Vandegrift's recent letter (July 7, 1943) he explains the matter a little more fully:

"In 1932 when the rule was established allowing for the accumulation of sick leave on the basis of 10 days per year if not used to a maximum of 100 days, the principle involved was twofold. First, it was an attempt to eliminate the abuses of sick leave for it was found many employees took sick leave up to the full limit then two weeks was allowed on the theory that they had it coming to them, and if they did not use it they lost its value. The second theory was that this would establish a sort of reserve insurance fund available when any serious illness occurred. This was for the purpose of giving security so a sick employee would remain home until recovered and would not appear on the job sick and unable to work and frequently a menace to other employees.

COST

The following is a tabulation of the sick leave approved by our office during the year period June, 1942, through May, 1943:

June, 1942	$ 61,828 18
July	69,716 38
August	52,284 54
September	52,821 17
October	58,103 84
November	58,537 04
December	73,933 39
January, 1943	73,600 32
February	90,400 91
March	95,128 38
April	94,252 75
May	81,245 51
	$861,852 41

In addition to sick leave granted under the normal provisions of the rule, over a period of the past few years, there has been an increasing amount of *additional sick leave with pay granted by the Personnel Board.* A cursory review of the minutes for the period July 1, 1942, through June 30, 1943, revealed that the Board had approved the equivalent to somewhat over $11,000 in additional sick leave during the period."

ADDITIONAL SICK LEAVE WITH PAY GRANTED BY STATE PERSONNEL BOARD TO STATE EMPLOYEES

During the Period July 1, 1942, to July 1, 1943

Employee	Date Granted	Agency	Approximate cost
A	7-24-42	Board of Equalization	$450 00
B	8-12-42	Preston School of Industry	471 00
C	9-24-42	The Fred C. Nelles School for Boys	400 00
D	9-24-42	Board of Equalization	675 00
E	10-14-42	State Personnel Board	245 00
E	12-14-42	State Personnel Board	360 00
F	10-14-42	Franchise Tax Commissioner's Office	610 00
F	1-5-43	Franchise Tax Commissioner's Office	611 00
F	3-11-43	Franchise Tax Commissioner's Office	630 00
F	4-13-43	Franchise Tax Commissioner's Office	945 00
G	12-14-42	Division of Highways	750 00
H	2-25-43	Department of Social Welfare	46 58
I	2-25-43	Department of Education	78 00
J	3-10-43	Board of State Harbor Commission	396 00
K	3-12-43	Board of Equalization	313 39
K	6-25-43	Board of Equalization	49 57
L	5-11-43	Department of Industrial Relations	787 60
M	5-13-43	Division of Highways	1,453 56
N	5-13-43	Division of Highways	268 62
O	5-13-43	Division of Highways	1,018 00
P	5-25-43	Department of Social Welfare	34 65
P	6-25-43	Department of Social Welfare	11 06
Q	6-25-43	Board of Equalization	720 56
17 Employees		One-year total	$11,324 59

The number of employees granted additional sick leave with pay over the accumulated sick leave continued to go up in 1943 and 1944. In the first year it reached 32 and in 1944 with fewer employees it was 34. The actual money cost was reduced. The factual data is shown on the following tabulation prepared at our request by the Personnel Board and dated Mar. 13, 1945:

STATE PERSONNEL BOARD REPORT ON ADDITIONAL SICK LEAVE WITH PAY GRANTED BY THE STATE PERSONNEL BOARD, 1943 AND 1944

1943		*1944*	
No. of individuals granted additional sick leave	32	No. of individuals granted additional sick leave	34
Average length of time per person (working days)	42½	Average length of time per person (working days)	55
Longest amt. granted (working days) (equal to 4⅔ months)	100	Longest amt. granted (working days) (equal to 5½ months)	115
Shortest amount granted	1	Shortest amount granted	9
Length of employment of persons granted sick leave with pay:		Length of employment of persons granted sick leave with pay:	
Less than 3 years	1	Less than 3 years	1
3 to 5 years	3	3 to 5 years	3
5 to 8 years	4	5 to 8 years	0
8 to 12 years	8	8 to 12 years	6
12 to 15 years	4	12 to 15 years	4
15 to 20 years	3	15 to 20 years	12
Over 20 years	9	Over 20 years	7
Average length of service of all persons granted sick leave	14 yrs.	Average length of service of all persons granted sick leave	16 yrs.
Average number of days of sick leave accumulated before additional sick leave was granted	42¼ days	Average number of days of sick leave accumulated before additional sick leave was granted	37¼ days

The minimum sick leave allowed is 12 working days per year with full pay and an accumulation of 10 days per year up to 100 days. At almost every meeting during the past year and a half the Personnel Board has granted additional sick leave. Little attempt has been made to find out

if such leave was justified. Our files contain many instances where we have felt that the board has been overly liberal in making these awards. If the abuse of sick leave could be eliminated both that which is reported and that which remains unreported, the Budget required to do this would be a good investment. There is a bill before the Senate authored by the Budget Committee, which will cure much of this abuse.

Medical Examinations

Our investigation likewise shows that many State employees are put to work without any medical examination being required, promotions are also made without requiring a physical examination. It has cost the State many hundreds of thousands of dollars unnecessarily because men were hired to perform work which they were not physically able to do or they were promoted to a position requiring greater exertion or hazard without a physical examination and at least one instance has come to our notice where the employee was already seriously physically handicapped. We believe this situation should be cleared up and we feel that the employment of a full-time physician by the Board will assist materially with this.

For the above reasons we feel that the appropriation for the Personnel Board should be approved but that there should be applied to it the overall percentage cut necessary to produce the $10,000,000 over all saving previously explained or the personnel saving in salaries and wages. We also feel that the ratio of salary saving applicable to produce a $3,000,000 total Salary Restoration Fund should be applied to this appropriation if the total salary restoration program is not made effective.

We recommend that the Personnel Board utilize some of its additional staff provided in this Budget to simplify the personnel paper work required of the several departments and that the process of hiring, paying, dismissal layoff and other procedures be simplified and the work reduced to a minimum.

We also recommend that the Personnel Board cooperate with the Department of Finance and the Controller's office and the several departments of the State concerned to expedite personnel and other records and the checking thereof so that the pay roll of the several department may be expedited and employees of the State may be paid on a fixed date each month and as soon after the service was performed as is possible.

Analysis of Proposed Expenditures For The Reconstruction and Reemployment Commission

Item 34 Budget Bill, pages 36-37 Budget. Appropriation, $357,965; increase of $159,284 or 80.2 % over $198,681 expenditure for 1943-1945.

	Per cent
Total Budget	Up 80.2
Salaries	Up 69
Operating expenses	Up 122
* Equipment	Up 127

*Note great increase in first six months of last year of biennium.
See table below for annual and biennial breakdown.

TABLE I

Object	Fiscal Year 1943-1944	Fiscal Year 1944-1945	Per Cent Increase 1944-45 Over 1943-44	Fiscal Year 1945-1946	Fiscal Year 1946-1947	Per Cent Increase 1946-47 Over 1945-46	Per Cent Increase or Decrease 1945-47 Biennium Over 1943-45 Biennium
Salaries	$28,632	$130,010	+354%	$146,785	$121,980	—16%	
Totals for biennium	$158,642			$268,765			+ 69%
Operating expenses	$6,817	$30,150	+342%	$47,700	$34,500	—27%	
Totals for biennium	$36,967			$82,200			+122%
Equipment	$1,061	$2,011	+ 89%	$5,000	$2,000	—60%	
Totals for biennium	$3,072			$7,000			+127%
Total for biennium	$198,681			$357,965			+ 80.2%

General Observation

The Budget of the Reconstruction and Reemployment Commission must be considered differently than the Budgets for State agencies that have been long established and have a normal program. This commission has two particular functions. One is to carry on research, plan and assist in postwar reconstruction and reemployment. This we hope will be a one-time activity, and this should end, in its major proportions, with the war or soon thereafter. The other function is in the nature of an all-time activity in carrying on the work assumed from the State Planning Commission and administering the Planning Act.

The first activity, planning for reconstruction and reemployment, is the largest part of the commission's work. It has a tremendous importance, and if this commission can suggest ways and means to orderly solve the problems of postwar reconstruction and reemployment, the expenditure of the amount set up in the Budget for the coming biennium of $357,965 will be one of the best investments the State has made.

While the original bill which initiated the idea of a commission with the essential functions given to this commission appeared in the Legislature as Senate Bill No. 807, introduced and sponsored by the Legislative Budget Committee, we still feel that no one can judge with certainty as to the possible success of the Reconstruction and Reemployment Commission. The original form of the organization provided in Senate Bill No. 807 was materially changed, as were the methods and the membership of the commission. However, the general intent which is universally desired is the same. *It appears to be far better to make the expenditure required and endeavor to secure the desired results—although we may fall far short of the goal—than not to perform the service and regret it. To date the results are not measurable.*

This organization was started in 1943-44, but with only a skeleton staff. This went on for the first six months of the biennium. Some expansion was made in the second six months, but full and effective functioning was not begun until the third six months of the Biennium 1943-45. It is planned to carry on a somewhat expanded program for the first full year of the 1945-47 Biennium and the first six months of the second year, 1946-47. Staff and operations will be reduced during the last six months of the biennium.

An analysis of the operation of the commission by six months' periods is presented at the bottom of page 36 of the Budget. This will show the amounts to be spent for each six months of the three principal divisions of operation, that is, salaries and wages, operating expenses, and equipment.

The tapering off process will begin in December of 1946. Operations will be reduced to about 40 per cent of what is considered normal. The staff will be reduced from an average of 37 in 1945-46 to an average of 31 for 1946-47.

The Legislature will be in session beginning January, 1947, and it can then review the operations of this commission. We recommend that this be done, for the reason that it is practically impossible to budget this kind of an activity, operating in a period of war emergency, planning postwar adjustments.

The two special surveys—Mineral Resources Survey, $20,000, and Education Survey, $20,000—were special appropriations made by the Legislature during the special session of 1943. These surveys will be available to the Legislature during the session, and the reduction shown by this amount does not mean a reduction in the actual program of the Reconstruction and Reemployment Commission.

Examination of the salaries paid to employees of the Reconstruction and Reemployment Commission will show that they are relatively high as compared with other State agencies. This follows from the nature of the work being done, where judgment is a particular requirement. We recommend, however, that the Department of Finance, in setting up their annual budget for this organization, see that salaries are kept in line with the recommendation of the Personnel Board as established for like positions in the State service.

Items to be especially scrutinized:

1. Proposed increase in salary of Deputy Director from $7,500 in 1944-45 to $8,000 in 1945-47. Should be determined by the Personnel Board.

2. Salary for Chief of Technical Staff in budget shows $7,500. This is misleading because it is proposed under *"special salary adjustment"* that this amount shall be *increased* to *$8,000* in the *1945-47 Biennium.* This adjustment should depend on recommendations of Personnel Board.

3. Salary for Administrative Officer is listed in Budget at $3,540. Under the *"special salary adjustment"* item it is proposed that this salary shall be *increased during 1945-46* by *$400,* making a total of *$3,940,* and another increase during *1946-47* of *$400,* giving an ultimate salary of *$4,340* by the end of the biennium. This adjustment should be on findings of the Personnel Board.

4. Will particularly question need for *two* research writers with such a highpowered staff of research specialists.

5. Traveling Expense

   (a) Note administrative traveling expense in the 1945-47 Biennium totals $23,850 vs. $10,255 for the 1943-45 Biennium, an increase of $13,595, or 132 per cent.

   (b) *Citizens advisory committee* traveling expense jumps from $2,500 in the 1943-45 Biennium to $12,150 in the 1945-47 Biennium, or an increase of $9,650, or 386 per cent. We doubt if this is necessary.

6. Printing

   Printing for 1943-44 amounted to $884. Estimated for 1944-45 is $4,000, an increase of $3,116 for the year, or 352 per cent.

   Estimated for 1945-47 Biennium is $12,500 vs. $4,884 for 1943-45 Biennium, an increase of $7,616, or 156 per cent. The value of the material issued should be well determined by this time. We question if some of it should be printed for general distribution.

7. Miscellaneous

See Tables II and III following for other out-of-line expenditures including telephone and telegraph, automobiles, accounting services, general office equipment, etc.

The 122 per cent increase in *operating expense* is composed of the following items:

TABLE II

Operating Expense

Items	*Expenditures 1943-1945*	*Proposed expenditures 1945-1947*	*Increase Amount*	*Per cent*
General office	$4,318	$5,850	$1,532	35.5
Travel—Administration	10,254	23,850	13,596	132.6
Travel—Citizens' Advisory Committee	2,500	12,150	9,650	386.1
Printing	4,884	12,500	7,616	155.9
Telephone and telegraph	2,510	5,400	2,890	115.1
Postage	2,396	4,950	2,554	106.6
Accounting services	4,090	7,800	3,710	90.7
Automobile	1,013	2,200	1,187	117.2
Contractual services on special studies	5,000	7,500	2,500	50.4
Totals	$36,967	$82,200	$45,233	122.4

127 per cent increase in *equipment costs* comprised of:

TABLE III

Equipment

Items	*Expenditures 1943-1945*	*Proposed expenditures 1945-1947*	*Increase Amount*	*Per cent*
General office	$1,806	$4,300	$2,494	138.
Automobile	1,266	2,500	1,234	97.
Book		200	200	100.
Totals	$3,072	$7,000	$3,928	127.

We recommend that the requested appropriation be approved subject to full budgetary control and such savings be made as are reasonable; moreover that the work of the commission be reviewed by the 1947 session of the Legislature and a determination be made then for expenditures for the last six months of the biennium.

Analysis of Proposed Expenditures
For the Secretary of State, 1945-1947 Biennium

Items 35-38, inclusive, of the Appropriation Bill, pages 38-43, inclusive, of the Budget; appropriations totaling $305,730. Increase $71,852, or 30.6 per cent.

I. *Statistical Facts*

Items for the Secretary of State in the Appropriation Bill are as follows:

Item 35—For support of Secretary of State,	$161,830
Item 36—For printing constitutional amendments,	95,000
Item 37—For printing roster of public officials,	3,000
Item 38—For support of Collection Agency Division—Special Fund,	45,900
Total in appropriation bill,	**$305,730**

In addition, there is a continuing appropriation item of $1,040 in the Secretary of State's contributions to the State Employees' Retirement Fund. This brings the total of proposed expenditures for the 1945-1947 Biennium up to $306,770. This represents an increase of $71,852, or 30.6 per cent over the estimated expenditures for the current biennium.

The distribution of this proposed increased expenditure is as follows:

	Estimated 1943-45	*Proposed 1945-47*	*Increase Amount*	*Per cent*
Administration	$145,579	$157,030	$11,450	7.9
Reproduction of Spanish Archives and Original Laws	----	4,800	4,800	
Printing Constitutional Amendments	55,885	95,000	39,115	69.9
Compilation and publication of Roster of Public Officials	4,500	3,000	-1,500	-33.3
Collection Agency Fund (this is a self-supporting agency)	28,307	45,900	17,592	62.1
Contributions to State Employees' Retirement Fund	644	1,040	395	61.3
Totals	$234,915	$306,770	$71,852	30.6

Of the total increase of $71,852 scheduled for 1945-1947 over 1943-1945, $20,243 or 28.2 per cent is for expended salary expense. Of this sum $19,860 is for five proposed new positions. These are listed below as follows:

No. of positions Fiscal Years			*Proposed Salaries*	
1945-46	*1946-47*		*1945-46*	*1946-47*
1	1	Intermediate account clerk	$1,620	$1,740
1	1	Laborer (one-half salary)	990	990
1	1	Supervising Photocopyist (M.L.)	2,340	2,340
1	1	Assistant Superintendent of Collection Agencies	3,420	3,600
1	1	Junior Stenographer-Clerk	1,380	1,440
5	5	Totals—Year	$9,750	$10,110
	5	Totals—Biennial	$19,860	

Of the total increase of $71,852 scheduled for 1945-1947 over 1943-1945, $13,600 or 30.0 per cent is for expended operating expenses. These operating expenses are listed below as follows:

	Estimated Expenditures 1943-45	*Proposed Expenditures 1945-47*	*Increase Amount*	*Per cent*
Office	$2,626	$4,400	$1,774	67.6
Printing	8,798	10,700	1,902	21.6
Traveling	5,609	8,600	2,991	53.3
Telephone and telegraph	3,928	4,000	72	1.8
Postage	6,016	6,900	884	14.7
Automobile	2,653	4,000	1,347	50.7
Rent	2,356	2,400	44	1.9
Freight, cartage and express	1,329	1,000	-329	-24.7
License examination expense	296	400	104	35.1
Storage	2,556	2,900	344	13.4
Pro rata, general fiscal expense	222	----	-222	
Photocopying—Recordak	560	5,400*	4,840	7.1
Photocopying	4,400	8,800*	3,600	81.8
Pro rata, Personnel Board Services	124	160	36	29.0
Pro rata, janitorial service	3,785	----	-3,785	
Totals	$45,260	$58,860	$13,600	30.0

* The Secretary of State's office will be reimbursed by $8,400 for charges to other agencies for photostat services.

Equipment expenses is scheduled to increase by $2,752, as follows:

	Estimated 1943-45	Proposed 1945-47	Increase
Office	$348	$1,600	$1,252
Automobile	----	1,500	1,500
	$348	$3,100	$2,752

II. *Recommendations*

1. That the amount of money allocated for printing constitutional amendments be reduced from $95,000 to $60,000, approximately the cost for the current biennium, which would effect a saving of $35,000.

2. We recommend that the proposed reduction necessary to produce the proportionate share of the $10,000,000 General Fund saving be applied to the Budget of the Secretary of State. This will have the effect of making a reduction in the operating expenses somewhat less than a specific recommendation previously made as follows:

That operating expenditures be reduced by $3,602, with the reduction being distributed as follows:

	Amount for 1943-45	Amount proposed by Budget 1945-47	Reduction we propose Amount	Reduction we propose Per cent
Office expense	$2,626	$4,400	$440	10.
Printing expense	8,798	10,700	1,902	17.77
Traveling	5,609	8,600	860	10.
Automobile	2,653	4,000	400	10.
	$19,680	$27,700	$3,602	13.

3. We also recommend that the over-all reduction for automobiles as per our previous schedule be applied to the office of the Secretary of State.

4. We also recommend a reduction in an appropriation for printing based upon the over-all schedule previously presented.

5. Recommended reduction would be $35,000 plus the reduction in automobiles and in over-all expenses which would be produced by the formula.

Collection Agencies

We wish to call attention to the fact that Item 38, support of the collection agency division in the sum of $45,900, is from a special fund. There is an addition here of two new positions, making a total of five employees to license and check all the collection agencies of the State. We believe that this is not an over-sized staff for this purpose. We would apply the over-all reduction previously described to this agency with full knowledge that if they run short of funds a deficiency may be allowed to provide what is set up in this Budget.

We previously recommended in 1943 that this activity be transferred from the Secretary of State to the Department of Professional and Vocational Standards, which was then concurred in by the Secretary of State. At that time a bill to this effect was vetoed by the Governor. The collection agency now wishes to remain in the Secretary of State office and the Secretary of State is disposed to retain them, so we are not repeating our recommendation for transfer until we have had more opportunity to further study the question.

Analysis of Proposed Expenditures
For the Department of Agriculture, 1945-47

Items 39 to 44, inclusive, of the Appropriation Bill; pages 44-82, inclusive, and 88-90, inclusive, of the Budget.

For Support of Department of Agriculture

Item 39, Budget Bill, pages 44 and 46-66, inclusive, of the Budget: Appropriation, $3,300,713; increase of $566,028 or 20.7 per cent over the $2,734,684 estimated expenditure for 1943-45.

Recommendation: Reduce Item 39 by $113,590 or 3.4 per cent to $3,186,410.

I. *Statistical Summary*

The table on next page shows the distribution of the increase of $566,-028, by the 18 different categories for General Fund activities and by object of expenditure, as follows:

	1945-47 Proposed Expenditures	Estimated Expenditures 1943-45	Proposed Increase			Increase by object of expenditure:		
			Amount	Per cent	Per cent of total increase	Salaries and wages	Operating expenses	Equipment
Departmental administration	$345,310	$272,574	$72,735	26.6	12.8	$60,188	$6,974	$5,571
Entomological service	173,968	124,676	49,291	39.5	8.7	44,207	7,800	—2,716
Plant quarantine service	899,971	761,005	138,965	18.2	24.5	130,685	1,037	7,243
Bureau of Plant Pathology	79,990	60,039	19,950	33.2	3.5	13,080	5,481	1,388
Rodent plague and weed control	129,775	108,471	21,303	19.6	3.7	8,367	15,202	—2,265
Suppression of field rodents	24,660	17,724	6,935	39.1	1.2	5,660	—74	1,350
Seed inspection	70,780	62,370	8,409	13.4	1.4	4,153	2,029	2,226
Predatory animal control	55,980	53,927	2,052	3.9	.3	2,480	871	—1,300
Chemical spray residue enforcement	36,400	30,855	5,544	17.9	.9	4,736	420	386
Livestock disease control	600,344	485,764	114,579	23.5	20.2	68,321	43,501	2,756
Dairy service	192,691	191,121	1,569	.8	.2	3,510	1,061	—3,002
Meat inspection-supervision	143,222	107,864	35,357	32.7	6.2	26,965	8,631	—240
Markets—General marketing service	44,667	30,243	14,423	47.6	2.5	8,032	5,709	681
Market news	279,232	248,236	30,995	12.4	5.4	24,407	2,609	3,978
Agricultural statistics	64,940	53,699	11,240	20.9	1.9	5,218	2,990	3,031
Fruit and vegetable standard	256,575	232,576	23,998	10.3	4.2	18,880	—129	5,247
Weights and measures	47,927	36,251	11,675	32.2	2.0	2,271	2,700	6,703
Less: pro rata Departmental administration	—145,719	—142,719	—3,000	2.0	—.5			
Total support	$3,300,713	$2,734,684	$566,028	20.6		431,169	106,818	31,041
Per cent of total increase					100.0	75.7	18.77	5.46

The foregoing table shows that proposed expenditures for 1945-1947 for 17 of the 18 categories of General Fund activities are up significantly, with the amount of increase ranging from $2,052 or 3.9 per cent for predatory animal control to $114,579 or 23.5 per cent for Livestock Disease Control and $138,965 or 18.2 per cent for the Plant Quarantine Service.

Concerning the substantial increases proposed for the Plant Quarantine Service and the Livestock Disease Control activity, the Department of Agriculture reports that the increase for the first activity is due to increased traffic, especially in the maritime ports, while in the case of the Livestock Disease Control function, the increase is principally to provide for the contemplated return of a large number of meat packing plants from Federal to State inspection and the return of veterinarians from military service so that they may again proceed with this activity. We do not believe the veterinarians will be available and suggest a salary saving here in the special fund recommended for the entire State service.

Of the total increase of $566,028, $431,169 or 75.7 per cent is for salaries and wages; $106,818 or 18.7 per cent is for operating expenses; and $31,041 or 5.5 per cent is for equipment.

As the increase of $431,169 for salary expense amounts to three quarters of the proposed total increased expenditure it warrants further comment. This increase, as summarized by the department, is distributed as follows:

Decrease in salary savings	$105,551
Normal salary adjustments	69,307
Seasonal help	31,664
New positions (excluding military lease positions)	112,440
Military leave positions	64,740
Balance of salary and wages	47,468
Total increase	$431,169

The Department of Agriculture reports that the decrease in the estimated salary savings of $105,551 for 1945-47 over the amount for 1943-45 represents approximately half of the estimated savings from this source for the current biennium. We believe that the savings from this source will more nearly approximate 60 per cent or more of those for the current biennium.

We believe that the increase of $69,307 for normal salary adjustments is a reasonably accurate estimate of a cost that needs to be accepted under the current procedure specified by law.

The $177,180 budgeted for the proposed new positions (including military leave positions) would cover the salaries of 17 positions for the first fiscal year and a cumulative total of 38 positions for the second year of the biennium, plus several upward personnel reclassifications, and an item of $600 to cover allowances of $25 monthly to a few local agricultural commissioners for enforcing State agricultural laws.

Of the 17 new positions in the Budget for the first fiscal year, four cover former employees on military leave and provision for a Supervising Veterinary Meat Inspector to fill a vacancy occasioned by a retirement. There are also two administrative assistants positions, one of

whom would assist the Director of the Department in Sacramento and the other to coordinate activities in the San Francisco office. There would also be a clerk for the accounting office, seven quarantine inspectors at maritime ports, one Supervisor of Weed Control to fill a vacancy, and one Egg Standardization Inspector.

In the second year of the biennium the 38 positions include the continuation of the 17 positions explained, and return of an additional 11 from military service. One additional clerk is provided for administration, four quarantine inspectors at border stations in anticipation of increasing travel; return of two supervising and one assistant meat inspectors in anticipation of the return to State jurisdiction of the meat inspection work now done by the Federal Government; provision for a citrus marketing economist in Southern California; and an additional weighing and measuring equipment inspector to assist the present staff of two inspectors reported as necessary to test large capacity scales located throughout the State, and which is reported as requiring equipment not maintained by the various counties.

The $106,818 increase in total operating expenses proposed for 1945-47 over 1943-45 estimated expenditures is distributed as follows:

Operating Expenses	
Office	$1,126
Printing	1,054
Traveling	40,964
Telephone and Telegraph	685
Postage	3,587
Automobile	27,204
Freight, Cartage and Express	447
Light, Heat and Power	475
Rent	3,596
Janitor Service	–68
Field	14,977
Laboratory	383
Printing Bulletins	–39
Press Clippings	341
Reporting Vessels	410
Cooperative Agreements	5,253
Austrian Field Cress Elimination	–587
Indemnities	8,797
Reimbursement for Services to Special Fund and Trust Fund Activities	–1,794
Total Increased Operating Expenses	$106,818

Respecting the proposed increase of $106,818 for operating expenses, the Department of Agriculture comments as follows:

> "The principal increase occurs in traveling to provide for the contemplated return of military personnel, the new positions, and the tremendous increase in the cost of subsistance, and the fact that a larger portion of the travel will probably have to be made by common carrier. Automobile expense shows a considerable increase to provide for the additional 14 cars provided for, and extensive repairs and maintenance operation, because it is probable that it will be necessary to operate the automobiles 80 to 100,000 miles, and from current experience, unquestionably it will require that many cars be completely overhauled, the cost for which will be from $100 to $400. The above two items cover two-thirds of the increase in all operating expense items. The increase in field and cooperative agreements is occasioned principally in the activities of entomology for

material in pest eradication and control, for poison and bait material, and agreements with counties covering labor in connection with control and suppression of field rodents."

If these positions are not filled, savings should be made in operating expense for travel, automobile, and other items as contemplated in the proposed over-all budget savings.

The $31,041 increase in expenditure for equipment proposed for 1945-47 over 1943-45 estimated expenditures is distributed as follows:

EQUIPMENT	
Office	$14,325
Automobiles	6,152
Field	4,834
Laboratory	5,729
Total Increased Equipment Expenditures	$31,041

The department states that the increase in the purchase of equipment is principally for replacement items which have been unavailable for several years, and which it is reasonable to assume will be available.

Automobiles will not be required for personnel not secured and a reduction in purchases should be made accordingly.

II. *Findings and Recommendations*

A. *Summary of Recommendations*

In addition to the savings that will accrue through application to the Department of Agriculture of the general over-all saving of $10,000,000 and the schedule of salary savings mentioned previously in our materials respecting the Budget, we recommend that Item 39 of the Appropriation Bill be specifically reduced by $113,590 or 3.4 per cent to $3,186,410.

We arrived at this recommended reduction after careful study of the department's budget and the amount of reduction recommended is based on the following suggested individual reductions which are described in greater detail in recommendations B to D below:

(1) Reduction in amount proposed for new positions	$88,590
(2) Reduction in amount from General Fund for Bureau of Markets	15,000
(3) Reduction in operating expenses	10,000
	$113,590

B. *Proposed New Positions*

The Budget provides $177,180 for proposed new positions (including $64,740 for military leave positions). If the Legislature decides to allow all of the personnel expansion proposed by the Budget and described in Part I, above operating expenses will also increase, particularly for travel and automobile items. It is our opinion that the department can operate satisfactorily for the biennium without increasing the number of positions by the full amount proposed by the Budget. We believe that the department can operate successfully with half of the $177,180 proposed for new positions; and, therefore, recommend a saving of $88,590 in this sphere. The same amount remaining for salaries of additional positions will more than cover the $64,740 set up for military leave positions. Under this recommendation, the Department of Agriculture and Finance would determine the proposed new positions that are the most essential. We

believe that much of this recommended reduction in the increase proposed by the Budget could be applied in the Bureau of Livestock Disease Control. The Budget proposes to add eight positions for the second year of the biennium for this bureau (see page 55 of the Budget), despite the fact that there are now 18 vacant positions. It is our opinion that this Bureau of Livestock Disease Control should not be expanded materially beyond its present strength in the face of the fact that we have reached an all time high in the number of livestock and that there will be a material downward readjustment in this respect after the end of the war.

C. *Bureau of Markets*

We recommend that this bureau be made more self-supporting through increasing fees for the service it extends to agricultural interests. We recommend a reduction of $15,000 in Item 39 from the General Fund to bring the amount for this bureau from the General Fund to the approximate level for the current biennium.

D. *Operating Expenses*

In view of our recommendations for significantly smaller increases for personnel expansion than proposed by the Budget, we recommend that the proposed allowances for operating expenses be reduced, as these tend to follow the trend of expenditures for personnel. We believe that the increase of $106,818 in operating expense proposed by the Budget could be cut by at least $10,000 and still allow for the upward cost raising factors mentioned above; and that the reduction of $10,000 could be absorbed throughout the operating expense items, with particularly significant cuts being instituted in the travel and automobile expense categories, of which the budgeted amounts total $68,000.

For Construction, Etc., Department of Agriculture

Item 40, Budget Bill, pages 63 and 64 of the Budget; appropriation, $14,160, decrease of $1,820 or 11.4 per cent in the estimated expenditure for 1943-45.

We recommend that this amount of $14,160 for capital improvement expenditures listed on page 63 of the Budget be approved without reduction as the proposed expenditure items seem to be in line.

For Support of Department of Agriculture, Department of Agriculture Fund

A Special Fund Item—

Item 41 Budget Bill, pages 45 and 67-82 inclusive of the Budget. Appropriation, $4,649,314; increase of $690,282 or 17.4 per cent over the estimated expenditure $3,959,031 for the 1943-45 period and of $717,766 or 18.2 per cent over the $3,931,548 appropriated for the 1943-45 period by the last regular session of the Legislature.

I. *Statistical Summary*

The table below shows the distribution of the increase of $690,282 over the current biennial period's expenditure, by function and object:

	Proposed expenditures 1945-47	Estimated expenditures 1943-45	Proposed increase		Per cent of total increase	Increase by object of expenditures		
			Amount	Per cent		Salaries and wages	Operating expenses	Equipment
Nursery Service	$71,793	$66,854	$4,938	7.3	.7	$1,341	$3,006	$590
Field Crops	432,835	367,541	65,293	17.7	9.4	52,671	5,037	7,584
Chemistry	270,736	230,628	40,107	17.3	5.8	28,778	7,452	3,876
Meat Inspection	748,060	430,305	317,754	73.8	46.0	302,641	15,113	------
Dairy Service	184,212	171,542	12,669	7.3	1.8	8,463	4,015	190
Livestock Identification	512,097	564,117	—52,020	—9.2	—7.5	—30,426	—24,950	3,357
Markets	34,350	27,635	6,714	24.2	.9	5,192	1,421	100
Market Enforcement	901,932	728,601	173,330	23.7	25.1	121,773	43,484	8,071
Canning Tomato Inspection	397,790	357,623	40,166	11.2	5.8	28,439	11,373	353
Shipping Point Inspection	955,191	887,489	67,701	7.6	9.8	40,593	18,872	8,236
Gasoline Distillate and Oil Inspection	140,318	126,691	13,626	10.7	1.9	6,367	3,591	3,666
Total	$4,649,314	$3,959,031	$690,282	17.4	100.0	$565,836	$88,418	$36,027
						81.9%	12.8%	5.2%

The foregoing table shows that $317,754 or almost half of the proposed increase of $690,282 for 1945-1947 is for the meat inspection service. The Department of Agriculture reports that this proposed increased expenditure results from the contemplated return to State control of the meat inspection activities taken over by the Federal Government.

An additional 25 per cent of the total increase is in the Bureau of Market Enforcement which is based on the contemplated return of personnel from the military service, and the resumption of cost finding and the establishment of milk prices curtailed by the Federal Government under maximum price regulations.

Of the total increase of $690,282, $565,837 or 82 per cent is for salaries and wages; $88,418 is for increased operating expenses; and $36,027 is for expanded equipment expense.

Four-fifths of the proposed total increase is in the category of salaries and wages. This increase is distributed as follows:

		Per cent of total salaries and wages increase
Decrease in salary savings	$66,197	11.7
Normal salary adjustments	73,410	13.0
Seasonal help	267,136	47.2
New positions	67,460	11.9
Military leave positions	53,700	9.5
Balance	37,934	6.7
Total increase	$565,837	100.

Of the $67,460 for new positions indicated above, $26,400 is for the proposed new allowance of $25 monthly as compensation for the services of local agricultural commissioners in the enforcement of State agricultural laws they are not now specifically directed by law to enforce.

The $88,418 increase in operating expenses is distributed as follows:

Office	$3,904
Printing	—758
Traveling	34,352
Telephone and telegraph	—314
Postage	1,895
Automobile	12,970
Freight, cartage and express	383
Light, heat and power	552
Rent	4,873
Janitor service	84
Field	1,275
Laboratory	637
Fee to United States Government	6,992
Contract laboratory analysis fees	422
Expense local milk control board	— 97
Estimated abatements	—350
Pro rata overhead expense	21,598
Total, operating expenses	$88,418

The $36,027 increase in expenditures for equipment is distributed as follows:

Office	$382
Automobiles	24,385
Field	3,017
Laboratory	8,243
	$36,027

II. Findings and Recommendations

1. Summary of Recommendations

In addition to the savings that will accrue through application to the Agriculture Fund of the same procedure as recommended for the general over-all saving of $10,000,000 and also the schedule of salary savings, we recommend the following:

Reduction of Item 41 of the Appropriation Bill by $33,000 with this amount being divided among sectors of the Department of Agriculture Fund budget as follows:

(a) Reduction in salary expense for the Bureau of Market Enforcement (see recommendation 2 below)	$27,260
(b) Reduction of salary expense for other sectors of Agricultural Fund activities than the Bureau of Market Enforcement (see recommendation 3 below)	10,740
(c) Reduction in operating expenses of the Bureau of Market Enforcement (see recommendation 4 below)	10,000
(d) Gross reduction	$48,000
(e) Less: Addition of $15,000 to cover transfer of this sum from the General Fund to the Agriculture Fund (see recommendation 5 below)	15,000
(f) Total net recommended reduction in Item 41	$33,000

2. Recommendation Regarding Bureau of Market Enforcement: Salary Expenditures

The amount budgeted for this bureau for 1945-1947 is $901,932, which represents an increase of $173,330 or 23.7 per cent over estimated expenditures for 1943-1945. The Department of Agriculture reports that large parts of this increase would result from the contemplated return of a large personnel from the military service whose services will be needed, and the resumption of cost finding and the establishment of milk prices curtailed by the Federal Government at the present time under maximum price regulations. This bureau currently has 103 authorized personnel positions. It asks for eight additional positions for the first year of the biennium and a cumulative total of 13 for the second year. Of the eight new positions for the first year, three are for persons on leave for military service, while seven of the 13 positions for the second year fall within this category.

We are convinced that the present number of authorized positions, plus the proposed new positions for persons on military leave (which happen to be positions that are needed and should be refilled) will be sufficient for the activities of the Bureau of Market Enforcement even on the basis of resumed service in the field of agricultural cost finding and the fixing of milk prices.

We, therefore, recommend that Item 41 of the Appropriation Bill be reduced by $27,260, which covers the following positions:

No. of positions Fiscal Years 1945-46	1946-47		*Proposed salary expenditure* 1945-1946	1946-1947
2	2	Investigator	$4,680	$4,920
1	2	Auditor	2,580	5,400
2	2	Fluid Milk Investigator	4,720	4,960
5	6	Totals, Year	11,980	15,280
		Total, Biennium		$27,260

3. Recommendation Regarding New Positions for Other Activities Than Those of the Bureau of Market Enforcement

In addition to our recommendation that certain proposed new positions indicated above for the Bureau of Market Enforcement *not* be granted, we recommend that the following proposed new positions in other branches of the Agriculture Fund activities not be established; and that a deduction of $10,740 from Item 41 of the Appropriation Bill be made to cover the indicated recommended salary saving.

No. of positions Fiscal Years 1945-46	1946-47		*Proposed expenditure* 1945-46	1946-47
1	1	Junior chemist	$2,340	$2,460
1	1	District inspector of economic poisons and fertilizers	2,880	3,060
2	2	Totals, year	$5,220	$5,520
		Total, biennium		$10,740

4. Recommendation Regarding Operating Expenses of the Bureau of Market Enforcement

Budgeted allowances for operating expenses for the Bureau of Market Enforcement for 1945-1947 total $326,470, as compared with $282,685 for 1943-1945, an increase of $43,785. Of this increase, almost $10,000 is for the individual items of travel and automobile operating expense. We recommend a reduction of $10,000 in the allowance for operating expenses to be absorbed by the different operating expense items, particularly travel and automobile expense.

5. Recommendation Regarding Bureau of Markets

As a counterpart to a recommendation in connection with Item 39 above of the Appropriation Bill, we here recommend that revenues for the Department of Agriculture Fund be increased by approximately $15,000 through increased fees charged by the Bureau of Markets for agricultural marketing services rendered to particular parties and that Item 41 of the Appropriation Bill be increased by the same amount of $15,000. Acceptance of this recommendation would result in a substantial and desirable increase in the self-supporting characteristics of this bureau.

For Support of Poultry Improvement Commission

Item 42 Budget Bill, pages 88-92 inclusive of the Budget; appropriation $19,591 from the Poultry Testing Project Fund; increase of $3,970 or 25.5 per cent over the $15,620 estimated expenditure for the 1943-45 Biennium.

Item 43 Budget Bill, pages 88-92 inclusive of the Budget; appropriation of $9,924 from the Fair and Exposition Fund; decrease of $76 from the estimated expenditure for the 1943-45 Biennium.

We recommend approval of the above two items without reduction, as the expenditure will yield dividends to the poultry industry and to the State more than commensurate with their cost.

However, we also recommend the following:

1. *That the Poultry Improvement Commission be abolished and its activities and staff be transferred to the Department of Agriculture.* This recommendation, if carried out, would represent one step in the simplification and clarification of the State's administrative machinery; and it would be expected to more readily place the scientific and staff services of the Department of Agriculture at the service of the present staff of the Poultry Improvement Commission.
2. That this entire State-sponsored poultry improvement program be made self-supporting through imposition of the necessary very moderate imposts upon the poultry industry which benefits from this activity.

Item 44, For Construction, etc., Poultry Improvement Commission, payable from the Fair and Exposition Fund, appropriation $300.

This appropriation item would cover the expenditure for a septic tank. We recommend that it be approved without reduction.

Department of Corrections—Adult Prison Facilities
Analysis of Proposed Expenditures for the 1945-1947 Biennium

Items 45-57 inclusive; page 5 Budget Bill; pages 91 to 131 inclusive of the Budget. Appropriation requested—$8,127,613, an increase of $1,936,182 or 31.27 per cent over expenditures of $6,191,431 in the 1943-45 Biennium; and an increase of $2,255,439 or 38.4 per cent over the 1943-45 appropriation of $5,872,174.[1]

I. Introduction

A complete over-all comparative analysis between Budget figures for the 1945-47 Biennium and expenditures for the 1943-45 Biennium can not be made. This is due to the fact that the Department of Corrections as presently organized, began functioning in May, 1944, as a result of legislation recommended by the Governor and enacted at the Third Extraordinary Session of the Fifty-fifth Legislature. Some of the activities formerly encompassed in the old Department of Penology have been removed from the new Department of Corrections, while in other instances new functions have been added. It is for this reason that we do not attempt in this analysis to completely compare the present budget request with expenditures and appropriations for preceding biennial periods. Suffice it to note that the overhead costs have gone up materially and they promise to go higher both in total and in unit costs, while the number of inmates is actually not as great as a few years past, when overhead costs were much lower.

[1] This figure includes only those items in the 1943-45 appropriation covering functions analagous to those now administered by the Department of Corrections. Excluded from the 1943-45 appropriation total are the appropriations for Division of Criminal Identification; Narcotic Enforcement and Detective License Bureau, all of which were formerly a part of the Department of Penology.

It is too early to measure results. They should be continuously observed by the Legislature and all claims of successes carefully reviewed for it will be difficult to show any large values in actual returns to society beyond what California was securing previous to the establishment of the present organization. Despite the adverse publicity, the California Department of Penology when measured by true tests rather than by sympathy or sentiment as to actual results secured already had demonstrated progressive thought and procedure in a large part of the field of penology.

The Legislature in its deliberations on the Department of Corrections budget must scrutinize the entire Budget in the light of a new and revamped governmental operation. Can as good a job be done for less money or a better job for the same cost is the only approach available.

Table I following gives an over-all comparison of actual and estimated expenditures by activity, for the 1943-45 Biennium, with proposed expenditures for the 1945-47 Biennium.

TABLE I—DEPARTMENT OF CORRECTIONS—ADULT PRISON FACILITIES
Analysis of Proposed Expenditures by Activity
for 1943-1945 vs. 1945-1947

Item No. A.B. 500	Expenditure for:	Bud. Pg. No.	Actual-Est. Expend. 1943-45	Proposed Expend. 1945-47	Increase (+) or Decrease (—) 1945-47 over 1943-45 Amount	Percent
45	Departmental administration	91	$67,499	$168,130	+ $100,631	+149.
46	Transportation of prisoners	91	137,000	137,000*	----------	-----
47	Deportation of aliens, etc., convicted of felonies	91	3,000	3,000	----------	-----
48	Returning fugitives	91	100,000	100,000	----------	-----
49	Support—Folsom	96	1,717,733	2,215,200	+ 497,467	+ 28.96
50	Construction, improvements—Folsom	96	39,850	20,045	— 19,805	— 49.69
51	Support—California Institution for Men	104	636,980	966,654	+ 329,674	+ 51.75
52	Support—California Institution for Women	111	244,121	311,819	+ 67,698	+ 27.73
53	Construction improvements—California Institution for Women	111	11,350	2,100	— 9,250	— 81.49
54	Support—San Quentin	117	2,694,850	3,430,700	+ 735,849	+ 27.30
55	Construction improvements—San Quentin	117	38,225	40,610	+ 2,385	+ 6.23
56	Support—Adult Authority	125	470,037	688,575	+ 218,538	+ 46.49
57	Support—Board of Trustees—California Institution for Women	131	30,786	43,780	+ 12,993	+ 14.22
			$6,191,431	$8,127,613	+$1,936,182	+ 31.27

*Page 90 of the Budget giving detailed analysis of current expenses indicates that actual expenditures for transportation of prisoners in the year 1943-44 was $75,736.92. Using this as a base, the requested appropriation of $137,000 for the 1945-47 biennium is clearly under-budgeted. This is particularly true in view of the anticipated increase in prison population during the ensuing biennium.

The bulk of the proposed 1945-47 expenditures is attributable to salary and wage expense of $4,517,813—up $934,926 or a 26 per cent increase over the 1943-45 expenditure of $3,582,887; and operating expenditures amounting to $3,640,175 for the coming biennium—an increase of $416,686 or 13 per cent over 1943-45 operating expenses of $3,241,216.

Table II following summarizes the total proposed expenditures by object.

TABLE II—DEPARTMENT OF CORRECTIONS—ADULT PRISON FACILITIES
Expenditures by Object—1943-45 vs. 1945-47

Expenditure for:	*Estimated 1943-45*	*Proposed 1945-47*	*Increase Amount*	*Increase Percent*
Salaries and wages	$3,582,887	$4,517,813	+$934,926	+26%
Operating expenses	3,241,216	3,640,175	398,959	+12.3%
Equipment	86,869	168,193	+ 81,324	+94%
Capital outlay	144,943	67,775	— 77,168	—53%
Totals	$7,055,915	$8,393,956	$1,338,041	+19%

Increased expenditures for salary and wages as set forth in Table II above, is due in large measure to the fact that provision has been made in the Budget for the addition of 161 new positions for the Department of Corrections and Adult Prison Facilities. *The cost of these new positions is $710,154 or over 79 per cent of the total amount of increase ($934,926) requested for salary and wages 1945-47 over the current biennium.*

Table III below lists by facility the number of proposed new positions and their cost for the 1945-47 Biennium.

TABLE III—DEPARTMENT OF CORRECTIONS—ADULT PRISON FACILITIES
SCHEDULE OF PROPOSED NEW POSITIONS AND ADDITIONAL EXPENDITURES THEREFOR
1945-1947 Biennium

Proposed for:	*Proposed No. new positions Cumulative 1945-46*	*1946-47*	*Estimated cost for the biennium*
Departmental Administration	10	10	$53,820
Penal Institutions—			
Folsom	31	31	152,340
California Institution for Men	9	10	44,460
California Institution for Women	6	6	30,684
San Quentin	61	61	258,060
Adult Authority	35	43	170,790
Totals	152	161	$710,154

In order that the Legislature may adequately examine individual facilities in the light of their respective budget requests detailed analyses of the respective facilities follow:

Departmental Administration

Item 45, page 5 of the Budget Bill; and pages 91 to 93 inclusive of the Budget. Amount requested: $168,130.

The Budget indicates that the proposed expenditure of $168,130 for Departmental Administration is approximately $100,000 or 149 per cent in excess of estimated expenditures for the 1943-1945 Biennium. Included in this increase are salaries of 10 proposed new positions which aggregate approximately $54,000.

We believe in giving the administration sector of the Department of Corrections a fair trial in carrying out its responsibility for developing and implementing a correctional program.

We recommend that Item 45 in the amount of $168,130 be approved without reduction. This is for the reason that is it just now being established, and we have no experience upon which to render an opinion. We recommend that the expenditure and results secured be measured before the next appropriation is considered.

Transportation of Prisoners

Item 46, page 5 of the Budget Bill; and pages 91 and 92 of the Budget. Amount requested: $137,000.

This is the same amount as the estimated expenditure for the 1943-1945 Biennium. This amount is under-budgeted rather than over-budgeted. We recommend that no specific reduction be applied to this item.

Deportation of Prisoners

Item 47, page 5 of the Budget Bill; and page 91 of the Budget. Amount requested: $3,000.

This is the same amount as the estimated expenditure for the current biennium. We recommend that it be approved.

Return of Fugitive

Item 48, page 5 of the Budget Bill; and page 91 of the Budget. Amount requested: $100,000.

This is the same amount as the estimated expenditure for the current biennium. We recommend that it be approved.

Department of Corrections—Folsom State Prison Analysis of Proposed Expenditures 1945-47 Compared With 1943-45

Items 49 and 50, page 4 of the Budget Bill; and pages 96 to 103 inclusive in the Budget. Amount requested $2,235,245.

This is an increase of $477,662 or 27.17 per cent over 1943-45 expenditures of $1,757,583, and an increase of $655,253 or 41.47 per cent over the 1943-45 appropriation (Item 179 A.B. No. 1600) of $1,579,992. This last comparison is the more valid to use to judge the increased costs chargeable to prison reform.

Proposed expenditures and estimated revenues for the 1945-47 Biennium compared with the 1943-45 period are summarized in Table I following:

TABLE I—FOLSOM STATE PRISON

Expenditures: Support	Actual and Estimated 1943-45	[1] Proposed 1945-47	Increase or Decrease 1945-47 over 1943-45 Amount	Per Cent
Folsom				
Administration	$109,589	$121,485	+ $11,896	+ 10.85
Support and subsistence	408,531	611,210	+ 202,679	+ 49.61
Care and welfare	922,623	1,125,615	+ 202,992	+ 22.
Maintenance of plant	178,408	219,600	+ 41,192	+ 23.08
Farming and Processing	131,825	137,290	+ 5,465	+ 4.14
Railroad and quarries	8,443	———	— 8,443	—100.
Camps	25,542	———	— 25,542	—100.[2]
Totals—Support	$1,784,961	$2,215,200	+$430,239	+ 24.10
Less abatements from inmate work projects	— 67,228	———	— 67,228	—100.
Net totals—Support	$1,717,733	$2,215,200	+$497,467	+ 28.96
Capital outlay	39,850	20,045	— 19,805	— 49.69
Total expenditures	$1,757,583 [(1)]	$2,235,245	+$477,662	+ 27.17
Revenues	2,262	1,140	— 1,122	— 49.60

[1] New cost of Department of Corrections began May, 1944, some $178,000 above 1943-45 Budget.
[2] Operations in the ensuing biennium are to be financed from a revolving fund. Therefore a true comparison of expenditures tends to become distorted.

Facts revealed by the foregoing table:

1. While proposed total expenditures are up 27.17 per cent, revenues are expected to decrease by 49.60 per cent. Part of this is due to fact camps will be on a revolving fund.
2. All classes of expenditures except the items for railroads, quarries and camps (to be discontinued in the ensuing biennium) show a marked increase with support and subsistence expenditures rising by almost 50 per cent.
3. No allowance has been made in the 1945-47 Budget for forestry camp contracts, war contracts, or harvest work.[1]
4. Inmate population is estimated to increase from an average of 1454 in the 1943-45 Biennium to an average of 1745 in the ensuing biennium, an increase of 291 or approximately 20 per cent. It will be noted in Table I above that expenditures for care and welfare and maintenance of plant increased by 22 per cent and 23 per cent respectively. Per inmate costs go up when normally they should show overhead savings with this small increase.

Proposed expenditures for 1945-47 as compared with estimated expenditures for 1943-45, by objects of expenditure, are as follows:

TABLE II—FOLSOM STATE PRISON

Expenditures: Object	Actual and Est. 1943-1945	Proposed 1945-1947	Increase or Decrease Amount	Per Cent
Salaries and wages	$1,011,211	$1,221,380	+$210,169	+ 21
Operating expense	792,533	981,330	+ 188,797	+ 24
Equipment	26,342	53,160	+ 26,818	+101
Inmate pay work projects	7,137	———	— 7,137	—100
Totals	$1,837,223	$2,155,870	+$418,647	+ 17
Less: Reimbursements for maintenance	— 42,745	— 28,670	— 14,075	— 33
Surplus prod. sales	— 9,517	— 12,000	+ 2,483	+ 26
Net totals	$1,784,961	$2,215,200	+$430,239	+ 24

[1] Operations in the ensuing biennium are to be financed from a revolving fund. Therefore a true comparison of expenditures tends to become distorted.

Of the budgeted increase of $210,169 for salary expense, $152,340 or 72 per cent of the increase is for 31 proposed new positions for the biennium, and $26,620 or 12 per cent of the increase is for normal salary adjustments. None of the proposed new positions are provided for because of military leave.

Operating expense shows an increase from $792,533 to $981,330 in the 1945-47 Biennium, a net interest of $188,797 or 24 per cent. A substantial portion is attributable to increased feeding costs from $305,871 in the 1943-45 biennium to $465,415 —an increase of $159,544 or 52 per cent. This is an increase in the average cost of feeding of $45 per year per prisoner. It brings the total average cost of feeding per prisoner to $11.12 per month, which does not appear to be excessive. The food control system installed recently in all of the institutions under the Department of Corrections should result, if properly operated, in producing adequate diet at the lowest possible cost when coupled with a proper production schedule and distribution of products amongst the several State institutions. Another item of significance is the increased cost for paroles and discharges which are scheduled to increase from $24,189 in the 1943-45 biennium to $51,800 in the 1945-47 Biennium, a net increase of $27,611 or 114 per cent.

Proposed new positions and the budgeted salary expense resulting are as follows:

TABLE III—SCHEDULE OF PROPOSED NEW POSITIONS
Department of Corrections—Folsom State Prison—1945-47 Biennium

No. Positions Fiscal Year 1945-46	No. Positions Fiscal Year 1946-47 Cumulative	Classification	[1] Salary Range	[2] Total Amount 1945-46	[2] Total Amount 1946-47
1	1	Senior Stenographer-Clerk	150–190	$2,100	$2,220
1	1	Steward	160–200	2,220	2,340
1	1	Supervising Cook	140–180	2,220	2,340
1	1	Butchershop Foreman	160–180	2,220	2,340
1	1	Associate Warden	340–420	4,320	4,560
1	1	Lieutenant	180–220	2,460	2,580
7	7	Guard (Uniform Hol.)	140–220	15,540	16,380
1	1	Senior Clinical Psychologist	215–275	2,880	3,060
1	1	Social Case Worker	160–200	2,220	2,340
1	1	Senior File Clerk	140–180	1,980	2,100
1	1	Senior Stenographer-Clerk	150–190	2,100	2,220
1	1	Supervising Nurse Grade 2	170–210	2,340	2,460
3	3	Graduate Nurse	140–180	5,940	6,300
1	1	Librarian	140–180	2,220	2,340
1	1	Supervisor of Inmate Activities	150–190	2,220	2,340
1	1	Senior File Clerk	140–180	1,980	2,100
1	1	Senior Stenographer-Clerk	150–190	2,100	2,220
2	2	Intermediate Stenographer-Clerk	110–150	3,240	3,480
1	1	Painter-Foreman	160–200	2,220	2,340
1	1	Plumber-Foreman	160–200	2,220	2,340
1	1	Hog Ranch Operator	160–200	2,220	2,340
1	1	Poultryman	160–200	2,220	2,340
		Reclassifications: (Increased costs)			
		1 Guard to Lieutenant		240	240
		6 Guards to Sergeant		720	720
		1 Asst. Physician to Physician		1,620	1,860
		1 Asst. Physician to Psychiatrist		1,500	1,740
		Firefighter, part-time	10.00	720	720
31	31			$73,980	$78,360
					$152,340

[1] All tables showing salary range, do not include State employees wartime bonus.
[2] Wartime bonus included in totals.

Recommendations for Folsom State Prison

1. We recommend that the Budget for Folsom State Prison be reduced from the proposed figure of $2,235,245 to $2,024,200, a reduction of $211,045 or approximately 9 per cent. This still represents an increase of $266,617 or approximately 15 per cent over 1943-45 expenditures. Moreover, it allows a per inmate cost equal to that actually spent in 1943-44 of $581 per year.
2. Economies to effect this reduction can be made as follows:
   (a) Feeding costs in the ensuing biennium are estimated to increase from $305,871 to $465,415, an increase of $159,544 or 52 per cent. This cost is high and should be materially reduced by:
      1. Increased production of food and livestock products and maximum utilization of agricultural facilities, equipment, personnel, and inmate population. Local production for consumption shows a decrease of $37,000 or 20 per cent yet paid help for farming is increased 100 per cent.
      2. Introduction of strict economy methods in the purchase and use of food and supplies. Out-of-line feeding costs indicate waste and mismanagement in the purchase, preparation and consumption of food. We recommend curtailment in these expenditures and a complete overhauling of methods and procedures. Examination of recent menus show a better feeding of prisoners than some of the guards can afford.

   (b) Elimination of proposed new positions which are not absolutely essential. Included in this category would be the proposed new positions of:

No. Positions Requested	
1	Supervising Nurse, Grade 2
3	Graduate nurses Instead of a total of four nurses, one nurse should be able to handle the prison demands, especially in the light of wartime demands for nurses for the armed forces.
1	Associate warden One such position was recently established.
1	Steward Already have a chief steward. This should be sufficient.
1	Social case worker This work can hardly be called essential, especially during time of war.
1	Painter-Foreman Inmates should be able to handle the necessary work under supervision of maintenance man.
1	Supervisor of Inmate Activities Supervisor of Education, Associate Warden, or other officers should be able to handle these duties.
2	Lieutenant (one of which is a reclassification of a guard) Five lieutenant positions are already established. This would seem to be an ample number.
1	Hog Ranch Operator
1	Poultryman Hardly can be justified with value of production going off 20 per cent. Inmates under supervision of head farmer should be able to handle these.

   (c) In addition, some of the new positions established in 1944 after the new setup might well be questioned. Six paid men with "con" help carried on maintenance and operation of the plan. There are 12 sched-

uled for 1945-47. Why an electrical foreman and three electricians? Is it not possible to do some occupational therapy and teach some convicts to do electrical work?

Department of Corrections—California Institution for Men

ANALYSIS OF PROPOSED EXPENDITURES
1945-47 COMPARED WITH 1943-45

Item 51, page 5, of the Budget Bill, and pages 104 to 110, inclusive of the Budget. Amount requested, $966,654.

This is an increase of $274,156 or 39.58 per cent over expenditures of $692,498 in the 1943-45 Biennium, and represents an increase of $172,277 or 21.68 per cent over the appropriation of $794,377 made for the 1943-45 Biennium.

Proposed expenditures and estimated revenue for the 1945-47 Biennium by broad classes of expenditures are summarized in Table I following:

TABLE I—CALIFORNIA INSTITUTION FOR MEN

Expenditures, support	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Administration	$131,738	$135,900	$4,162	3.15
Support and subsistence	144,732	239,085	94,353	65.19
Care and welfare	380,199	463,839	83,640	21.99
Maintenance operation of plant	107,491	127,830	20,339	18.92
Farming and processing	76,804	------	— 76,804	—100*
Camps	374,036	491,130	+ 117,094	31.30
Totals, support	$1,215,000	$1,457,784	$242,783	19.98
Less abatements	578,020	491,130	— 86,890	— 15.03
Net totals, support	$636,980	$966,654	$329,674	51.75
Capital outlay	55,518	------	— 55,518	
Total expenditures	$692,498	$966,654	+$274,156	39.58
Revenues	4,781	------	4,781*	

*Not an accurate comparison because farming and processing operations in 1945-47 are to be financed from Working Revolving Fund.[1]

Significant facts revealed by foregoing table:

1. No allowance is made for farming and processing operations. In the 1945-47 Biennium this operation is to be financed from Working Revolving Fund and local production consumed will be purchased from Revolving Fund. Transfer of such operations to another fund distorts cost comparisons and makes accurate expenditure analyses difficult. Net total increased expenditures, therefore, will probably be larger than the percentage increase indicates.

2. In spite of the fact that no capital outlay is provided for in the 1945-47 Biennium total expenditures are estimated to increase by $274,156 or 39.58 per cent over 1943-45 when $55,518 was spent for capital outlay.

3. Support and subsistence shows a marked increase over the 1943-45 Biennium, $239,085 for 1945-47 vs. $144,732 in the 1943-45 Biennium, an increase of $99,353 or 65.19 per cent. This contrasts sharply with an estimated population increase of less than 4.32 per cent for the ensuing biennium.

Proposed expenditure for 1945-47 as compared with estimated expenditures for 1943-45, by objects of expenditures are as follows:

TABLE II—CALIFORNIA INSTITUTION FOR MEN

Expenditures: Support	Actual and Estimated 1943-45	Proposed 1945-1947	Increase or Decrease 1945-47 over 1943-45 Amount	Per Cent
Salaries and Wages	$581,135	$683,674	+$102,539	+17.64%
Operating Expense	504,342	561,900	+ 57,558	+14.12%
Equipment	12,332	13,510	+ 1,178	+ 9.55%
Inmate pay—work prop.	182,260	224,100	+ 41,840	+22.75%
Totals	$1,280,069	$1,483,184	+$203,115	+15.86
Less:				
Reimbursements for maintenance	— 25,221	25,400	179	+ .007
Laundry abatements	— 2,908	--	— 2,908	— .100
Surplus products sales	36,939	--	— 36,939	— .100
Net totals, support	$1,215,001	$1,457,784	—$242,783	+19.98%

Total proposed expenditure for support for the 1945-47 Biennium is $1,457,784, an increase of $242,788 or 19.98 per cent over the current biennium. Of this amount proposed expenditure for salaries and wages amounts to $683,674, an increase of $102,539 or 17.64 per cent over the 1943-45 expenditure of $581,135.

Of the proposed $683,674 expenditure for salaries and wages, including adjustments, $44,460 or 6.50 per cent of the total is allotted for 10 new positions. 1945-47 normal salary adjustments account for $22,304 or 3.26 per cent of the total salary expense, and uniform holiday expense accounts for $9,120 of the total salary expenditure.

Proposed expenditures for 1945-47 as compared with estimated expenditures for 1943-1945, by objects of expenditures are as follows:

TABLE III—SCHEDULE OF PROPOSED NEW POSITIONS

Department of Corrections—California Institution for Men—1945-47 Biennium

Number of positions Fiscal Year 1945-46	1946-47	Classification	Salary Range	Total Amount 1945-1946	1946-1947
1	1	Senior Account Clerk	$150–190	$2,100	$2,220
1	1	Laundry Supervisor	160–200	2,220	2,340
1	1	Classification and Parole Reorganization, Grade 1	170–210	3,340	3,460
1	1	Record Clerk	140–180	1,980	2,100
1	1	Senior Stenographer Clerk	150–190	2,100	2,220
2	2	Male Nurse	160–200	4,440	4,680
2	2	Prison Supervisor Uniform Holidays	160–200	4,440	4,680
	1	Assistant Educational Director	200–260	--	2,700
9	10			$19,620	$23,400
					$43,020

California Institution for Men—Recommendations

1. We recommend that the appropriation for the institution be reduced from the proposed $966,654 to $804,545, a reduction of $162,109 or 16.7 per cent. This amount will still exceed 1943-45 expenditures by $112,047 or approximately 16 per cent and will provide for an inmate cost of $925 per year with pay. This is higher than Folsom, and higher than the Women's Prison where there are only 165 inmates for 1945-47, and where opportunities for production are much poorer. This will also provide ample leeway for necessary increased costs on a generous basis as is shown by the following schedule giving the method of arriving at this figure.

SUGGESTED BUDGET ALLOCATION FOR THE CALIFORNIA INSTITUTION FOR MEN—1945-1947

The Budget allowance of $804,545 from the General Fund for Item 51 in the Appropriation Bill in place of $966,654, or a reduction of $162,109, gives a generous allowance for this institution as will be demonstrated by the following schedule:

Actual Per Inmate Cost for 1943-44, Including Inmate pay		$851
Average Number of Inmates for 1945-46 and 1946-47		700
Total Cost per year with Pay		$595,700
Total Cost per Biennium with Pay for Inmates		$1,191,400
Less Abatement for Inmate Work Projects		491,130
Net Total Support on Per Inmate Basis		$700,270
Added Cost Allowed for the Biennium		
10 New Positions	$44,460	
Salary Adjustment	22,304	
New Equipment	13,511	
Net Food Produced Over Farm Costs	24,000	
Total Additional Allowances for Biennium		$104,275
Total Over-All Appropriation for Biennium		$804,545

There is an urgent need for greater economy in this institution and this is clearly demonstrated by the net per inmate expenditures for the 1943-45 Biennium and the proposed expenditures for the 1945-47 Biennium.

These costs and others are high and should be reduced.

2. Statement of Inmate load per employee listed on page 95 of the Budget shows that the ratio of inmates to guards for California Institution for Men Ninety-fifth Fiscal Year (1943-44) is 8.92 inmates to each guard, and for the Ninety-eighth Fiscal Year (1946-47), it is estimated to be 9.33 inmates to each guard.

It is recognized that these unit costs will remain high until the size of this institution is materially increased. It is recommended that steps be taken to enlarge the facilities and broaden the classification of persons accepted so as to increase the size from 800 to 1000 as rapidly as conditions will justify. It appears that certain suitable older boys committed to the Youth Authority might very well fit into the classification of those sent to Chino.

Since this institution operates as a minimum security institution, we recommend that the ratio of inmates to guards be materially increased—approaching the level of San Quentin, which is 14.30 inmates to each guard for the Ninety-fifth Fiscal Year (1943-44) and estimated 16.00 inmates to guards for the Ninety-eighth Fiscal Year (1946-47).

3. Statement of Inmate load per employee, page 95 of the Budget, shows:

California Institution for Men with a ratio of 5.44 inmates per employee for the Ninety-fifth Fiscal Year (1943-44) and 5.51 inmates per employee for the Ninety-eighth Fiscal Year. This is low and will be so until facilities are used to care for a larger number.

The foregoing statistics in this analysis clearly indicate the need for streamlined business practices and procedures and the full utilization of land, equipment, personnel and inmates to put this institution on a self-supporting basis.

We believe it can be made practically self-supporting without at all reducing the curative and developmental program.

California Institution for Women—Analysis of Proposed Expenditures for 1945-1947 Biennium

Items 52 and 53, page 5, Budget Bill; pages 111-115 of the Budget; $313,919, an increase of $58,448 or 22.88 per cent over expenditures of $255,471 for the 1943-45 Biennium; and an increase of $42,305 or 15.57 per cent over the appropriation (Assembly Bill No. 1600) of $271,614 for the 1943-45 Biennium.

Proposed expenditures and estimated revenues for the 1945-47 biennium compared with 1943-45 are summarized in Table I following:

TABLE I—CALIFORNIA INSTITUTION FOR WOMEN

Expenditures	Actual and Estimated 1943-45	Proposed 1945-47	Increase or Decrease 1945-47 over 1943-45 Amount	Per cent
Administration	$37,661	$50,572	+$12,911	+34.28
Support and Subsistence	27,866	40,220	+ 12,354	+44.33
Care and Welfare	135,251	159,877	+ 24,626	+18.20
Maintenance and Operation of Plant	30,889	44,075	+ 13,186	+42.68
Farming and Processing	12,453	17,075	+ 4,622	+37.11
Totals, Support	$244,120	$311,819	+$67,699	+27.73
Capital Outlay	11,350	2,100	— 9,250	—81.49
Total Expenditures	$255,470	$313,919	+$58,449	+22.87
Revenues	8,529	3,380	— 1,769	—20.74

Facts revealed by the foregoing table:

1. Proposed total expenditures are scheduled to increase from $255,470 in the 1943-45 Biennium to $313,919 in the 1945-47 Biennium, an increase of $58,449 or 22.87 per cent. Capital outlay items in the 1943-45 Biennium totaled $11,350, but during the ensuing biennium only $2,100 is proposed to be spent or a 81.49 per cent reduction.

2. While total proposed expenditures increase by 22.87 per cent, items for "support" increase from $244,120 in the 1943-45 Biennium to $311,819 in the 1945-47 Biennium, an increase of $67,699 or 27.73 per cent.

3. The increased cost for maintenance and operation of plant from $30,889 in the current biennium to $44,075 in the ensuing biennium, an increase of $13,186 or 42.68 per cent results principally from the addition of two new positions—Chief Institution Engineer Grade 1 and Carpenter-Painter, at a total net increased cost for the biennium of $9,720. Another item affecting the net increased expense is for maintenance of structures —$5,675 in the 1945-47 Biennium, an increase of $2,929 over the preceding biennium.

4. Proposed expenditures for 1945-47 as compared with estimated expenditures for 1943-45, by object of expenditures are as follows:

TABLE II—CALIFORNIA INSTITUTION FOR WOMEN

Object:	Actual and Estimated 1943-1945	Proposed 1945-1947	Increase or Decrease 1945-47 over 1943-45 Amount	Per Cent
Salaries and wages	$154,414	$202,109	+$47,695	+30.88
Operating	102,648	119,605	+ 16,957	+16.51
Equipment	3,843	5,205	+ 1,362	+35.44
Totals	$260,905	$326,919	+$66,014	+25.30
Less:				
Reimbursements for maintenance	— 14,615	— 14,000	— 615	
Surplus product sales	— 2,169	— 1,100	— 1,069	—49.28
Net totals	$244,121	$311,819	+$67,698	+27.73

Of the budgeted increased salary expense of $47,695—$30,684 or 64.33 per cent is for six proposed new positions. Normal salary increases account for $5,750 or 12 per cent of the total salary increase.

Proposed new positions and salary expense resulting follows:

TABLE III—SCHEDULE OF PROPOSED NEW POSITIONS CALIFORNIA INSTITUTION FOR WOMEN

1945-47 Biennium

Number of Positions Fiscal Year 45-46	46-47	Classification	Salary Range	Total Amount 1945-46	1946-1947
1	1	Business Manager	$265-325	$3,180	$3,360
1	1	Instructor—Garment Making	160-200	2,220	2,340
1	1	Graduate Nurse	140-180	1,980	2,100
1	1	Chief Supervisor	170-210	2,340	2,460
1	1	Chief Institution Engineer Grade 1	180-220	2,520	2,640
1	1	Carpenter-Painter	160-200	2,220	2,340
		Reclassification:		Increased cost	
		Head Farmer, Grades 1 to 2		360	360
		Temporary Help			
		Uniform Holidays		132	132
6	6			$14,952	$15,732
				$30,684	

In connection with the proposed new positions, we wish to point out that the average inmate population for the 1943-45 Biennium was 144 and that the anticipated average population in the 1945-47 Biennium is 170, or a net increase of 26 inmates.

On the basis of the proposed increased expenditure for support, the per capita costs will increase as follows:

	Average inmate population	*Per capita cost*
1943-44	143	$815.29
1944-45	145	879.54
1945-46	165	914.83
1946-47	175	924.98

The per capita costs are lower than at the Institution for Men at Chino where there is more opportunity to be self supporting.

This per capita cost can not be reduced greatly as long as this institution remains small and is located at this site. Agricultural production never

can be high with the short growing season. There should be every effort to coordinate production with need.

Study should be made of the possibility of increasing the population by caring for other types of offenders so as to reduce overhead and add to services that are desirable.

Recommendations—California Institution For Women

We recommend that the proposed budget be reduced by $11,620 from $313,919 to $302,299, a reduction of 3.7 per cent. This is still an increase of $46,829 or 18 per cent over expenditures for 1943-45.

The need for continued economy in the operation of this institution is amply indicated by the high per capita costs and the fact the ratio of inmates to employees for the Ninety-fifth Fiscal Year (1943-1944) is 3.25 inmates to each employee; and for the Ninety-eighth Fiscal Year (1946-1947) it is estimated the ratio will be 3.89.

Some economies which can be effected follow:

(a) Elimination of all but absolutely essential new positions. In this category we include:

Graduate Nurse

Two graduate nurses are already employed by this institution. This is ample inasmuch as the estimated average daily inmate population for the fiscal years in the 1945-47 Biennium at no time exceeds 75. The Army and Navy requires all available nurses.

It must be assumed that only a small percentage of these inmates are so ill as to require nursing care.

Business Manager

In an institution of this size the superintendent should be able to conduct the business affairs of the institution.

(b) Feeding costs should be reduced through increased agricultural production.

Analysis of Proposed Expenditures for San Quentin Prison—1945-1947 Biennium

Items 54 and 55, page 5, Budget Bill, and pages 117 to 124 inclusive of the Budget. Appropriation requested $3,471,310, an increase of $738,234 or 27.01 per cent over estimated expenditure of $2,733,076 for the 1943-45 Biennium.

The increase of $738,234 in the proposed expenditure for 1945-47 over the estimated expenditure for 1943-45 is distributed as follows:

TABLE I

Expenditures support	Actual and Estimated 1943-1945	Proposed 1945-1947	Increase or Decrease 1945-47 over 1943-45 Amount	Per Cent
Administration	$184,052	$230,200	+ $46,148	+ 25.07
Support and subsistence	853,356	1,044,670	+ 191,314	+ 22.41
Care and welfare	1,228,691	1,637,950	+ 409,259	+ 33.30
Maintenance and operation of plant	297,155	325,850	+ 28,695	+ 9.65
Farming and processing	180,171	192,030	+ 11,859	+ 6.58
Camps	379,503		— 379,503	[1] —100.0
Totals, support	$3,122,927	$3,430,700	+$307,773	+ 9.85
Less: Abatements	428,076		— 428,076	[1] —100.0
Net totals, support	$2,694,851	$3,430,700	+$735,849	+ 27.30
Capital outlay	38,225	40,610	+ 2,385	+ 6.23
Total expenditures	$2,733,076	$3,471,310	+$738,234	+ 27.01
Revenues	10,000	7,000	— 3,000	— 30.0

[1] This activity during 1945-47 to be handled by a revolving fund.

Significant facts revealed by the foregoing table:

1. Care and Welfare costs are scheduled to increase from $1,228,691 in the 1943-45 Biennium to $1,637,950, up $409,259 or 33.30 per cent. This increase is largely attributable to the new positions proposed for this service.
2. In spite of the fact camp costs and abatements are not included in the budget figures for the ensuing biennium, total proposed expenditures (including capital expenditures) increase by $738,234 or 2 per cent.
3. Support and subsistence costs are up 22.41 per cent over the preceding biennium. The principal item of expense under "support and subsistence" is feeding. Actual and estimated expenditures for this item in the 1943-45 Biennium were $692,478 and proposed expenditures for the 1945-47 Biennium are $875,220, an increase of 26.38 per cent. Average inmate population, on the other hand, is scheduled to increase in the ensuing biennium by only 6 per cent.
4. Proposed administrative expense for the 1945-47 Biennium $230,200, an increase of $46,148 or 25 per cent over the 1943-45 expenditure of $184,052.

PROPOSED EXPENDITURES FOR 1945-47 AS COMPARED WITH ESTIMATED EXPENDITURES FOR 1943-45, BY OBJECT OF EXPENDITURE, ARE AS FOLLOWS

Expenditure object	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$1,392,789	$1,708,660	$315,871	+ 22.6
Operating expenses	1,710,678	1,804,890	+ 94,212	+ 5.5
Equipment	22,583	61,350	+ 38,766	+171.0
Inmate work projects	162,318		— 162,318	—100.0
Totals	$3,288,369	$3,574,900	+$286,531	8.7
Reimbursements for maintenance	—106,032	—111,000	+ 4,968	4.6
Service to manufacturing units	— 54,365	— 27,000	+ 27,365	— 50.3
Surplus products sales	— 5,043	— 6,200	+ 1,157	22.9
	$3,122,929	$3,430,700	+$307,771	+ 9.9

It will be noted that salary and wage costs are up by $315,871 or 22.67 per cent; operating expenses are up by $94,212 or 5½ per cent and equipment expenses are scheduled to advance by $38,766 or 171 per cent.

Of the increase of $315,871 for salary and wages, normal salary increases account for $29,340 or 9.23 per cent. Proposed new positions account for $258,060 or 81.7 per cent of the proposed increased salary expense. These new positions would bring the number of authorized positions to 342, an increase of 47 over the net number authorized for 1944-45, and of 70 over the number for 1943-44. Additional personnel positions requested include personnel for administration, support and subsistence and maintenance activities as well as for medical persons, comprising one physician, one pharmacist, one male nurse, three graduate nurses, one interne and two externes.

TABLE IV—SCHEDULE OF PROPOSED NEW POSITIONS
SAN QUENTIN PRISON 1945-47

Number of positions fiscal year 1945-46	1946-47	Classification	Salary Range	Total amount 1945-46	1946-47
1	1	Bookkeeping Machine Operator	$110-150	$1,620	$1,740
1	1	Intermediate Account Clerk	110-150	1,620	1,740
2	2	Senior Account Clerk	150-190	4,200	4,440
2	2	Intermediate Typist Clerks	100-140	3,000	3,240
1	1	Intermediate File Clerk	100-140	1,500	1,620
2	2	Intermediate Stenographer-Clerks	110-150	3,240	3,480
1	1	Property Custodian	180-220	2,460	2,580
1	1	Senior Stock Clerk	140-180	1,980	2,100
1	1	Supervising Baker	160-200	2,220	2,340
1	1	Butchershop Foreman	160-200	2,220	2,340
3	3	Lieutenant	180-220	8,460	8,820
6	6	Sergeant	160-200	15,480	16,200
2	2	Guard	140-180	3,960	4,200
9	9	Guard (uniform holidays)	140-180	19,980	21,060
1	1	Physician	215-275	2,880	3,000
1	1	Psychiatrist	215-275	2,880	3,000
1	1	Pharmacist	160-200	2,220	2,340
3	3	Graduate Nurses	140-180	5,940	6,300
1	1	Supervising Male Nurse, Grade 2	170-210	2,340	2,460
1	1	Interne	50- 90	900	960
2	2	Externe	50- 90	1,800	1,920
3	3	Senior Clerk	140-180	5,940	6,300
4	4	Intermediate Clerk	100-140	6,000	6,480
1	1	Senior Stenographer-Clerk	150-190	2,100	2,220
1	1	Intermediate Stenographer-Clerk	110-150	1,620	1,740
2	2	Intermediate File Clerks	100-140	3,000	3,240
2	2	Intermediate Typist Clerk	100-140	3,000	3,240
1	1	Duplicating Machine Operator	90-115	1,380	1,440
1	1	Librarian	130-170	1,860	1,980
1	1	Supervisor of Education	280-340	3,660	3,900
1	1	Woodworking Foreman	180-220	2,460	2,580
1	1	Dairyman	160-200	2,220	2,340
		Reclassification:			
		1 Fingerprint Technician to Identification Officer	230-290	480	660
		Part time jobs:			
		Fireman (6)	10.	720	720
61	61	Gross added positions*		$125,340	$132,720
				$258,060	

* As 14 positions will have been abolished previously, there will be a net increase of 47 positions.

Recommendation for Reduction—San Quentin Prison

We recommend that the Budget for San Quentin Prison be reduced from $3,471,310 to $3,207,680, or a decrease of $263,630 or 7.6 per cent. This still will represent an increase of $474,604 or 17.6 per cent over the estimated expenditures 1943-45 Biennium, and will enable this facility to increase its activities which are essential to the functioning of its program.

We have arrived at this amount by application of the following procedure which we feel provides generously for this institution:

(a) Actual and estimated per capita cost, 1944-45	$461.00	
(b) Predicted average population, 1945-47	3,435	
(c) Total institutional cost, year		$1,583,535
(d) Total institutional cost, bien.		$3,167,070
(e) Capital outlay		40,610
(f) Total amount recommended for Items 54 and 55 of Appropriation Bill		$3,207,680

We feel that this estimate is liberal for the reason that the actual per capita expenditure, as reported on page 117 of the Budget, for 1943-44 amounted to $450 per capita in round numbers. Our procedure of calculating on the basis of the 1944-45 per capita cost of $461 gives an additional $11 per inmate for each year of the biennium. Since the average population for the 1945-47 Biennium is expected to increase by about 300 inmates over the number for 1943-44, there actually should be a reduction in the per capita costs.

The organization and management of this institution has been open to valid criticism for many years, and it is believed that tightening up processes in management can easily produce the suggested savings from the institution's budget request. We wish to point out that the total number of personnel positions increased from 272 in 1943-44 to 295 for 1944-45, despite only a moderate increase of 130 inmates between the reported average population for the former and the latter years. A number of these positions are now vacant. We do not feel that the institution can justify filling these vacant positions and adding an additional 47 employees over the number of authorized positions for 1944-45.

We do not believe that the net increase of approximately 200 inmates for the biennium over the average for the current biennium justifies the employment of additional medical service consisting of a physician, a pharmacist, three graduate nurses, one supervising male nurse, one interne and two externes. It must be noted that only a very small percentage of the inmates at San Quentin are actually ill and need close medical attention.

We question the necessity for increasing the feeding costs between 1943-44 and 1946-47 as indicated by the two following tables. Either the costs in 1943-44 are too low or those for 1945-46 are too high.

	Fiscal Years	*Aver. No. of Inmates*	*Total*	**Net Feeding Costs Per Inmate* *Yearly*	*Monthly*
Actual	1943-44	3,132	$320,349	$102.28	$8.52
Estimated	1944-45	3,369	372,129	110.45	9.20
Proposed	1945-46	3,285	414,740	126.25	10.52
Proposed	1946-47	3,585	460,480	128.44	10.70

* Net feeding costs exclude the estimated value of products locally consumed.

	Fiscal Years	Aver. No. of Inmates	Total	*Gross Feeding Costs Per Inmate Yearly	Monthly
Actual	1943-44	3,132	$421,635	$134.62	$12.23
Estimated	1944-45	3,369	473,414	140.52	11.71
Proposed	1945-46	3,285	525,830	160.07	13.33
Proposed	1946-47	3,585	571,570	159.43	13.29

* Gross feeding costs include estimated allowance for local production of food consumed.

We are making no attempt to distribute the $263,630 savings we suggest, but believe that the administration can readily effect this saving and more and still give all the service that is required. In fact, we believe that a considerable amount of this saving would be accomplished through the failure to fill positions, and that a further saving would normally accrue with better management and control.

Department of Corrections—Adult Authority

For Support of Adult Authority

Item 56 Budget Bill, pages 125-130 inclusive of the Budget; appropriation, $688,575.

Chapter 2, Third Extraordinary Session of the Legislature of 1944, creating the Department of Corrections, provides for an Adult Authority to consist of three members, appointed by the Governor, by and with the consent of the Senate, for four-year staggered terms.

The act further provides that the members must devote their entire time to the duties of the office, and that one member must be an attorney-at-law, one have had practical experience in handling adult prisoners, and one be a sociologist. The chairman may be designated by the Governor from time to time.

The new law gave the Adult Authority, which took office May 1, 1944, broad powers to control and supervise the treatment of the adult male felons in prison and on parole, and to determine the time and conditions of their return to society.

The specific duties and responsibilities of the Adult Authority are:

1. Supervising and controlling the Diagnostic Clinic.
2. Supervising and operating of the classification and treatment program within each institution.
3. Designating prisons in which inmates shall serve sentences.
4. Authorizing transfer of prisoners between prisons and to prison camps.
5. Determining the nature, type, and duration of punishment.
6. Awarding and forfeiture of good-time credits.
7. Restoring civil rights.
8. Fixing and refixing terms of imprisonment.
9. Granting, withholding or revoking paroles.
10. Directing the operation of the Bureau of Paroles, the supervising parole agency.
11. Advising the Governor on executive clemency matters.
12. Serving as member of the Board of Corrections.

The appropriation of $688,575 proposed by Item 56 of the Budget Bill represents an increase of $218,537 or 46.5 per cent over the roughly comparable expenditures of $470,037 reported by the Budget as spent

for 1943-1945. For purposes of comparison of 1945-1947 with 1943-1945 the Budget includes in the total expenditure of $470,037 for 1943-1945 Biennium amounts totaling $76,573 that were expended by other agencies.

The increase of $218,537 in the budgeted expenditure is distributed as follows:

Expenditures *	*Estimated 1943-45*	*Proposed 1945-47*	*Increase Amount*	*Per cent*
Support, Adult Authority				
Administration	$52,582	$98,380	$45,797	87.1
Classification	11,315	23,650	12,335	109.0
Diagnostic Clinic	35,030	109,950	74,920	213.8
Bureau of Parole	340,893	456,595	115,701	33.9
Totals, Support, Adult Authority	$439,821	$688,575	$248,753	56.5
Support, Advisory Pardon Board	5,872		—5,872	----
Support, Board of Prison Terms and Parole	24,343		—24,343	
Total Expenditures	$470,037	$688,575	$218,538	46.5

* For purposes of comparison there has been included in the detailed expenditures for the Adult Authority for the 1942-1945 biennium, the following amounts expended by other agencies:

Board of Prison Directors, Classification Committee	$10,428
Advisory Pardon Board	5,872
Board of Prison Terms and Paroles	24,343
San Quentin State Prison	27,900
Department of Corrections	8,030
	$76,573

For the 1945-47 Biennium proposed salary expense is up by 44 per cent, operating expenses by 26.3 per cent, and equipment expenditure by 153.9 per cent over the 1943-45 level.

The Budget proposes an increase in positions from 67 for the Fiscal Year 1943-1944 and from 72 for the current year 1944-1945 to 88 for the first year of the coming biennium and to 96 for the second year. The total salary expense for the 1945-1947 Biennium is $523,050, which is $159,885 in excess of the 1943-45 expenditure for this activity.

Proposed new positions listed in the Budget are as follows:

Number of Positions Fiscal Years 1945-46	1946-47 Cumulative Total			
1	1	Senior Stenographer Clerk	$2,100	$2,280
	1	Intermediate Stenographer Clerk		1,620
3	3	Junior Clerical Interne	2,700	2,700
1	1	Junior Sociologist	2,880	3,060
1	1	Intermediate Stenographer Clerk	1,620	1,740
1	1	Intermediate Clerk	1,500	1,620
	1	Electroencephalographic Technician		1,980
1	1	Parole Officer, Grade Two	2,700	2,880
6	11	Parole Officer, Grade One	14,040	26,460
1	1	Research Assistant	1,980	2,100
3	4	Junior Stenographer Clerk	4,140	5,700
1	1	Intermediate File Clerk	1,500	1,620
		Psychiatrist (Part time extended to full time)	1,140	1,380
		Intermediate Stenographer Clerk (Increased from part time to full time)	1,050	1,050
19	27	Totals, year	$37,350	$56,190
	27	Total, biennium	$93,540	

We recommend that appropriation Item 56 be reduced by $34,430 or by 5 per cent to $654,145.

We suggest the following as definite reductions that are possible:

Positions			*Amount*
1	Electroencephalographic Technician		$1,980
2	Parole Officers	1945–46) 1946–47)	4,345
3	Parole Officers	1946–47	7,350
1	Junior Clerical Interne	1945–47	1,800
Equipment			
	Automobiles		9,000
	Travel reduction		1,000
	Electroencephalographic machine		4,880
	Specific reductions		$30,355

Other economies will occur through inability to fill positions which should make it possible to exceed the savings recommended.

This reduction will still permit a generous increase over expenditures for the current biennium which in turn should make possible the carrying out of the Legislature's recent decision to have effective work performed in the adult parole sphere. This reduction is large enough to encourage such desirable administrative economies as conservative use of office supplies, travel expense, automobiles, telephone and telegraph. That there is need for some such economy is indicated by the following budgeted amounts for 1945—for certain items for operating expense and for equipment expenditure:

Operating Expense Items	*Amount budgeted for 1945-47*	*Increase over Expenditure for 1943-45*
Traveling	$39,570	$8,464
Automobile	33,000	10,480
Telephone & Telegraph	10,300	1,148
Printing	5,800	3,972
Equipment		
Office	5,200	678
Automobile	21,400	12,656
Other	7,865	7,565
Total, equipment	$34,465	$20,894

If the Legislature decides to accept the recommendation given in the following under the discussion of Item 57 of the Appropriation Bill to abolish the Board of Trustees of the California Institution for Women and to transfer its functions and technical staff to the Adult Authority, we recommend that $15,000 of the $43,780 be added to appropriation Item 56 to finance the parole work for the California Institution for Women. This will bring the amount for this item to $669,145.

Department of Corrections

Board of Trustees—California Institution for Women

Item 57, Budget Bill, page 131 of the Budget; appropriation, $43,780.

This board acts as a parole agency for the California Institution for Women at Tehachapi. It consists of five lay members who receive per diem and traveling expenses while sitting as a board. There are four personnel positions on its staff—two parole officers and two stenographers. Its office is in Los Angeles. The last progress report of the Department of Corrections indicates that the board intends to establish a second office in San Francisco. This will be an excessive expense for the parolees to be served.

The proposed appropriation of $43,780 represents an increase of $12,993 or 42.2 per cent over the estimated expenditure of $30,787 reported by the Budget as spent for 1943-1945. This figure for 1943-1945 includes $10,582 paid from the appropriation for support of the California Institution for Women.

The budgeted amount of $43,780 for this agency for 1945-47 is distributed by function and object as follows:

No. of Positions	*Administration* *Salaries and Wages*	
	Board Members (5) per diem	$12,000
1	Senior Stenographer-Clerk	5,160
2	Women's Parole Officer	10,320
1	Intermediate Stenographer-Clerk	4,200
	Temporary help	270
	1945-1947 normal salary adjustments	300
4	Totals, salaries and wages	$32,250
	Operating Expenses	
	Office	1,800
	Postage	480
	Traveling	6,500
	Telephone and telegraph	1,000
	Printing	
	Automobile	1,500
	Totals, operating expenses	$11,280
	Equipment	250
	Grand total	$43,780

We recommend that the Board of Trustees—California Institution for Women be abolished and that its functions, responsibilities, and technical staff be transferred to the Adult Authority, which is part of the coordinated Department of Corrections. Reasons for this recommendation include the following:

1. The volume of work of the Board of Trustees in relation to its expense is necessarily small because it serves only one small institution, the California Institution for Women, which has an estimated inmate population of 145 during the current fiscal year and a predicted population of 175 for the 1946-47 year. On November 25, 1944 there were only 100 parolees under the supervision of the Board of Trustees. During the year 1944 the board took 253 actions as follows:

1. Set prison terms	82
2. Granted paroles	74
3. Denied paroles	18
4. Discharged from parole	38
5. Discharged from institution	10
6. Had board interviews	31
	253

It will always be a lay board and not equipped to do a technical job required in such management.

2. The Adult Authority, performing the comparable function for male inmates and parolees of prisons, will be set up to extend rather diagnostic, classification, and parole services. By virtue of the large number of institutions it serves, the inmates it diagnoses and classifies, and the parolees it supervises, the Adult Authority already is in a better position to do a more technical job than the board of trustees, with its necessarily limited facilities, can ever hope to be. Transfer of the work of the board

of trustees to the Adult Authority would permit the use of the more extensive facilities of the Adult Authority in the classification and parole of women inmates. It is no reflection on the members of the board of trustees to state that the very logic of the situation would permit a better job to be done at relatively less expense if this work were transferred to the Adult Authority which will have the facilities to do the job required. Under this arrangement the actual work of immediate supervision of women parolees could continue to be done by the women parole officers who would be transferred from the staff of the board of trustees. These women parole officers could continue to interest women's organizations in making community resources available to women parolees with the view of inviting parolees to share cultural and recreational activities in the community in which they are living.

We estimate that the adoption of this recommendation would effect a saving of $28,780 for the 1945-47 Biennium. Comparable savings for ensuing bienniums would result.

Unless this is done no appreciable savings are available in this item and the State will be continuing a practice which yields less desirable results than can be secured by making use of expert facilities which should be second to none if we judge from the increased costs over 1941-43 expenditures.

Department of Corrections—Youth Authority
Analysis of Proposed Expenditure for the 1945-47 Biennium

Items 58-74 inclusive, pages 5 and 6, Budget Bill; pages 132 to 174 inclusive of the Budget. Appropriation requested $4,901,587, an increase of $1,374,505 or 38.35 per cent over expenditures of $3,584,282 in the 1943-45 Biennium. The peak load of youth to be handled for the biennium will be only 1,970 or a total cost for each inmate of $1,276 per year.

The Youth Authority was created by the 1943 Regular Session of the Legislature. Therefore 1943-1945 Biennium expenditures for administrative divisions, work camps for boys and schools other than the Fred C. Nelles School for Boys, the Preston School of Industry, and the Ventura School for Girls, are not comparable to the 1945-47 Biennium. The Fred C. Nelles School for Boys, the Preston School of Industry and the Ventura School for Girls have been in operation for years as a part of the Department of Institutions, so comparable figures are available and are valid.

Item 58, page 5 of the Budget Bill and page 131 to 137 inclusive of the Budget—Administrative Divisions: (Head Office).

Proposed expenditures of the administrative divisions for the 1945-47 Biennium compared with 1943-45 are summarized in Table I following:

TABLE I—YOUTH AUTHORITY
Analysis of Proposed Expenditures 1945-47 Compared with 1943-45

Expenditures: Support	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Authority	$4,889	$62,994	+ $58,105	+1188.48
Administration	125,005	182,605	+ 57,600	+ 46.07
Accounting	52,848	74,402	+ 21,554	+ 40.78
Delinquent prevention	73,132	126,945	+ 53,813	+ 73.58
Diagnosis and classification	109,496	86,275	— 23,221	— 21.20
Training and treatment	29,210	45,340	+ 16,130	+ 55.22
Probation and placement	159,547	415,669	+ 256,122	+ 160.53
Totals	$554,127	$994,230	+$440,103	+ 79.22

Proposed expenditures of administrative divisions for 1945-47 as compared with estimated expenditures for 1943-45, by object of expenditure are summarized in Table II following:

TABLE II—YOUTH AUTHORITY

Analysis of Proposed Expenditures, by Object, 1945-47 Compared with 1943-45

Expenditures by object	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$322,663	$608,033	+$285,370	+88.44
Operating expense	210,118	360,307	+ 150,189	+71.47
Equipment	21,346	25,890	+ 4,544	+21.29
Totals	$554,127	$994,230	+$440,103	+79.22

The Budget shows 94 positions in administrative divisions for the 1944-45 Fiscal Year with an estimate of 91 positions at the beginning of the 1945-47 Biennium. There are 16 proposed new positions other than Authority members for the 1945-46 Fiscal Year, with four more new positions to be added during the 1946-47 Fiscal Year, requiring an estimated expenditure of $65,750 during the biennium. Table III shows these proposed new positions:

TABLE III—YOUTH AUTHORITY

Proposed New Positions 1945-47 Biennium

Number positions Fiscal year 45-46	46-47		Estimated cost for biennium
1	1	Senior Stenographer Clerk	$4,320
	1	Intermediate Typist Clerk	1,500
4	5	*Intermediate Stenographer Clerk	11,660
1	1	Transportation Officer-Clerk	5,040
2	2	Intermediate Account Clerk	5,770
1	1	Junior Socio.-Economic Research Technician	5,140
1	1	Senior Account Clerk	4,500
1	1	Senior Clinical Psychologist	5,940
4	5	*Placement Officer, Grade 1	15,265
1	2	*Placement Officer, Grade 2	6,615
16	20		$65,750

* Positions to be filled at various dates during biennium.

Of the budgeted increased salary expense of $285,370, some $40,000 or 14 per cent is statutory salaries for two members of the Authority; $65,750 or 23.04 per cent is for 16 proposed new positions for 1945-46, plus four additional positions for 1946-47, making 20 new positions for the biennium (see Table II); $18,215 or 6.38 per cent is for normal salary increases for present positions and proposed new positions. If the proposed new administrative positions are allowed, the ratio *will be approximately one administrative employee to every 18 inmates according to population estimates for the 1945-47 Biennium*, which is too high.

Operating expense shows an increase of $150,189 or 71.47 per cent. As this agency was not in full operation during both years of the 1943-45 Biennium, it is difficult to determine what are excessive estimates. However, traveling and automobile expense shows the largest increase and are shown by fiscal years in Table IV.

TABLE IV—YOUTH AUTHORITY

	Traveling expense	Increase over 44-45 estimate	Automobile expense	Increase over 44-45 estimate
Expenditure 1943-44	$4,714		$3,655	
Estimate 1944-45	30,675		11,900	
Proposed 1945-46	43,350	41 per cent	18,525	56 per cent
Proposed 1946-47	47,375	54 per cent	18,750	58 per cent

The above figures show that traveling and automobile operating expense has been amply provided for. We believe some savings can be made in this.

Equipment expenditures show a proposed total expenditure of $25,890, an increase of $4,544 or 21.29 per cent. Of the $25,890 proposed expenditure for equipment, $9,711 is for office and $10,300 is for automobiles.

Recommendation:

That Section 1725 of the Welfare and Institutions Code be amended so the members of the Youth Authority receive the same compensation as provided in the original act, thereby saving $40,000 in salaries of two members during the 1945-47 Biennium.

Ratio of employees to inmates should be approximately 1 to 75, therefore only specialized employees and necessary clerical assistance should be added to the present staff until population catches up.

That only the following new positions be allowed:

	Estimated cost for biennium
1 Intermediate Account Clerk	$2,250
1 Junior Socio-Economic Research Technician	5,140
1 Intermediate Account Clerk (Continuation of temporary position authorized in 1944-45)	3,520
1 Senior Clinical Psychologist	5,940
3 Placement Officers employment to begin in 1945	14,595
2 Placement Officers employment to begin in 1946	7,300
1 Placement Officer employment to begin in 1947	780
1 Intermediate Stenographer-Clerk employment to begin in 1946	2,490
1 Intermediate Stenographer-Clerk employment to begin in 1947	540
12 positions	$42,555

That the following emergency war positions be eliminated as soon as possible after the war:

3 Field Representatives
1 Intermediate Stenographer-Clerk

That in order to reduce proposed expenditures to the proper amount, item No. 58, Assembly Bill No. 500, be approved for $821,245, a reduction of $172,985 represented by reductions in:

Salaries and wages	$63,195
Operating expense	101,000
Equipment	8,790
	$172,985

After the above reduction the Youth Authority will be able to carry on during the 1945-47 Biennium on a basis somewhat above the 1944-45 Fiscal Year budget amounts.

Item No. 59, page 5 of the Budget Bill, and page 138 of the Budget—*Transportation of Persons*—$117,500, an increase of $20,598 or 21.26 per cent.

Recommend item be approved as requested as funds can not be used except for transportation of persons committed to the Authority, including sheriffs' fees and transportation. Appropriation can not be diverted to any other purpose.

Item No. 60, page 5 of the Budget Bill, and page 138 of the Budget—*Transportation of nonresidents*—$50,000, an increase of $11,990 or 31.54 per cent.

Recommend item be approved as requested as funds can not be used except to transport nonresidents committed to the Authority. Funds can not be diverted to any other purpose.

Item No. 61, page 5 of the Budget Bill, and pages 141 to 147, inclusive, of the Budget—*Work Camps for Boys.* Proposed expenditure for Work Camps for Boys for the 1945-47 Biennium compared with 1943-45 and expenditures for each camp are summarized in Table V following:

TABLE V—YOUTH AUTHORITY

Analysis of Proposed Expenditures for Work Camps 1945-47 Compared With 1943-45

Expenditures: Support	Actual and Estimated 1943-1945	Proposed 1945-1947	Increase or Decrease 1945-47 over 1943-45 Amount	Per cent
Work Camps for Boys				
Camp supervision	$6,537	$15,680	+ $9,143	+139.87
Calaveras State Park	$101,455	$215,431	+$113,976	+112.34
Less: Abatements for services performed by inmates	— 1,700	—3,400	+ 1,700	+100.0
Net for support	$99,755	$212,031	+$112,276	+112.55
Benicia Arsenal	$231,450	$677,530	+$446,080	+192.73
Less: Abatements for services performed by inmates	— 278,000	—852,500	+ 574,500	+206.65
Net for support	—$46,550	—$174,970	+$128,420	+275.88
Stockton Ordnance Depot	$186,709	$272,403	+ $85,694	+ 45.90
Less: Abatement for services performed by inmates	—210,500	—338,625	+ 128,125	+ 60.87
Net for support	—$23,791	—$66,222	+ $42,431	+178.34
Proposed new camp		$99,598	+ $99,598	+100.0
Less reimbursement for maintenance	—$13,564	—$22,850	+ $9,286	+ 68.46
Net total for support	$22,387	$63,267	+ $40,880	+182.61

Proposed expenditures for Work Camps for Boys for 1945-47 Biennium compared with 1943-45 expenditures, by object of expenditure, are summarized in Table VI following:

TABLE VI—YOUTH AUTHORITY

Analysis of Proposed Expenditures for Work Camps by Object of Expenditure—1945-47 Compared With 1943-45

Expenditure by Object:	Actual and Estimated 1943-45	Proposed 1945-47	Increase or Decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$150,419	$348,458	+$198,039	+131.66
Operating expense	185,289	485,884	+ 300,595	+162.23
Equipment	9,155	6,500	— 2,655	— 29.0
Inmate pay work project	181,288	439,800	+ 258,512	+142.60
Total support	$526,151	$1,280,642	+$754,491	+143.40
Less:				
Reimbursement for Maintenance	— 13,564	— 22,850	— 9,286	— 68.46
Abatements for services performed by inmates	—490,200	—1,194,525	+ 704,325	+143.68
Net total for support	$22,387	$63,267	+ $40,880	+182.61

The budgeted increased salary expense is $198,039. Some $49,238 of this or 24.86 per cent, as shown in Table VII, is for two proposed new positions during 1945-46 and 17 positions at a proposed new camp to be established in 1946-47, which will take the place of the Stockton Ordnance Depot Camp, which it is estimated will be closed when the war is over. Therefore the Budget does not show any expenditure for Stockton for the 1946-47 Fiscal Year. $142,061 or 71.73 per cent is the amount to be paid employees who were not employed during the full 24 months of the 1943-45 Biennium. Normal salary increases during 1945-47 account for $6,640 or 3.35 per cent of the salary increases.

TABLE VII—YOUTH AUTHORITY

Proposed New Positions, Work Camps for Boys, 1945-47 Biennium

No. positions Fiscal Year 1945-46	1946-47		Estimated cost for Biennium
		Calaveras State Park	
1	1	Boys group supervisor	$4,560
1	1	Intermediate account clerk	3,340
		Temporary help	740
		Benicia Arsenal	
		Head boys supervisor (Reclassification—additional salary)	720
		Temporary help	1,600
		Stockton Ordnance Depot	
		High school teacher (part time)	1,560
		Temporary help	678
		Proposed New Camp	
	1	Camp superintendent	3,420
	1	Institution bookkeeper, Grade 1	1,980
	1	Intermediate account clerk	1,620
	2	Institution cook	3,480
	1	Housekeeper	1,500
	10	Boys Group Supervisor	18,600
		Physician and Surgeon (part time)	1,500
	1	High School Teacher	2,220
		Temporary Help	370
		Seasonal Help	1,330
2	19		$49,238

It must be noted that *of a total proposed expenditure of $1,280,642 for support of the Work Camps for Boys an appropriation of only $63,267 or 5 per cent of the total proposed expenditure is asked in the Budget Bill.* The work camps for boys have been almost self-supporting, revenues being derived from labor of the boys furnished on various projects. Therefore, the management of the Youth Authority is commended for the fine job they have been doing in caring for the boys at such a small cost to the taxpayers and at the same time making an excellent record in aiding the war effort and rehabilitating their charges.

Recommended that Item 61 be approved for $63,267, the amount requested.

Item 62, page 6 of the Budget Bill, and page 146 of the Budget—*Work Camps for Boys*—Construction improvements, repairs and equipment.

Proposed expenditure $51,500, of which $50,500 is for a proposed new camp to be constructed during the 1945-46 Fiscal Year to take the place of the Stockton Ordnance Camp for which no expenditures are proposed for the 1946-47 Fiscal Year, it being anticipated that the Stockton Camp will be closed soon after the war is over.

Recommend the appropriation be approved as requested.

Item 63, page 6 of the Budget Bill, and pages 148 and 149 of the Budget, support *Fricot Ranch School for Boys.*

Proposed expenditure of $220,055—an increase of $119,756 or 119.04 per cent. This increase is not a fair comparison as this is a new school and was not operated during the full 24 months of the 1943-45 Biennium. Based on estimated expenditures for 1944-45, the increase for the 1945-47 Biennium is approximately 25 per cent, represented by an estimated cost of feeding and clothing caused by an increase in population from 80 to 100 inmates.

Recommend the appropriation be approved as requested.

Item 64, page 6 of the Budget Bill, and page 149 of the Budget—purchase of real property in Calaveras County.

Proposed expenditure of $60,000 for the purchase of the Fricot Ranch property, the property on which the Fricot School for Boys supported by Item No. 63 is located. Ranch consists of approximately 1,050 acres —with buildings, water supply, hydro-electric plant and concrete swimming pool, and certain useable educational shop equipment.

Recommend the appropriation be approved as requested.

Item 65, page 6 of the Budget Bill, page 149 of the Budget. Construction improvement, repairs and equipment at Fricot Ranch School for Boys.

Proposed expenditure $28,800. This appropriation is required in order to make necessary improvements and expansion of facilities at the Fricot Ranch School for Boys.

Recommend the appropriation be approved as requested.

Item 66, page 6 of the Budget Bill and pages 151 and 156, inclusive, of the Budget—*Support Fred C. Nelles School for Boys.*

Proposed expenditure for support $784,047 for the 1945-47 Biennium, an increase of $100,416 or 14.69 per cent over estimated expenditures of $683,631 for the 1943-45 Biennium.

The per inmate costs shown on page 151 of the Budget are already high, $1,084.52 for 1943-44, yet it is proposed to increase this to $1,227.47 per inmate for 1945-46. With the high percentage of failures in the last 10 years at this school, it is questionable if these costs should be allowed to go up. It seems time to look for a cheaper way to care for delinquents and spend more on promising young people who are not delinquent but are submerged by lack of an opportunity equal to what is given by the State to the inmates of this institution.

Proposed expenditures by organization unit for 1945-47 compared with 1943-45 are summarized in Table VIII.

TABLE VIII—YOUTH AUTHORITY—FRED C. NELLES SCHOOL FOR BOYS
Analysis of Proposed Expenditures 1945-47 Compared With 1943-45

	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Administration	$85,715	$94,430	+$8,605	+10.03
Inmate cost per year	135	147	+12	
Support and subsistence	173,328	209,995	+36,667	+21.15
Inmate cost per year	272	328	+56	
Care and welfare	375,502	376,687	+19,185	+5.37
Inmate cost per year	561	589	+28	
Maintenance and operation of plant	85,006	106,955	+21,949	+25.82
Inmate cost per year	133	167	34	
Farming and processiig	—17,920	—3,910	—14,010	—78.18
Inmate cost per year	—28	—6	+22	
Total support	$683,631	$784,047	+$100,416	+14.69
Inmate cost per year	$1,073	$1,225	$+152	

1. Administration shows a proposed expenditure increase of $8,605 or 10.03 per cent, which is accounted for by salary increases of $5,747 or 66.8 per cent, and one new position at an increased cost of $3,360 or 39 per cent during the 1945-47 Biennium.

2. Support and Subsistence shows proposed increase of $36,667 or 21.15 per cent. Approximately $12,000 or 32.72 per cent represents approximately $19 per year proposed increased cost in feeding and clothing each inmate. This increase of $19 does not appear excessive but when increased costs are broken down by fiscal years there is an estimated increase of approximately $45 per inmate between the 1943-44 Fiscal Year and 1944-45 Fiscal Year. The proposed expenditure during the 1945-47 Biennium for each inmate is about the same amount as estimated for the 1944-45 Fiscal Year. Salary increases account for $6,027 or 16.55 per cent and one proposed new position accounts for $3,060 or 8.34 per cent. Proposed increase in expenditures for equipment amounts to $19,552 or 53.32 per cent to be expended, mostly for feeding, housekeeping and laundry equipment.

3. Care and Welfare shows a proposed increase of $19,185 or 5.37 per cent, which is accounted for by salary increases of $16,972 or 88.4 per cent, and one new position at a cost of $3,840 or 20.07 per cent during the 1945-47 Biennium.

4. Maintenance and Operation of Plant shows a proposed increase of $21,949 or 25.82 per cent. Salary increases account for $4,669 or 21.27 per cent, one new position accounts for $4,440 or 20.22 per cent. Equipment accounts for the largest increase—$9,927 or 45.23 per cent—nearly all being for light, heat and power.

Proposed expenditures by object of expenditure are summarized in Table IX as follows:

TABLE IX—YOUTH AUTHORITY—FRED C. NELLES SCHOOL FOR BOYS
Proposed Expenditures, by Object of Expenditure, 1945-47
Compared with 1943-45

Expenditure by Object	Actual and Estimated 1943-1945	Proposed 1945-1947	Increase or Decrease 1945-47 over 1943-45 Amount	Per Cent
Salaries and wages	$512,466	$561,724	+ $49,258	+ 9.61
Inmate cost per year	805	878	+ 73	
Operating expense	247,231	261,852	+ 14,621	+ 5.91
Inmate cost per year	388	409	+ 21	
Equipment	8,659	42,471	+ 35,812	+413.63
Inmate cost per year	13	66	+ 53	
Sub-total	$768,356	$866,047	+ $97,691	+ 12.71
Inmate cost per year	1,206	1,353	+ 147	
Reimbursement for maintenance	—21,175	—22,000	+ 825	+ 3.89
Inmate cost per year	— 33	— 34	— 1	
Surplus products sale	63,550	60,000	— 3,550	— 5.59
Inmate cost per year	— 100	— 94	+ 6	
Total support	$683,631	$784,047	$100,416	+ 14.69
Inmate cost per year	$1,073	$1,225	+ $152	

Of the budgeted increased salary expense of $49,258, or 9.61 per cent, salary increases during the 1945-47 Biennium amount to $29,698 or 60.29 per cent and proposed new positions amount to $19,560 or 39.71 per cent, which are shown in Table X as follows:

TABLE X—YOUTH AUTHORITY—FRED C. NELLES SCHOOL FOR BOYS
Proposed New Positions

No. Positions Fiscal Year 45-46	46-47		*Estimated Cost for Biennium*
1	1	Intermediate Stenographer Clerk	$3,360
		Senior Clerk (reclassification)	360
1	1	Seamstress	3,000
1	1	Boys group supervisor	3,840
1	1	Stationery fireman	4,440
1	1	Instructor in animal husbandry	4,560
5	5	Total	$19,560

No increase in population is anticipated during the 1945-1947 Biennium, therefore it is questionable that an increase in employees is necessary. However, some reclassification of present positions may be necessary in order to balance the staff.

The increase of $14,621 or 5.91 per cent in operating expense has been commented on in reporting on each organization unit.

Of the $35,812 or 413.63 per cent increase in proposed expenditure for equipment the major expenditures have been commented on in reporting on each organization unit.

Recommendation:

That Item No. 66 of Assembly Bill No. 500 be reduced to $764,847, the reduction of $19,200 being the proposed expenditure for new positions. No new positions should be necessary, there being no increase in population anticipated, and per inmate costs are already high.

Item 67, page 6 of the Budget Bill and pages 156 and 157 of the Budget —Construction, Improvements, Repairs and Equipment at Fred C. Nelles School for Boys.

Proposed expenditure of $11,182 to be used as shown in Table XI:

TABLE XI—YOUTH AUTHORITY—FRED C. NELLES SCHOOL FOR BOYS

Proposed purchase of property and equipment:	
Stock for animal husbandry project	$6,950
Power line to Greenleaf Cottage	1,450
Ice cream freezing and hardening unit	800
Improved lighting installation	600
Other	1,382
Total	$11,182

Recommend that Item No. 67 be approved for $11,182 as requested, with the proviso that no money for stock for animal husbandry be expended until the projects and amount therefor be recommended by the Director of Agriculture, Head of the Department of Agriculture of University of California, and Director of the Farm Production Council.

Item No. 68, page 6 of the Budget Bill and pages 158 to 163, inclusive, of the Budget—*Support Preston School of Industry.*

Proposed expenditure for support of $1,456,202 for the 1945-47 biennium, an increase of $208,590 or 16.72 per cent over estimated expenditure of $1,247,613 for 1943-45.

The per inmate cost at this institution shown on page 158 of the Budget is already high at $947.55 for 1943-44, when it is considered that there is a population of 692. In the Budget this is calculated to go to $1,060.48 for 1946-47.

With failures reaching as high as 50 per cent despite publicity of the fine results in selected cases, it is questionable in our opinion that costs should be increased, but rather a cheaper method of handling such delinquents with equal or better results should be sought. Society would profit more if normal young people have not the opportunity to develop their abilities because of economic limitations could be assisted by financial support equal to what is expended by the State on Preston commitments.

In our opinion the costs of recoveries through the Preston process is excessive because of the high per cent of failures. The whole institution needs overhauling including: (1) Type sent there; (2) Program of restoration; (3) Offerings of the school; (4) Discipline; (5) Management; (6) Costs for over-all treatment and care in ratio to those rehabilitated.

Proposed expenditures by organization unit for 1945-47 compared with 1943-45 are summarized in Table XII:

TABLE XII—YOUTH AUTHORITY—PRESTON SCHOOL OF INDUSTRY
Analysis of Proposed Expenditures 1945-47 Compared with 1943-45

Support	Actual and Estimated 1943-45	Proposed 1945-47	Increase or Decrease 1945-47 over 1943-45 Amount	Per cent
Administration	$118,792	$133,146	+ $14,354	+12.08%
Inmate cost per year	86	96	+ 10	
Support and subsistence	299,481	355,979	+ 56,498	+18.86%
Inmate cost per year	217	258	+ 41	
Care and welfare	637,036	686,793	+ 49,757	+ 7.81%
Inmate cost per year	452	498	+ 36	
Maintenance and operation of plant	166,125	180,196	+ 14,071	+ 8.47%
Inmate cost per year	120	131	+ 11	
Farming and processing	96,627	100,088	+ 3,461	+ 3.58%
Inmate cost per year	70	72	+ 2	
Total support	$1,318,061	$1,456,202	+ $138,141	+10.48%
Inmate cost per year	955	1,055	+ 100	
Reimbursement for subsistence and care of diagnostic and classification clinic inmates	—70,449	----	— 70,449	—100.0%
Inmate cost per year	— 51		— 51	
Net total support	$1,247,612	$1,456,202	+ $208,590	+16.72%
Inmate cost per year	904	1,055	+ 151	

1. Administration shows a proposed expenditure increase of $14,354 or 12.08 per cent, accounted for by: Salary increases of $4,839 or 33.71 per cent; one proposed new position at a proposed expenditure of $4,320 or 30.10 per cent for the biennium; operating expenses increased by $2,505 or 17.45 per cent, all items being increased some; proposed equipment expenditures increased by $2,690 or 18.74 per cent, the largest item being for general office.

2. Support and subsistence shows proposed increase of $56,498 or 18.86 per cent, accounted for by: Salary increases $7,616 or 13.48 per cent; one proposed new position $3,360 or 5.94 per cent; operating expenses, a net of $36,053 or 63.81 per cent, represent approximately $27 per year proposed increased cost in feeding and clothing each inmate. Increased costs broken down by fiscal years shows an increase of approximately $30 per inmate between the 1943-44 Fiscal Year and the 1944-45 Fiscal Year. The proposed expenditure for the 1945-47 Biennium is approximately the same as for the 1944-45 Fiscal Year, which is somewhat overbudgeted. Equipment increase of $9,467 or 16.75 per cent nearly all to be used for housekeeping equipment.

3. Care and welfare shows a proposed expenditure of $49,757 or 7.81 per cent, accounted for by salary increases of $24,160 or 48.55 per cent, five new positions amounting to $28,360 or 56.99 per cent. Proposed expenditures for operating expense and equipment being less than during the 1943-45 Biennium due to the expenditures for paroles and discharges being transferred to Youth Authority Administration.

Maintenance and operation of plant shows a proposed increase of $14,071 or 8.47 per cent. Salary increases account for $5,186 or 36.85 per cent. No new positions are requested. Operating expenses and equipment account for $8,886 or 63.16 per cent to be used mostly for maintenance of buildings.

5. Farming and processing shows a proposed increase of $3,461 or 3.58 per cent—a very reasonable increase. Salary increases account for $2,736 or 79.05 per cent; no new positions are requested. Much of the labor in this unit is done by inmates.

Table XIII following shows a comparison of the net cost of operating the farming and processing unit, with value of production consumed in the support and subsistence unit.

TABLE XIII—YOUTH AUTHORITY—PRESTON SCHOOL OF INDUSTRY
Comparison of Value of Products Consumed to Net Cost of Operating Farming and Processing Unit

Biennium	Value of consumed products	Net cost of production	Estimated savings
1943-45	$157,517	$96,627	$60,880
1945-47	160,000	100,088	59,912

Proposed expenditures by object of expenditure are summarized in Table XIV as follows:

TABLE XIV—YOUTH AUTHORITY—PRESTON SCHOOL OF INDUSTRY
Analysis of Proposed Expenditures by Object of Expenditure 1945-47 Comp. 1943-45

Expenditures—by object:	Actual and estimated 1943-45	Proposed 1945-47	Increase or Decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$910,154	$990,730	+ $80,576	8.85
Inmate cost per year	659	718	+ 59	
Operating expense	439,509	483,270	+ 43,761	10.0
Inmate cost per year	319	350	+ 31	
Equipment	12,044	32,602	+ 20,558	+170.69
Inmate cost per year	9	24	+ 15	
Subtotal	$1,361,707	$1,506,602	+$144,895	10.64
Inmate cost per year	987	1,092	+ 105	
Reimbursement for maintenance	—38,752	—40,000	+ 1,248	+ 3.22
Inmate cost per year	— 28	— 29	— 1	
Surplus products sales	— 4,893	— 5,000	+ 107	2.19
Inmate cost per year	— 4	— 4	—	
Reimbursement for Laundry Service		— 5,400	+ 5,400	New
Inmate cost per year		— 4	+ 4	
Reimbursement for subsistence and care of diagnostic and classification of clinic inmates	—70,449		— 70,449	—100.0
Inmate cost per year	51		— 51	
Net support	$1,247,613	$1,456,202	+$208,589	16.72
Inmate cost per year	904	1,055	+ 151	

Of the budgeted increased salary expense of $80,576 or 8.85 per cent, salary increases during the 1945-47 Biennium amount to $44,616, or

55.37 per cent, and proposed new positions and overtime amount to $35,960 or 44.62 per cent, which are shown in Table XV as follows:

TABLE XV—YOUTH AUTHORITY PRESTON SCHOOL OF INDUSTRY
Proposed New Positions and Overtime

No. positions fiscal year 45-46	No. positions fiscal year 46-47		Estimated cost for biennium
1	1	Senior Account Clerk	$4,320
1	1	Laundryman	3,360
1	1	Asst. Head Boys' Group Supervisor	4,560
1	1	Intermediate Clerk	3,120
		Physician and Surgeon (increased from intermittent to full time)	200
1	1	Physical Education Teacher	4,320
		Overtime	8,400
2	2	Boys Group Supervisor	7,680
7	7		$35,960

No proposed increase in population is anticipated during the 1945-47 biennium, therefore it is questionable that an increase in employees is necessary, however some reclassification of present positions may be necessary in order to balance the staff.

The proposed increase of $43,761 or 10.0 per cent in operating expense has been commented on in reporting on each organization unit.

The increase of $20,558 or 170.69 per cent in equipment looks large from a percentage of increase point of view, but when broken down by units and consideration given to the fact this type of expenditure has been limited during the war, the increase in dollars appears reasonable.

Recommendations:

That Item No. 68 of Assembly Bill No. 500 be reduced to $1,428,842, *the reduction of $27,360 being proposed expenditure for new positions.* No new positions should be necessary, there being no increase in population anticipated.

Medical services at this school are inadequate—the resident physician is unsuited for the work required, and this condition must be corrected. It is recommended that the present physician be replaced by a younger physician, competent to do a full all-around job required at this institution.

Item No. 69 of the Budget Bill, page 164 of the Budget—Construction, improvements, repairs and equipment, Preston School of Industry.

Proposed expenditure of $52,180 to be used as shown in Table XVI:

TABLE XVI -YOUTH AUTHORITY—PRESTON SCHOOL OF INDUSTRY
Proposed Purchase of Property and Equipment

Laundry equipment	$21,675
Ranch equipment	11,270
Printing shop and bindery equipment	12,810
Automobile shop equipment	4,400
Tailor shop equipment	2,025
Total	$52,180

It is proposed to expand the facilities shown in Table XVI in order to give better training to inmates, at the same time making some savings in laundry service rendered to the Fricot Ranch School for Boys.

Recommend Item No. 69 be approved for $52,180 as requested.

Item No. 70, page 6 of the Budget Bill and pages 165 to 167, inclusive, of the Budget—*Los Guilucos School for Girls Support.*

Proposed expenditure of $267,576—an increase of $95,215 or 55.24 per cent. This increase is not a fair comparison, as this is a new school and was not operated during the full 24 months of the 1943-45 Biennium. Based on estimated expenditures for the 1944-45 Fiscal Year, the increase for the 1945-47 Biennium is up approximately 18 per cent, represented by an estimated cost of feeding and clothing caused by an increase in population from 90 to 110 inmates. This will cut per inmate costs. More capacity should be secured, so as to further reduce per inmate costs below $1,230 for 1946-47.

Recommend the appropriation be approved at $267,576, the amount requested.

Item No. 71, page 6 of the Budget Bill and page 168 of the Budget—*Purchase of Real Property in Sonoma County.*

Proposed expenditure of $150,000 to purchase the former Pythian Home, consisting of approximately 320 acres, of which 125 acres are under cultivation. There are two 1,000,000-gallon water storage reservoirs supplied by gravity, three modern brick buildings, and other utility buildings.

Recommend the appropriation be approved at $150,000, the amount requested.

Item No. 72, page 6 of the Budget Bill and page 68 of the Budget—Construction, improvements, repairs, at Los Guilucos School for Girls.

Proposed expenditure of $88,310, the major items are shown in Table XVII.

TABLE XVII—YOUTH AUTHORITY—LOS GUILUCOS SCHOOL FOR GIRLS
Proposed Construction and Improvements

Laundry building and equipment	$38,000
Remodeling kitchen	7,350
Irrigation system	15,000
New well and pump	7,150
Repairing and relocating electrical center	1,000
Painting exterior of buildings	2,800
Repairs to farm buildings and fences	3,050
Repairs to administration and dormitories building	5,910
Repairs to existing water system	4,750
Improvements to grounds	1,600
Butane gas system	900
Other	800
Total	$88,310

Recommend Item No. 72 be approved at $88,310, the amount requested. This is a companion of Item No. 71, which appropriates funds to purchase the land and buildings upon which the above repairs will be made.

Item No. 73, page 6 of the Budget Bill and pages 169 to 173, inclusive, of the Budget—*Ventura School for Girls—Support.*

Proposed expenditure for support of $497,238, for the 1945-47 biennium, an increase of $78,416 or 18.72 per cent over estimated expenditures of $418,822 for 1943-45. Per inmate costs were $1,216 for 1943-44 but will increase to $1,282 for 1945-47.

Proposed expenditures by organization units for 1945-47 compared with 1943-45 are summarized in Table XVIII.

TABLE XVIII YOUTH AUTHORITY- VENTURA SCHOOL FOR GIRLS
Analysis of Proposed Expenditures 1945-47 Compared with 1943-45

Support:	Actual and Estimated 1943-1945	Proposed 1945-1947	Increase or Decrease 1945-47 over 1943-45 Amount	Per Cent
Administration	$51,281	$63,605	+$12,324	+ 24.03
Inmate cost per year	142	159	+ 17	
Support and subsistence	114,972	153,470	+ 38,498	+ 33.48
Inmate cost per year	319	384	+ 65	
Care and welfare	193,218	217,488	+ 24,270	+ 12.57
Inmate cost per year	537	544	+ 7	
Maintenance and operation of plant	43,004	51,395	+ 8,391	+ 19.51
Inmate cost per year	119	128	+ 9	
Farming and processing	16,347	11,280	— 5,067	11.78
Inmate cost per year	45	28	— 17	
Total support	$418,822	$497,238	+$78,416	+ 18.72
Inmate cost per year	$1,163	$1,243	+ $80	

Administration shows a proposed expenditure increase of $12,324 or 24.03 per cent accounted for by:

Salary increases of	$5,960 or 48.36%	
One proposed new position	4,080 or 33.10%	
Operating expense	1,317 or 10.68%	representing normal increases for all classifications.
Equipment	968 or 7.85%	representing normal increases for all classifications.

Support and subsistence shows proposed increase of $38,498 or 33.48% accounted for by:

Salary increases	$2,673 or 6.94%
One proposed new position	1,940 or 5.04%

Operating expense a net of $20,510 or 53.27 per cent includes *approximately* $34 per year proposed increased cost in *feeding* and *clothing* each inmate. Increased costs broken down by fiscal years show an increase of approximately $38 per inmate between 1943-44 and 1944-45. The proposed expenditure for each fiscal year of the 1945-47 Biennium is approximately the same, and when the 1943-45 Biennium is compared with the 1945-47 Biennium the average increase cost is approximately $34 as shown above; but to compare the Fiscal Year 1944-45 with 1945-46 shows an increase of $13 per year for each inmate, also when the Fiscal Year 1943-44 is compared with 1945-47 the increase is approximately $47 per inmate per year.

Care and welfare shows a proposed increase of $24,270 or 12.57 per cent, accounted for by:

Salary increases	$3,936 or 16.22%
Three new positions	14,160 or 58.34%
Operating expenses	1,676 or 6.90%

This increase appears reasonable but when consideration is given to the transfer of expense for paroles to administration, the total increase is about $3,200; also consideration must be given to a new proposed expenditure for religious services of $2,400 for the biennium—which leaves a net increase of approximately $800 in old classifications.

Equipment expenditures increased $4,500 or 18.54 per cent—to be used in purchasing educational and recreational equipment during each fiscal year.

Maintenance and operation of plant shows a proposed increase of $8,391 or 19.51 per cent, accounted for by:

Salary increase	$1,390 or 16.57%
One new position	4,560 or 54.34%
Operating expense	1,530 or 18.23%

This increase includes small amounts for nearly all operating expense classifications.

Equipment	$912 or 10.86%

This increase is reasonable, the expenditure for 1943-45 being only $263.

Farming and processing shows a decrease of $5,067 or 11.78 per cent. This is unusual. Table XVIX, following, shows a comparison of the net cost of operating the farming and processing unit with value of production consumed in the support and subsistence unit.

TABLE XVIX—YOUTH AUTHORITY—VENTURA SCHOOL FOR GIRLS
Comparison of Value of Products Consumed to Net Cost of Operating Farming and Processing Unit

Biennium	Value of consumed products	Net cost of production	Estimated savings
1943-45	$18,367	$16,347	$2,020
1945-47	15,000	11,280	3,720

Proposed expenditures by object of expenditure are summarized in Table XX as follows:

TABLE XX—YOUTH AUTHORITY—VENTURA SCHOOL FOR GIRLS
Analysis of Proposed Expenditures, 1945-47, Compared with 1943-45

Expenditure by object	Actual and Estimated 1943-1945	Proposed 1945-1947	Increase or Decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$293,550	$332,683	+$39,133	+ 13.33
Inmate cost per year	815	832	+ 17	
Operating expenses	144,688	166,500	+ 21,812	+ 15.07
Inmate cost per year	402	416	+ 14	
Equipment	6,735	5,355	+ 18,620	+276.47
Inmate cost per year	19	63	+ 44	
Total	$444,973	$524,538	+$79,565	+ 17.88
Inmate cost per year	1,236	1,311	+ 75	
Reimbursement for maintenance	—25,940	—27,000	+ 1,060	+ 4.09
Inmate cost per year	— 72	— 67	— 5	
Surplus Products Sales	— 211	— 300	+ 89	+ 42.18
Inmate cost per year	----	— 1		
Total Support	$418,822	$497,238	+$78,416	+ 18.72
Inmate cost per year	1,163	1,243	+ 80	

Of the budgeted increased salary expense of $39,133 or 13.33 per cent, salary increases during the 1945-47 Biennium amount to $15,853 or 40.51 per cent, and proposed new positions amount to $23,280 or 59.48 per cent, which are shown in Table XXI as follows:

TABLE XXI—YOUTH AUTHORITY—VENTURA SCHOOL FOR GIRLS
Analysis of Proposed New Positions

Number of positions 45-46	46-47	Proposed new positions	Estimated increase for biennium
1	1	Institution Storekeeper, Grade 1	$4,080
1	1	Graduate nurse	4,080
2	2	Girl's group supervisor (1 uniform holidays)	7,680
--	--	Teacher (intermittent)	2,400
1	1	Institutions painter	4,560
--	--	Institution firefighter (2 part-time)	480
5	5	Total	$23,280

The increase in population is estimated to increase from 170 during 1943-44 to 200 during each year of the new biennium.

The proposed increase of $21,812 or 15.07 per cent in operating expense has been commented on in reporting on each organization unit.

The increase of $18,620 or 276.47 per cent in equipment looks large from a percentage of increase point of view, but when broken down by units and consideration given to the fact this type of expenditure has been limited during the war, the increase in dollars appears reasonable.

Recommendation

That Item 73 of Assembly Bill No. 500 be reduced to $478,038, the reduction of $19,200 being proposed increased expenditures for new positions other than for institution storekeeper. Reorganization and reclassification will be necessary to better carry the overhead load.

We also recommend the over-all savings, salary savings and the procedure for this as previously expressed.

Item 74, page 6 of the Budget Bill and page 174 of the Budget. Construction, Improvements, Repairs, and Equipment—Ventura School for Girls.

Proposed expenditure of $9,500 to be used as shown in Table XXII as follows:

TABLE XXII—PROPOSED CONSTRUCTION, IMPROVEMENTS AND REPAIRS—VENTURA SCHOOL FOR GIRLS

Improvements to roads	$2,000
Exterior and interior painting	4,000
Alterations to cottages	2,000
Shelter for farm machinery	1,000
Extending employees' dining room	500
	$9,500

The proposed expenditure is 43 per cent of the 1943-45 Biennium expenditure.

Recommend Item 74 be approved for $9,500 as requested.

Department of Education

ANALYSIS OF PROPOSED EXPENDITURES BY ACTIVITY FOR

1943-45 VS. 1945-47

Item No. AB 500	Expenditure for	Budget Page No.	Actual and Estimated Expenditures 1943-1945	Proposed Expenditures 1945-47	Increase or Decrease 1945-47 over 1943-45 Amount	Per cent
75	State Board of Education—Support	175	$4,101	$4,000	— $101	— 2.46
76	Department of Education—Support	176	550,590	713,686	+ 193,096	+ 35.07
77	Vocational Education—in addition to provisions of Sec. 505, Education Code	186	322,270	421,896	+ 99,627	+ 30.91
78	Vocational Rehabilitation	189	---------	240,000	+ 240,000	New
79	California State Library—Support	193	365,061	431,592	+ 66,531	+ 18.22
79.5	Publishing, Purchasing and Shipping Free Text Books	781	1,525,644	1,616,618	+ 90,954	+ 5.96
	State Colleges					
80	Chico—Support	197	393,136	435,213	+ 42,077	+ 10.70
81	Chico—Construction, Improvements and Equipment	197	5,000	16,200	+ 11,200	+224.00
82	Fresno—Support	204	673,646	811,452	+ 137,806	+ 20.45
83	Fresno—Construction, Improvements and Equipment	204	10,940	86,092	+ 75,152	+686.94
84	Humboldt—Support	212	267,624	286,510	+ 18,886	+ 7.05
85	Humboldt—Construction, Improvements and Equipment	212	63,350	11,500	— 51,850	— 81.85
86	San Diego—Support	219	655,698	877,262	+ 221,564	+ 33.79
87	San Diego—Construction, Improvements and Equipment	219	12,000	20,500	+ 8,500	+ 70.83
88	San Francisco—Support	226	610,738	810,251	+ 199,513	+ 32.67
89	San Francisco—Construction, Improvements and Equipment	226	20,913	8,000	— 12,913	— 61.75
90	San Jose—Support	233	915,442	1,173,204	+ 257,762	+ 28.16
91	San Jose—Construction, Improvements and Equipment	233	355,836	73,911	— 281,925	— 79.23

Department of Education

ANALYSIS OF PROPOSED EXPENDITURES BY ACTIVITY FOR

1943-45 VS. 1945-47

Item No. AB 500	Expenditure for	Budget Page No.	Actual and Estimated Expenditures 1943-1945	Proposed Expenditures 1945-1947	Increase or Decrease 1945-47 over 1943-45 Amount	Per cent
	State Colleges, Continued					
92	California School for Blind—Support	246	$303,736	$343,953	+ $40,217	+ 13.24
92	Readers for Blind College Students California School for Blind	246	13,000	13,000	--------	----
94	California School for Blind— Construction, Improvements and Equipment	246	6,500	11,500	+ 5,000	+ 76.92
95	California School for Deaf—Support	251	563,146	691,870	+ 128,724	+ 22.86
96	Expenses of Deaf Graduates—attending Gallaudet College	251	5,658	12,000	+ 6,342	+112.08
97	California School for Deaf— Construction, Improvements and Repairs	251	6,000	9,000	+ 3,000	+200.00
98	California Maritime Academy—Support	257	153,052	266,608	+ 113,556	+ 74.19
99	California Maritime Academy—Purchase of Real Property	257	--------	15,000	+ 15,000	New
100	California Polytechnic School—Support Appropriation 1943-45 was from Fair and Exposition Fund	263	319,047	570,324	+ 251,277	+ 78.75
101	California Polytechnic School— Drug and Oil Plant Program—Support	272	32,148	35,000	+ 2,852	+ 8.87
102	Teachers' Retirement System—Support	273	66,318	167,100	+ 100,782	+151.97
102.5	Teachers' Permanent Fund—Transferred from the General Fund			7,315,000	New	----
102.6	Teachers' Retirement Annuity Fund—Transfer from General Fund for Operation of Teachers' Retirement System			295,000	New	
103	University of California—Support	276	16,950,984	22,233,081	+5,282,097	+ 31.16
104	Hastings Law School—Support	283	65,072	69,403	+ 4,331	+ 6.65

Department of Education—State Board of Education
Analysis of Proposed Expenditures for the 1945-47 Biennium

Item 75, page 6 of the Budget Bill and page 175 of the Budget. Amount requested $4,000, a decrease of $101 when compared with expenditure of $4,101 for the 1943-45 Biennium.

Recommend appropriation be approved for $4,000, the amount requested.

It is doubtful if the board can perform its functions as provided by law with such a small budget.

Department of Education—Administration
Analysis of Proposed Expenditures for the 1945-47 Biennium

Item 76, page 6 of the Budget Bill and pages 176 to 185, inclusive, of the Budget. Amount requested $713,686. This represents an increase of $163,096 or 29.62 per cent over expenditures of $550,590 for the 1943-45 Biennium.

Proposed expenditures for the 1945-47 Biennium compared with estimated expenditures for the 1943-45 Biennium are shown by organization unit in Table I.

TABLE I

DEPARTMENT OF EDUCATION—ADMINISTRATIVE DIVISIONS

Analysis of Proposed Expenditures 1945-47 Compared With 1943-45

Expenditure for Support	Actual and Estimated 1943-1945	Proposed 1945-1947	Increase or Decrease 1945-47 over 1943-45 Amount	Per Cent
Administration	$191,563	$244,467	+ $52,904	+ 27.62
Research and statistics	58,097	61,432	+ 3,335	+ 5.74
Teacher training and certification	70,344	90,655	+ 20,311	+ 28.87
Elementary rural education	44,188	46,165	+ 1,977	+ 4.47
Secondary education	18,768	27,340	+ 8,572	+ 45.67
Adult and continuation education	20,406	21,580	+ 1,174	+ 5.75
Health and physical education	27,666	31,180	+ 3,514	+ 12.70
Education for handicapped children	23,237	35,403	+ 12,166	+ 52.36
Vocational education	11,982	20,769	+ 8,787	+ 73.34
Schoolhouse planning	25,517	35,880	+ 10,363	+ 40.61
Textbooks and publications	17,575	18,400	+ 825	+ 4.69
California Historical Association	5,099	5,415	+ 316	+ 6.20
Readjustment education	15,230	75,000	+ 59,770	+392.45
Supervision of child care centers	20,918	-----	— 20,918	—100.0
Totals	$550,590	$713,686	+$163,096	+ 29.62

Table I shows *13 separate divisions in the Department of Education. Some of these divisions have only part-time employees which makes it necessary for employees to divide their time between two or more jobs.* This complicates everything from administration down the line to the accounting procedure. A survey of this department should be made for the purpose of consolidating divisions and eliminating all part-time salary items. Such reorganization should result in a material saving in personnel operating expense and particularly in travel, and better administration should result. At the present time the setup and procedure followed or lack of it produces a condition which is a violation of all the principles of good management. There are not only too many small divisions with too many subordinates for the director to manage well, but principals are by-passed and subordinates given orders and instructions without their division chiefs being informed.

If reorganization is not made by the department, possibly a cut in appropriation will force it. A saving and improved operations are possible at the same time.

Proposed expenditures for the 1945-47 Biennium compared with estimated expenditures for the 1943-45 Biennium are shown by Object of Expenditure in Table II.

TABLE II

DEPARTMENT OF EDUCATION—ADMINISTRATIVE DIVISIONS

Analysis of Proposed Expenditures by Object 1945-47 Compared With 1943-45

Expenditure by Object	Actual and Estimated 1943-1945	Proposed 1945-1947	Increase or Decrease 1945-47 over 1943-45 Amount	Per Cent
Salaries and wages	$455,370	$557,460	+$102,090	+ 22.42
Operating expense	108,823	148,844	+ 40,021	+ 36.78
Equipment	9,233	34,532	+ 25,299	+274.0
Total Support	$573,426	$740,836	+$167,410	+ 29.19
Less: Reimbursement from special funds for service	— 21,092	— 19,750	— 1,342	— 6.36
Reimbursement from school district for schoolhouse planning surveys	— 364	— 4,000	+ 3,636	+998.90
Bulletin sales	— 1,380	— 3,400	+ 2,020	+146.38
Net totals	$550,590	$713,686	+$163,096	+ 29.62

Salaries and wages show proposed expenditure of $557,460, an increase of $102,090 or 22.42 per cent over estimated expenditures of $455,370 for the 1943-45 Biennium. The increase of $102,090 is accounted for by salary increases and salaries to be paid new employees employed during 1943-45. $58,900 or 57.69 per cent, and salaries for proposed new positions $43,190 or 42.30 per cent. The proposed new positions are shown in Table III.

TABLE III

DEPARTMENT OF EDUCATION—ADMINISTRATIVE DIVISIONS

Proposed New Positions During 1945-1947 Biennium

No. positions fiscal year 45-46	46-47		Estimated cost for biennium
		Administration	
1	1	Assistant Administrative Advisor	$7,020
1	1	Intermediate Account Clerk	3,360
1	1	Intermediate Stock Clerk	3,360
1	1	Intermediate Stenographer Clerk	3,360
		Teacher Training and Certification	
	1	Chief of Division (M L)	5,040
		Assistant Credential Technician (Reclassification of Senior Clerk)	1,020
		Schoolhouse Planning	
1	1	Intermediate Stenographer Clerk (one-half time)	1,680
		Readjustment Education (new service)	
	1	Assistant Chief of Division	3,780
	3	Specialist in Veterans' Education	11,330
	2	Intermediate Stenographer Clerks	3,240
5	12		$43,190*

* Recommendation: Reduce item 76 by $43,190 for salaries above and corresponding amount in relation to operating expenses for this proposed personnel.

Until the Department of Education is reorganized no new positions should be necessary. Salary savings will pay for added staff.

Operating Expense shows proposed expenditures of $148,844, an increase of $40,021 or 36.78 per cent over estimated expenditures of $109,823 for the 1943-45 Biennium. This increase is shown by divisions in Table IV following:

TABLE IV

DEPARTMENT OF EDUCATION -ADMINISTRATIVE DIVISIONS
Proposed Increase in Operating Expense by Division

Division	Actual and Estimated 1943-1945	Proposed 1945-1947	Increase or Decrease 1945-47 over 1943-45 Amount	Per Cent
Administration	$41,564	$46,894	+ $5,330	+ 12.77
Research and statistics	18,973	19,140	+ 167	+ .89
Teacher training and certification	7,762	13,905	+ 6,143	+ 79.13
Elementary and rural education	10,905	11,315	+ 410	+ 3.76
Secondary education	4,020	4,710	+ 690	+ 17.16
Adult and continuation education	4,365	4,530	+ 165	+ .88
Health and Physical Education	3,743	9,580	+ 5,837	+155.9
Education for Handicapped Children	1,563	7,405	+ 5,842	+373.8
Vocational Education	2,764	7,075	+ 4,311	+155.96
Schoolhouse Planning	4,274	5,550	+ 1,276	+ 29.85
Textbooks and Publications	1,834	2,160	+ 326	+ 17.76
California Historical Association	355	650	+ 295	+ 83.10
Readjustment Education	2,925	15,930	+ 13,005	+444.62
Supervision of Child Care	3,776	——	— 3,776	—100.0
Totals	$108,823	$148,844	$40,021	+ 36.78

The major over-all increase in the proposed operating expense is in the proposed expenditure for traveling of $47,660 for all divisions, an increase of $16,345 or 52.19 per cent over the estimated expenditure of $31,315 for the 1943-45 Biennium.

However, $11,160 or 68.28 per cent of the $16,345 increase is in the *Division of Readjustment Education, a new division that should be supported by Federal Funds.* We recommend no increase be allowed. Other divisions in which proposed increased traveling expense is reflected in Table IV by an extra increase in percentage are: Administration—$1500 or 16.98 per cent, Secondary Education—$400 or 18.37 per cent. Schoolhouse Planning—$752 or 28.39 per cent.

New items that did not appear in the 1943-45 Biennium Budget are:

For Teacher Training and Certification:
Machine rental and supplies for teacher supply and demand study $4,000, or 65.11 per cent of the $6,143 increase.

For Health and Physical Education:
Printing special physical health program bulletin, $5,500 or 94.22 per cent of the $5,837 increase.

For Vocational Education:
Printing bulletins $3,000 or 69.58 per cent of the $4,311 increase.

Recommend items be reduced by $12,500 the sum of these new items. We believe these can all be deferred until after the war and considered by the next session of the Legislature.

Equipment shows proposed expenditures of $34,532, an increase of $25,299 or 274 per cent over estimated expenditures of $9,233 for the 1943-45 Biennium.

The above expenditures broken down to the three account classifications shown in the Budget are shown in Table V.

TABLE V

Equipment Expenditure by Account Classification

Amount Classification	*Actual and Estimated 1943-45*	*Proposed 1945-47*	*Increase or Decrease 1945-47 over 43-45* *Amount*	*Per cent*
General Office	$6,071	$25,192	$19,121	314.95
Books	589	940	351	59.59
Automobile	2,573	8,400	5,827	226.47
Total	$9,233	$34,532	$25,299	274.

Proposed expenditures for general office are excessive and should not be allowed. Expenditures for this classification for the 1941-42 fiscal year were only $1,306 as shown in the Budget for 1943-45. A reduction of $17,400 is suggested.

Proposed expenditures for books are reasonable when compared with the 1941-42 Biennium, when this expenditure was $1,050.

The sum of $2,573 was paid for automobiles during the 1943-44 Fiscal Year, inasmuch as traveling by automobile should be curtailed because of the war, automobiles should last more than two years, therefore, the appropriation for new automobiles should be limited to barest needs and certainly a cut of $4,400 which is included in the above reduction is not excessive.

Recommendation

That Item 76, page 6 of the Budget Bill be reduced from $713,686 to $618,521 a reduction of $95,165 or 13.33 per cent and represented by the following:

Salaries and Wages:	
All proposed new positions (Includes $11,160 for Readjustment Education)	$43,190
Operating Expense	
Traveling reduced from $47,760 to $31,000, a saving of	16,660
New publications and printing bulletins—total amount	12,500
Equipment	
General office reduced by	13,000
Automobiles—Reduced by	4,400
The California Historical Association should be abolished or set up so as to secure adequate returns	5,415
Total reduction	$95,165

A further saving should be made by the reorganized Department of Education with a substantial reduction in the number of divisions being made.

The present organization consists of too many small divisions each with a chief and private secretary, the Budget shows several divisions with only two, three, or four employees.

The Division of Readjustment Education, a division for the benefit of returning war veterans should be supported by Federal funds. This

perhaps could be taken over by some Federal supported education agency now functioning, possibly the Division of Vocational Education.

A good reorganization of the Department of Education would provide the director with a work program so he would have the better supervision, at the same time make it possible to save an undeterminable amount of taxpayers money.

Department of Education—Vocational Education

Analysis of Proposed Expenditures for the 1945-47 Biennium

Item 77, page 6 of the Budget Bill, and pages 186 to 188, inclusive, of the Budget. Amount requested $421,896. This represents an increase of $99,626 or 30.91 per cent over appropriation expenditures of $322,270 for the 1943-45 Biennium.

This appropriation item is only 37.12 per cent of the total proposed expenditure of $1,136,278 of State funds required to finance the Vocational Education program in cooperation with the Federal Government in promoting vocational education.

Total proposed expenditures and means of financing expenditures for vocational education are shown in Table I following:

TABLE I

DEPARTMENT OF EDUCATION—VOCATIONAL EDUCATION
Analysis of Proposed Expenditures 1945-47 Compared With 1943-45

Expenditure for:	Actual and Estimated 1943-1945	Proposed 1945-1947	Increase or Decrease 1945-47 over 1943-45 Amount	Per Cent
Supervisor and Teacher Training (State Government) (Table II)	$454,109	$557,225	+$103,116	+22.71
Reimbursements to School Districts (payments and grants)	2,189,598	2,422,775	+ 223,177	+10.19
Total expenditure	$2,643,707	$2,980,000	+$336,293	+12.72
Financing:				
By State of California from the General Fund by continuing appropriation (Fixed charge prescribed by prescribing Sections 5705 and 9161, Education Code, to match Federal grants under Smith-Hughes Act)	$714,314	$714,382	+ $68	----
Item 11 of Budget Bill to meet State's share of expenditures under George-Deen Act	322,270	421,896	+ 99,626	+30.91
Total State funds	$1,036,584	$1,136,278	+ $99,694	+ 9.62
By Federal Funds:				
Smith-Hughes Act	$714,314	$714,382	+ $68	----
George-Deen Act	892,809	1,129,340	+ 236,531	+26.49
Total Federal funds	$1,607,123	$1,843,722	+$236,599	+14.72
Total—all funds	$2,643,707	$2,980,000	$336,293	+12.72

Proposed expenditures for supervision and teacher training for the 1945-47 Biennium compared with estimated expenditures for the 1943-45 Biennium are shown by Object of Expenditure and means of financing in Table II.

TABLE II

DEPARTMENT OF EDUCATION—VOCATIONAL EDUCATION
Analysis of Proposed Expenditures 1945-47 Compared With 1943-45

Expenditure by Object	Actual and Estimated 1943-1945	Proposed 1945-1947	Increase or Decrease 1945-47 over 1943-45 Amount	Per Cent
Salaries and Wages	$358,175	$436,225	+ $78,050	+21.79
Operating Expense	95,934	121,000	+ 25,066	+26.13
Total support	$454,109	$557,225	+$103,116	+22.71
Financing:				
General Fund	$217,547	$276,185	+ $58,638	+26.95
Federal funds	236,562	281,040	+ 44,478	+18.80
Total	$454,109	$557,225	+$103,116	+22.71

The vocational educational program being operated in cooperation with the Federal program, the State must appropriate its share of funds in order to obtain Federal funds.

Recommend that Item 77 be approved for $421,896, the amount requested, with the proviso that the State funds can not be spent unless the Federal funds are available.

Department of Education—Vocational Rehabilitation

Analysis of Proposed Expenditures for the 1945-47 Biennium

Item 78, page 7, of the Budget Bill and pages 189 to 192 of the Budget. Amount requested $240,000, a supplemental appropriation.

This appropriation is necessary in order to supplement continuing appropriations provided by the Education Code Sections 5803-5804.

Recommend approval of Item 78 for $240,000 as requested with the following restrictions:

The unexpended balance of any money appropriated by Item 78 of this act which remains unmatched by money received from the Federal Government or any agency thereof at the end of the biennium shall revert to the General Fund.

Proposed expenditures for vocational rehabilitation for the 1945-47 Biennium compared with estimated expenditures for the 1943-45 Biennium are shown by Organization Unit in Table I and by Object of Expenditure in Table II.

VOCATIONAL REHABILITATION

TABLE I

ANALYSIS OF PROPOSED EXPENDITURES—1945-1947 COMPARED WITH 1943-1945

Expenditures for support	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Administration	$162,442	$288,590	+ $126,148	+ 77.65
Vocational Guidance and Placement Service	302,189	550,885	+ 248,696	+ 82.30
Case Service				
Case other than war disabled civilians	555,404	1,200,000	+ 644,596	+116.05
War disabled civilians	14,425	37,300	+ 22,875	+158.58
Total Expenditures	$1,034,460	$2,076,775	+$1,042,315	+100.76
Less: Amount payable from Federal funds	—674,460	—1,476,775	—802,315	+118.96
General Fund appropriation	$360,000	$600,000	+ $240,000	+ 66.67
Appropriated by Sections 5803 and 5804—Education Code	$360,000	$360,000		
Item No. 78 of Budget Bill		240,000	+ 240,000	new
Total	$360,000	$600,000	$240,000	+ 66.67

TABLE II

Expenditure by object	Actual and estimated 1943-45	Proposed 1945-1947	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and Wages	$337,574	$665,565	+$ 327,991	+ 97.16
Operating Expense	688,756	1,395,950	+ 707,194	+102.68
Equipment	8,130	15,260	+ 7,130	+ 87.70
Total expenditures	$1,034,460	$2,076,775	+$1,042,315	+100.76

Table I shows a proposed expenditure of $2,076,775 for the 1945-47 Biennium, an increase of $1,042,315 or 100.76 per cent over estimated expenditures of $1,034,460 for the 1943-45 Biennium. *It must be noted that the financing of the above expenditure is from both State and Federal Funds as shown in Table III as follows:*

TABLE III

VOCATIONAL REHABILITATION FINANCING

	Amount	Per cent
1943-45 Biennium		
State funds	$360,000	34.8
Federal funds	674,460	65.2
Total	$1,034,460	100.0
1945-47 Biennium		
State funds	600,000	28.89
Federal funds	1,476,775	71.11
Total	$2,076,775	100.00

Department of Education—California State Library

Analysis of Proposed Expenditures for the 1945-47 Biennium

Item 79 page 7 of the Budget Bill and pages 193 to 195, inclusive, of the Budget. Amount requested $431,592. This represents an increase of $66,531 or 18.22 per cent over expenditures of $365,061 for the 1943-45 Biennium.

Proposed expenditures for the 1945-47 Biennium compared with estimated expenditures for the 1943-45 Biennium are shown by Organization Unit in Table I and by Object of Expenditure in Table II.

TABLE I

ANALYSIS OF PROPOSED EXPENDITURES—1945-47 COMPARED WITH 1943-1945

Expenditures for support of organization unit	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Administration	$61,586	$70,351	+$8,765	+14.23
Operation	254,291	311,291	+57,000	+22.42
Accessories and Equipment	49,184	49,950	+ 766	+ 1.56
Total	$365,061	$431,592	$66,531	+18.22

TABLE II

Expenditures by object	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and Wages	$281,515	$331,660	$50,145	+17.81
Operating Expense	34,045	36,577	2,532	+ 7.44
Equipment	49,615	63,475	13,860	+27.94
	$365,175	$431,712	$66,537	+18.22
Less Reimbursement for Photostat Service	— 114	— 120	+ 6	+ 5.26
Total	$365,061	$431,592	$66,531	+18.22

Salaries and wages show a proposed increase of $50,145 or 17.81 per cent over estimated expenditures for the 1943-45 Biennium. This increase is accounted for by salary increases and salaries to be paid employees not employed during full 24 months of 1943-1945 Biennium—$11,686 or 23.3 per cent and by proposed new positions as shown in Table III in the amount of $38,460 or 76.70 per cent of the total increased salary expense.

Department of Education—California State Library

TABLE III

PROPOSED NEW POSITIONS DURING 1945-1947 BIENNIUM

45-46	46-47		Estimated cost for biennium
1	1	Senior Catalog Librarian	$4,560
2	2	Junior Librarian	8,160
	1	Microphotographer	2,700
	1	Microphotographer's Assistant	1,620
1	1	Senior Ass't. Library Crafts	4,080
1	1	Talking Book Machine Assistant	3,360
2	2	Library Aid	6,240
1	1	Junior Typist Clerk	2,580
2	2	Junior Clerk	5,160
10	12	Total	$38,460

Operating expenses shows a proposed increase of $2,532 or 7.44 per cent over estimated expenditures for the 1943-45 Biennium, which is a reasonable increase.

Equipment shows proposed increase of $13,860 or 27.94 per cent over estimated expenditures for the 1943-45 Biennium. The major items accounting for this increase are:

Office equipment	$5,918	or 42.69 per cent
Microphotographic laboratory	5,654	or 40.80 per cent
Automobile	1,200	or 8.66 per cent
Crafts	300	or 2.16 per cent

Recommendation: That Item 79 of the Budget Bill be approved for $424,672, a reduction of $6,820. The reduction being represented by a sum equal to two of the lesser proposed new positions.

The increase allowed will make it possible in time to catch up with accumulated work and keep abreast of current demands.

Proposed new positions reduced by	$4,620
Proposed purchase of office equipment reduced by	1,000
Proposed purchase of automobile	1,200
Total all reductions	$6,820

An appropriation of $424,672 will give an increase of $59,611 or 16.33 per cent over estimated expenditures of $365,061 for the 1943-45 Biennium.

Department of Education—Publishing Free Text Books

Analysis of Proposed Expenditure for the 1945-47 Biennium

Item 79.5, page 7 of the Budget Bill and page 781 of the Budget. Amount requested $1,616,618. This represents an increase of $90,954, or 5.96 per cent over expenditures of $1,525,664 for the 1943-45 Biennium; and an increase of $58,000 or 3.95 per cent over the 1943-45 appropriation (Assembly Bill No. 1600) of $1,467,664.

Recommend that this item be cut to an even $800,000.

Department of Education—Chico State College

Analysis of Proposed Expenditure for the 1945-47 Biennium

Item 80, page 7 of the Budget Bill and pages 197 to 203 inclusive of the Budget. Amount requested $435,213. This represents an increase of $42,077, or 10.7 per cent over expenditure of $393,136 for the 1943-45 Biennium.

The cost of operating a State college is reflected by the number of students enrolled. The instruction unit which requires the largest expenditure is affected almost immediately by changes in enrollment, other units showing some lag before enrollment changes are reflected, with maintenance and operation of the plant and grounds showing little change.

Chico State College had an enrollment of 594 students during the 1941-42 fiscal year and operated at a cost per student of $401 per year, total expenditures for the year being $238,666. During the 1943-44 Fiscal Year two years later, the enrollment on account of the war had dropped to 228 students with operating costs going up to a cost per student of $886 per year, total expenditures for the year being $202,060. Thus, using the 1941-42 figures as a base, enrollment has dropped 366 students or 61.61 per cent and operating costs have increased $485 per student or 120.95 per cent.

Proposed expenditures for the 1945-47 Biennium compared with estimated expenditures for the 1943-45 Biennium are shown by organization unit in Table I and by object of expenditure in Table II.

TABLE I

EXPENDITURES BY ORGANIZATION UNIT

Analysis of Proposed Expenditures for 1945-47 Compared With 1943-45

Expenditures for support	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Administration	$78,558	$91,595	+$13,037	+ 16.60
Instruction	265,650	309,939	+ 44,289	+ 16.67
Maintenance and operation of plant	63,944	69,679	+ 5,735	+ 8.97
Total support	$408,152	$471,213	+$63,061	+ 15.45
Capital outlay	5,000	16,200	+ 11,200	+224.00
Total	$413,152	$487,413	+$74,261	+ 17.98
Appropriation				
Student fees	$15,016	$36,000	+$20,984	+139.74
Item No. 80, Budget Bill	393,136	435,213	+ 42,077	+ 10.70
Item No. 81, Budget Bill	5,000	16,200	+ 11,200	+224.00
Total	$413,152	$487,413	+$74,261	+ 17.98

TABLE II

EXPENDITURES BY OBJECT OF EXPENDITURE

Expenditure by object	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$359,361	$405,845	+$46,484	+ 12.94
Operating expense	37,952	46,778	+ 8,826	+ 23.26
Equipment	10,840	18,590	+ 7,750	+ 71.50
Total support	$408,153	$471,213	+$63,060	+ 15.45
Capital outlay	5,000	16,200	+ 11,200	+224.00
Total expenditure	$413,153	$487,413	+$74,260	+ 17.98
Total enrollment units for biennium	488	850	+ 362	+ 74.18
Enrollment (average each fiscal year)	244	425	+ 181	+ 74.18
Unit cost for support	$836	$554	+ $282	— 33.78

Table I discloses proposed increase of $13,037 or 16.6 per cent in administration and $44,289 or 16.67 per cent in Instruction. These are the two units where increases or decreases in enrollment are reflected the most in cost of operation. Table II shows an increase from 488 students at an average student cost of $836 during the 1943-45 Biennium to a proposed enrollment of 850 students at a student cost of $554 during the 1945-47 Biennium. Maintenance and operation of plant shows proposed increase of $5,735 or 8.97 per cent. This increase is reasonable, the physical layout of the school being the least affected by fluctuation in student enrollment.

Table II shows an increase of $46,484 or 12.94 per cent in salaries and wages accounted for by $15,745 or 33.87 per cent for salary increases and $30,740 or 66.13 per cent for new positions to handle anticipated increase in enrollment.

Proposed new positions are shown in detail in Table III.

TABLE III
PROPOSED NEW POSITIONS, 1945-1947

45-46	46-47		Estimated cost for biennium
		Administration	
		Intermediate Stenographer-Clerk (Reclassification of 1 Junior Stenographer-Clerk)	$230
1	1	Intermediate Account Clerk	3,880
	1	Dean of Men (ML) (part salary)	2,276
	1	Junior Stenographer-Clerk	1,380
		Instruction	
	1	Director of Teacher Training (ML)	4,590
	4	Teachers	14,400
		Teacher in Commerce (Reclassification of Instructor to Assistant Professor)	360
		Maintenance and Operation of Plant	
	1	Janitor (part time)	792
	1	Stationary Fireman (part time)	1,332
	1	Janitress	1,500
1	11		$30,740

Proposed increase of $8,826 or 23.26 per cent in operating expense is accounted for principally by an increase of $7,668 or 86.87 per cent for the instruction unit and required by the anticipated increase in enrollment.

Proposed increase of $7,750 or 71.5 per cent in equipment is accounted for by $6,364 or 82.11 per cent for the Instruction Unit and is principally for increased teaching service and library.

Recommendation: That Item No. 80 of the Budget Bill be allowed as requested with restrictions such that the expenditure of funds appropriated by Item 80 shall not exceed $400,000 until enrollment has reached 490 students. After enrollment passes 490 students expenditure of funds appropriated by Item 80 may be increased at the rate of $120 per student until the total appropriation of $435,213 has been used.

In order that the complete expenditure program of the college may be before you, the summer school session for which no appropriation is requested, it being supported by student fees, is shown in Table IV.

TABLE IV
SUMMER SESSION

Support by object	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$7,950	$8,300	+$350	+ 4.40
Operating expense	825	920	+ 95	+11.51
Total support	$8,775	$9,220	+ 445	+ 5.07
State Employees' Retirement System	298	310	+ 12	+ 4.02
Total	$9,063	$9,530	+$457	+ 5.04
Revenue	7,012	7,500	+ 478	+ 6.82
Deficit	$2,051	$2,030	— $21	— 1.02
Total enrollment units for Biennium	251	260	9	
Enrollment (average each fiscal year)	125.5	130	4.5	
Unit cost for support	$71	$72	+ $1	

Item 81, page 7 of the Budget Bill and page 201 of the Budget. amount requested for capital outlay, $16,200. This represents an

increase of $11,200 or 224 per cent over expenditure of $5,000 for the 1943-45 Biennium.

This being a capital outlay expenditure, a comparison with prior years is not necessary as consideration should be given to each item of outlay. The largest item is for book racks, etc., for the library $9,375; painting classrooms and halls not previously painted including small improvements $2,995; linoleum, light fixtures and hardware $3,800.

Recommended that Item No. 81 be reduced to $6,825, which will allow for the painting. The reduction of $9,375 represents the proposed expenditure for book racks, etc., which are normally made of metal and no doubt will not be available until after the war.

Department of Education—Fresno State College

Analysis of Proposed Expenditures for the 1945-1947 Biennium

Item 82, page 7 of the Budget Bill and pages 204 to 211 inclusive of the Budget. Amount requested $811,452. This represents an increase of $137,806 or 20.46 per cent over expenditures of $673,646 for the 1943-45 Biennium.

The cost of operating a State college is reflected by the number of students enrolled. The instruction unit, which requires the largest expenditure, is affected almost immediately by changes in enrollment, other units showing some lag before enrollment changes are reflected, with maintenance and operation of plant and grounds showing little change. Fresno State College had an enrollment of 1591 students during the 1941-42 Fiscal Year and operated at a cost per student of $267 per year, total expenditures for the year being $424,004. During the 1943-44 Fiscal Year, two years later, the enrollment on account of the war had dropped to 799 students with operating costs going up to a cost per student of $473 per year, total expenditures for the year being $368,659. Thus, using the 1941-42 figures as a base, enrollment has dropped 792 students or 49.78 per cent, with operating costs increasing $206 per student or 77.15 per cent. This increase is reasonable when decreased enrollment is considered.

Proposed expenditures for the 1945-47 Biennium compared with estimated expenditures for the 1943-45 Biennium are shown by organization unit in Table I and by object of expenditure in Table II.

TABLE I

ANALYSIS OF PROPOSED EXPENDITURES 1945-1947 COMPARED WITH 1943-1945

Expenditures for support	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45	
			Amount	Per cent
Administration	$82,914	$103,256	+ $20,342	+ 24.53
Instruction	552,695	675,809	+ 123,114	+ 22.28
Maintenance and operation of plant	107,036	117,887	+ 10,851	+ 10.14
Total support	$742,646	$896,952	+$154,306	+ 20.78
Capital outlay	10,940	86,092	+ 75,152	+686.95
Total	$753,586	$983,044	+$229,458	+ 30.45
Appropriation				
Student Fees	$49,713	$85,500	+ $35,787	+ 71.99
Emergency Fund Allotment	19,287	---	— 19,287	—100.00
Item No. 82 Budget Bill	673,646	811,452	+ 137,806	+ 20.46
Item No. 83 Budget Bill	10,940	86,092	+ 75,152	+686.95
Total	$753,586	$983,044	+$229,458	+ 30.45

TABLE II

Expenditure by object	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$672,995	$788,785	+$115,790	+ 17.21
Operating expenses	60,207	76,430	+ 16,223	+ 26.95
Equipment	9,444	31,737	+ 22,293	+236.05
Total support	$742,646	$896,952	+$154,306	+ 20.78
Capital outlay	10,940	86,092	+ 75,152	+686.95
Total	$753,586	$983,044	+$229,458	+ 30.45
Total enrollment units for biennium	1,678	2,850	+ 1,172	+ 69.85
Enrollment (average each fiscal year)	839	1,425	+ 586	+ 69.85
Unit cost	$443	$314	— $129	— 29.12

Table I discloses proposed increases of $20,342 or 24.53 per cent in administration, and $123,114 or 22.28 per cent in instruction. These are the two units where increases or decreases in enrollment are reflected the most in cost of operation.

Table II shows an increase from 1,678 students at an average student cost of $443 during the 1943-45 Biennium to a proposed enrollment of 2,850 students at a student cost of $314 during the 1945-47 Biennium.

Maintenance and operation of plant shows proposed increase of $10,851 or 10.14 per cent. This increase is reasonable, the physical layout of the school being the least affected by fluctuation in student enrollment.

Table II shows an increase of $115,790 or 17.21 per cent in salaries and wages, accounted for by $28,350 or 24.48 per cent for salary increases and $87,439 or 75.51 per cent for new positions to handle anticipated increase in enrollment.

Proposed new positions are shown in detail in Table III.

TABLE III

PROPOSED NEW POSITIONS, 1945-1947

Fiscal years 45-46	46-47		Estimated cost for biennium
		Administration	
1	1	Comptroller	$6,180
1	1	Intermediate account clerk (ML)	4,200
	1	Graduate nurse (part time)	849
	1	Junior stenographer clerk (10 months)	1,150
		Instruction	
1	17	Teacher	64,800
1	1	Senior librarian	5,400
		Maintenance and Operation of Plant	
	1	Janitor	1,500
1	1	Groundsman and flower gardener	3,360
5	24	Total	$87,439

Proposed increase of $16,223 or 26.95 per cent in operating expense is accounted for principally by an increase of $10,139 or 62.5 per cent and required by the anticipated increase in enrollment.

Proposed increase of $22,293 or 236.05 per cent in equipment is accounted for by $19,368 or 86.9 per cent for the instruction unit and is principally for increased equipment for teaching service and library.

Recommendation

That Item 82, page 7 of the Budget Bill, be allowed as requested with restrictions such that the expenditure of funds appropriated by Item 82 shall not exceed $680,000 until enrollment has reached 1,680 students. After enrollment passes 1,680 students, expenditure of funds appropriated by Item 82 may be increased at the rate of $120 per student until the total appropriation of $811,542 has been used.

In order that the complete expenditure program of the college may be before you, the summer school session for which no appropriation is requested, it being supported by student fees, is shown in Table IV.

TABLE IV

FRESNO STATE COLLEGE—SUMMER SESSION

Support by object	Actual and estimated 1943-1945	Proposed 1945-1947	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$18,931	$19,980	+$1,049	+ 5.54
Operating expense	1,499	1,790	+ 291	+19.41
Total support	$20,430	$21,770	+$1,340	+ 6.56
State employees' retirement system	260	290	+ 30	+11.54
Total	$20,690	$22,060	+$1,370	+11.51
Revenue	22,908	24,105	+ 1,197	+ 5.23
Revenue over expenditures	$2,218	$2,045	— $173	+ 7.80
Total enrollment units for biennium	927	990	+ 63	+ 6.80
Enrollment (average each Fiscal Year)	463.5	495	+ 31.5	+ 6.80
Unit cost	$22	$22	--	--

Item 83, page 7 of the Budget Bill, and page 209 of the Budget. Amount requested for construction, replacement and repairs, $86,092. This represents an increase of $75,152 or 686.95 per cent over expenditures of $10,940 for the 1943-45 Biennium.

This being budgeted as a capital outlay expenditure, a comparison with prior years is not necessary as consideration should be given to each item of outlay. The following items make up this request.

Construction of two floors of book stacks in library stack room	$25,000
Complete water pumping plant at stadium	16,500
Tile drains and floors in lavatories of main building	6,000
Repairs to women's gymnasium	8,850
Fencing	2,100
Repairs to demonstration school	7,650
Painting interior and outside trim of various buildings	16,300
Sidewalks and curbs	1,282
New sprinkling system on part of campus	1,800
Miscellaneous alterations	610
Total	$86,092

Many of these capital outlay items are actually repairs and maintenance and no doubt should have been included in the Budget for maintenance and operation of plant. However, their being appropriated as a separate item gives the Legislature better appropriation control.

Recommendation: That Item 83 of the Budget Bill be reduced to $55,810, a reduction of 35.17 per cent, represented by deleting proposed expenditures for:

Construction of one floor of book stacks in library stack room	$12,500
Complete water pump plant at stadium	16,500
Sidewalks and curbs	1,282
Total	$30,282

Department of Education—Humboldt State College
Analysis of Proposed Expenditures for the 1945-1947 Biennium

Item 84, page 7 of the Budget Bill, and pages 212 to 218, inclusive, of the Budget. Amount requested, $286,510. This represents an increase of $18,886, or 7.06 per cent over expenditures of $267,624 for the 1943-45 Biennium.

The cost of operating a State College is reflected by the number of students enrolled. Instruction, which requires the largest expenditure, is affected almost immediately by changes in enrollment; other units showing some lag before enrollment changes are reflected, with maintenance and operation of plant and grounds showing little change.

Humboldt State College, the State's smallest college, had an enrollment of 384 students during the 1941-42 Fiscal Year and operated at a cost per student of $372, total expenditures for the year being $142,888. During the 1943-44 Fiscal Year, two years later, the enrollment on account of the war had dropped to 162 students with operating costs going up to a cost per student of $837 per year. Total expenditures for the year were $135,631. Thus, using the 1941-42 figures as a base, enrollment has dropped 222 students or 57.81 per cent with operating costs increasing $466 per student or 125.60 per cent. This increase is reasonable considering that this is the smallest of the State Colleges.

Proposed expenditures for the 1945-47 Biennium, compared with estimated expenditures for the 1943-45 Biennium, are shown by organization unit in Table I and by object of expenditure in Table II.

TABLE I

Analysis of Proposed Expenditures 1945-47 Compared with 1943-45

EXPENDITURE BY ORGANIZATION UNIT

Expenditures for support	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Administration	$44,335	$46,863	+ $2,528	+ 5.70
Instruction	183,240	205,237	+ 21,997	+12.00
Maintenance and operation of plant	47,910	50,130	2,220	+ 4.63
Total support	$275,485	$302,230	+$26,745	+ 9.70
Capital Outlay	63,350	11,500	— 51,850	—81.84
Total	$338,835	$313,730	—$25,105	— 7.41
Appropriation—				
Student fees	$7,861	$15,720	+ $7,859	+99.97
Item No. 84 Budget Bill	267,624	286,510	+ 18,886	+ 7.06
Item No. 85 Budget Bill	63,350	11,500	— 51,805	+81.84
Total	$338,835	$313,730	—$25,105	— 7.41

TABLE II

EXPENDITURE BY OBJECT OF EXPENDITURE

Expenditure by object	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$249,274	$271,885	+$22,611	+ 9.07
Operating expenses	21,541	23,400	+ 1,859	+ 8.63
Equipment	4,670	6,945	+ 2,275	+48.72
Total support	$275,485	$302,230	+$26,745	+ 9.71
Capital outlay	63,350	11,500	— 51,850	—81.85
Total	$338,835	$313,730	—$25,105	— 7.41
Total enrollment units for biennium	330	655	+325	+98.48
Enrollment (Average each fiscal year)	165	327.5	162.5	+98.48
Unit cost for support	$835	$461	—$374	—44.79

Table I discloses proposed increases of $2,528 or 5.7 per cent in Administration and $21,997 or 12 per cent in Instruction. These are the two units where increases or decreases in enrollment are reflected the most in cost of operation. Table II shows an increase from 300 students at an average student cost of $835 during the 1943-45 Biennium to a proposed enrollment of 850 students at a student cost of $461 during the 1945-47 Biennium. Maintenance and operation of plant shows proposed increase of $2,220 or 4.63 per cent, a very reasonable increase.

Table II shows an increase of $22,611 or 9.07 per cent in Salaries and Wages accounted for by $12,932 or 57.19 per cent for salary increases and $9,680 or 42.81 per cent for new positions to handle anticipated increased enrollment. Proposed new positions are shown in detail in Table III.

TABLE III

PROPOSED NEW POSITIONS, 1945-47

Fiscal years 45-46	46-47	For instruction	Estimated cost for biendium
1	1	Teacher	$4,260
	1	Teacher (ML)	3,470
	1	Teacher (ML)	1,950
1	3	Total	$9,680

Proposed increase of $1,859 or 8.63 per cent in Operating Expenses, a reasonable request, is accounted for principally by an increase of $1,400 or 75.30 per cent in the Instruction Unit.

Proposed increase of $2,275 or 48.72 per cent in equipment is accounted for by proposed purchase of equipment for teaching service.

Recommendation: That Item 84, page 7 of the Budget Bill, be allowed for $286,510 the amount requested. The increase of $18,886 or 7.06 per cent over the estimated appropriation expenditures for 1943-45 of $267,624 is very reasonable.

In order that the complete expenditure program of the college may be before you, the summer school session for which no appropriation is requested, it being supported by student fees, is shown in Table IV.

TABLE IV
SUMMER SESSION

Expenditure by object	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$5,575	$5,000	—$575	—10.31
Operating expense	822	900	+ 78	+ 9.49
Total support	$6,397	$5,900	—$497	— 7.77
State Employment Retirement Fund	60	60		
Total	$6,457	$5,960	—$497	— 7.70
Revenue, student fees	—4,585	—4,850	+ 260	+ 5.78
Deficit	$1,872	$1,110	—$762	+40.71
Total enrollment units for biennium	221	210	— 11	— 4.98
Enrollment (Average each fiscal year)	110.5	105	5.50	4.98
Unit cost	$29	$28	— 1	— 3.44

Item 85, page 7 of the Budget Bill and page 216 of the Budget. Amount requested for construction, improvements, and repairs—$11,500. This represents a decrease of $51,850 or 81.84 per cent under expenditures of $63,350 for the 1943-45 Biennium.

This being budgeted as a capital outlay expenditure, a comparison with prior years is not necessary as consideration should be given to each item of outlay. The request includes the following:

Painting main buildings and gymnasium	$5,500
Repairs and replacements	4,600
Improvements	1,400
Total	$11,500

Recommend Item 85 be approved for $11,500, the amount requested.

Department of Education—San Diego State College

Analysis of Proposed Expenditures for the 1945-47 Biennium

Item 86, page 7 of the Budget Bill and pages 219-225, inclusive, of the Budget. Amount requested $877,262. This represents an increase of $221,564 or 33.79 per cent over expenditures of $655,698 for the 1943-45 Biennium. The Budget shows an over-all increase of 16.4 per cent.

The cost of operating a State college is reflected largely by the number of students enrolled. The instruction unit, which requires the largest expenditure, is affected almost immediately by changes in enrollment; other units showing some lag before enrollment changes are reflected, with maintenance and operation of plant and grounds showing little change.

San Diego State College had an enrollment of 1,401 students during the 1941-42 Fiscal Year and operated at a cost per student of $315 per year, total expenditures for the year being $441,295. During the 1943-44 Fiscal Year, two years later, the enrollment on account of the war had dropped to 769 students with unit operating costs going up to a cost per student of $460 per year, total expenditures for the year being $353,807. Using the 1941-42 figures as a base, enrollment has

dropped 632 students or 45.11 per cent with operating costs increasing only $145 per student or 46.03 per cent. This is a very reasonable increase considering the decrease in student enrollment.

Proposed expenditures for the 1945-47 Biennium compared with estimated expenditures for the 1943-45 Biennium are shown by organization unit in Table I and by object of expenditure in Table II.

TABLE I

ANALYSIS OF PROPOSED EXPENDITURE, 1945-47, COMPARED WITH 1943-45

Expenditures by Organization Unit

Expenditure for support	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Administration	$102,906	$117,788	+ $14,882	+14.46
Instruction	486,972	707,332	+ 220,360	+45.25
Maintenance and operation of plant	121,370	148,142	+ 26,772	+22.05
Total support	$711,248	$973,262	+$262,014	+38.84
Capital outlay	12,000	20,500	+ 8,500	+70.83
Total	$723,248	$993,762	+$270,514	+37.40
Appropriations				
Student fees	$55,550	$96,000	+ $40,450	+72.81
Item No. 86, Budget Bill	655,698	877,262	+ 221,564	+33.79
Item No. 87, Budget Bill	12,000	20,500	+ 8,500	+71.83
Total	$723,248	$993,762	+$270,514	+37.40

TABLE II

EXPENDITURES BY OBJECT OF EXPENDITURE

Expenditures by object	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$638,895	$839,231	$200,336	+ 31.36
Operating expenses	60,043	85,027	24,984	+ 41.61
Equipment	12,310	49,004	36,694	+298.08
Total support	$711,248	$973,262	$262,014	+ 36.84
Capital outlay	12,000	20,500	8,500	+ 70.83
Total	$723,248	$993,762	$270,514	+ 37.40
Total enrollment units for biennium	1,804	3,200	1,396	+ 77.38
Enrollment (average each fiscal year)	902	1,600	698	+ 77.38
Unit cost for support	394	304	—90	— 22.84

Table I discloses proposed increase of $14,882 or 14.46 per cent in administration and $220,360 or 45.25 per cent in instruction. These are two units where increases or decreases in enrollment are reflected the most in cost of operation. Table II shows an increase from 1,804 students at an average student cost of $394 during the 1943-45 biennium to a proposed enrollment of 3,200 students at a student cost of $304 during the 1945-47 biennium. Maintenance and Operating of Plant shows a proposed increase of $26,772 or 22.05 per cent. This increase appears high when the percentage of increase is considered and comparison is made with smaller State colleges. However, an analysis reveals the San Diego State College is the only State college that made a reduction in operation costs in the Maintenance and Operation of Plant Unit. When allowance is made for the reduction of $7,374, the requested increase is reasonable.

Table II shows an increase of $200,336 or 31.36 per cent in Salaries and Wages accounted for by $26,880 or 13.41 per cent for salary increases

and $173,456 or 86.59 per cent for proposed new positions to handle anticipated increased enrollment. Proposed new positions are shown in detail in Table III.

TABLE III
PROPOSED NEW POSITIONS

Proposed new positions 45-46	46-47		Estimated cost for biennium
		Administration	
1	1	Intermediate Account Clerk	$3,360
1	1	Physician—Part time (ML)	1,776
		Instruction	
7	15	Teacher (ML)	79,200
9	14	Teacher	82,800
3	6	Supervising Teacher (part time)	1,500
		Special Lecturer	200
		Maintenance and Operation of Plant	
1	1	Watchman	3,120
	1	Janitor	1,500
22	49	Total	$173,456

Proposed increase of $24,984 or 41.61 per cent in operating expense is accounted for by an increase of $13,389 or 53.60 per cent in instruction, and $9,336 or 37.37 per cent in maintenance and operation of plant.

Proposed increase of $36,694 or 298.08 per cent in Equipment is accounted for principally by $31,461 or 85.73 per cent for teaching service and library in the Instruction Unit.

Recommendation: That Item 86, page 7 of the Budget Bill be allowed for $877,262, the amount requested, with restrictions such that the expenditure of funds appropriated by Item 86 shall not exceed $670,000 until enrollment has reached 1820 students. After enrollment has reached 1820 students, expenditures of funds appropriated by Item 86 may be increased at the rate of $160 per student until the total appropriation of $877,262 has been used.

In order that the complete expenditure program of the College may be before you, the summer school session for which no appropriation is requested, it being supported by student fees, is shown in Table IV.

TABLE IV
SUMMER SCHOOL

Expenditure for support Summer session	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	 Per cent
Salaries and wages	$15,101	$18,755	+$3,654	+24.19
Operating expense	1,361	1,900	+ 539	+39.60
Total support	$16,462	$20,655	+$4,193	+25.47
State Employees' Retirement System	154	191	+ 37	+24.02
Total	$16,616	$20,846	+$4,230	+25.46
Revenue—Student fees	20,323	24,000	— 3,677	—18.09
Revenue over expenditure	3,707	3,154	— 553	—14.91
Total enrollment units for biennium	793	943	+ 150	+18.91
Enrollment (average each fiscal year)	396.5	476.5	+ 75	+18.91
Unit cost	$21	$22	+ $1	

Item 87, page 7 of the Budget Bill and 223 of the Budget. Amount requested for construction, improvement and repairs, $20,500. This represents an increase of $8,500 or 70.83 per cent over expenditures of $12,000 for the 1943-45 Biennium.

Of the above $8,000 is for repairs, the balance of $12,500 being for acoustical treatment for gymnasium—$6,000, tennis courts—$1,000, lawn sprinkler system—$1,500, seats for open air theatre—$1,500, lock system—$1,500.

Recommend Item 87 be approved for $20,500, the amount requested.

Department of Education—San Francisco State College

Analysis of Proposed Expenditures for the 1945-47 Biennium

Item 88, page 7 of the Budget Bill and pages 226-232, inclusive, of the Budget. Amount requested $810,251. This represents an increase of $199,513 or 32.67 per cent over expenditures of $610,738 for the 1943-45 Biennium.

The cost of operating a State College is reflected by the number of students enrolled. The instruction unit which requires the largest expenditure is affected almost immediately by changes in enrollment, other units showing some lag before enrollment changes are reflected, with maintenance and operation of plant and grounds showing little change.

San Francisco State College had an enrollment of 1,517 students during the 1941-42 Fiscal Year and operated at a cost per student of $284 per year, total expenditures for the year being $431,770. During the 1943-44 Fiscal Year, two years later, the enrollment on account of the war had dropped to 722 students with operating costs going up to a cost per student of $454 per year, total expenditures for the year being $328,328. Thus, using the 1941-42 figures as a base, enrollment has dropped 795 students or 52.4 per cent with operating costs increasing $170 per student or 59.85 per cent. This increase is justified considering the reduced student enrollment.

Proposed expenditures for the 1945-47 Biennium compared with estimated expenditures for the 1943-45 Biennium are shown by organization unit in Table I and by object of expenditure in Table II.

TABLE I

ANALYSIS OF PROPOSED EXPENDITURES, 1945-47 COMPARED WITH 1943-45

Expenditure by Organization Unit

Expenditure for support	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Administration	$94,857	$106,032	+ $11,135	+ 11.74
Instruction	469,821	700,419	+ 230,598	+ 49.08
Maintenance and Operation of Plant	90,385	96,650	+ 6,265	+ 6.93
Total Support	$655,063	$903,101	+$248,038	+ 37.86
Capital Outlay	$20,913	$8,000	— $12,913	— 61.75
Appropriations				
Student Fees	$44,326	$92,850	+ $48,524	+109.47
Item No. 88, Budget Bill	610,738	810,251	+ 199,513	+ 32.67
Item No. 89, Budget Bill	20,912	8,000	— 12,912	— 61.74
Total	$675,976	$911,101	+$235,125	+ 34.78

TABLE II
EXPENDITURE BY OBJECT OF EXPENDITURE

Expenditure by object	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$589,928	$800,386	+$210,458	+ 35.68
Operating expenses	54,823	77,300	+ 22,477	+ 41.00
Equipment	10,312	25,415	+ 15,103	+146.46
Total support	$655,063	$903,101	+$248,038	+ 37.86
Capital outlay	$20,913	$8,000	— $12,913	— 61.74
Total	$675,976	$911,101	+$235,125	+ 3478
Total enrollment units for biennium	$1,460	$3,095	+ $1,635	+111.98
Enrollment (Average each fiscal year)	$730	$1,547.5	+ $817.5	+111.98
Unit cost for support	$449	$292	— $157	— 34.97

Table I discloses proposed increases of $11,135 or 11.74 per cent in Administration and $230,598 or 49.08 per cent in Instruction. These are the two units where increases or decreases in enrollment are reflected the most in cost of operation. Table II shows an increase from 1,460 students at an average student cost of $449 during the 1943-45 Biennium to a proposed enrollment of 3,095 students at a student cost of $292 during the 1945-47 Biennium. Maintenance and operation of plant shows proposed increase of $6,265 or 6.93 per cent. We question the enrollment estimate and believe it may not be obtained.

Table II shows an increase of $210,458 or 35.68 per cent in Salaries and Wages, accounted for by $27,968 or 13.28 per cent for salary increases and $182,490 or 86.71 per cent for proposed new positions to handle anticipated increased enrollment. Proposed new positions are shown in detail in Table III.

TABLE III
PROPOSED NEW POSITIONS

Proposed new positions			Estimated cost for biennium
45-46	46-47	*Administration*	
	1	Intermediate Stenographer Clerk	$1,620
	2	Intermediate Stenographer Clerk (part time)	1,620
		Instruction	
1	1	Intermediate Stenographer Clerk (part time)	2,850
12	37	Teacher	176,400
13	41	Total	$182,490

Proposed increase of $22,477 or 41 per cent in operating expense is accounted for principally by an increase of $17,848 or 79.4 per cent in the instruction unit, and $3,900 or 17.35 per cent in the administration unit.

Proposed increase of $15,103 or 146.46 per cent in equipment is accounted for by $12,871 or 85.22 per cent in the instruction unit and $1,257 or 8.32 per cent in the maintenance and operation of plant unit.

Recommendation: That Item 88, page 7 of the Budget Bill be allowed for $810,251, the amount requested, with restrictions such that the expenditure of funds appropriated by Item 88 shall not exceed $620,000 until

enrollment has reached 1,460 students. After enrollment passes 1,460 students, expenditure of funds appropriated by Item 88 may be increased at the rate of $125 per student until the total appropriation of $810,251 has been used.

In order that the complete expenditure program of the college may be before you the Summer School Session for which no appropriation is requested, it being supported by student fees, is shown in Table IV.

TABLE IV
SUMMER SESSION

Summer session	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Expenditure for support				
Salaries and wages	$27,646	$31,500	+$3,854	+14.95
Operating expenses	4,042	5,400	+ 1,358	+33.60
Equipment	1,637	2,100	+ 463	+28.28
Total support	$33,325	$39,000	+$5,675	+17.03
State Employees Retirement System	$1,037	$1,181	+ $144	+13.89
Total	$34,362	$40,181	+$5,819	+16.93
Revenue—Student fees	37,145	41,750	+ 4,605	+12.40
Revenue over expenditures	2,783	1,569	— 1,214	—43.62
Total enrollment units for biennium	$1,774	$2,263	$489	+27.56
Enrollment (Average each fiscal year)	$887	$1,131.5	$244.5	+27.56
Unit cost for support	$19	$18	— $1	

Item 89, page 7 of the Budget Bill and page 230 of the Budget. Amount requested for construction, improvement and repairs, $8,000. This represents a decrease of $12,913 or 61.74 per cent under expenditures of $20,913 for the 1943-45 Biennium.

This item is for painting and repairs to various buildings and equipment.

Recommend Item 89 be approved for $8,000, the amount requested.

Department of Education—San Jose State College

Analysis of Proposed Expenditures for the 1945-47 Biennium

Item 90, page 7 of the Budget Bill and pages 233-240, inclusive, of the Budget. Amount requested, $1,173,204. This represents an increase of $257,762 or 28.15 per cent over expenditures of $915,442 for the 1943-45 Biennium.

The cost of operating this State college is reflected like others in the number of students enrolled. The instruction unit which requires the largest expenditure is affected almost immediately by changes in enrollment, other units showing some lag before enrollment changes are reflected, with maintenance and operation of plant and grounds showing little change.

San Jose State College had an enrollment of 2,263 students during the 1941-42 Fiscal Year and operated at a cost per student of $245 per year, total expenditures for the year being $554,806. During the 1943-44 Fiscal Year, two years later, the enrollment on account of the war had dropped to 997 students with operating costs going up to a cost per

student of $484 per year, total expenditures for the year being $482,646. Using the 1941-42 figures as a base, enrollment has dropped 1266 students or 55.94 per cent with operating costs increasing $239 per student or 97.55 per cent. This increase is justified considering the reduced student enrollment.

Proposed expenditures for the 1945-47 Biennium compared with estimated expenditures for the 1943-45 Biennium are shown by organization unit in Table I and by object of expenditure in Table II.

TABLE I

Analysis of Proposed Expenditures 1945-47 Compared With 1943-45

EXPENDITURE BY ORGANIZATION UNIT

Expenditure for support	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Administration	$132,964	$151,929	+ $18,965	+ 14.26
Instruction	716,825	987,180	+ 270,355	+ 37.72
Maintenance and operation of plant	136,206	154,995	18,789	+ 12.12
Total support	$985,995	$1,294,104	+$308,109	+ 31.25
Capital outlay	355,836	73,911	— 281,925	— 79.23
Total	$1,341,831	$1,368,015	+ $26,184	+ 1.95
Appropriations				
Student fees	64,539	120,900	+ 56,361	+ 87.33
Emergency Fund—Salary adjustments	6,014	____	— 6,014	—100.00
Item No. 90—Budget Act	915,442	1,173,204	+ 257,762	+ 28.15
Item No. 91—Budget Act	355,836	73,911	— 281,925	— 79.23
	$1,341,831	$1,368,015	+ $26,184	+ 1.95
Summer Session Fund				
Summer Session	29,595	28,915	— 680	— 2.30
Revenue—Student fees	38,341	43,000	+ 4,659	+ 12.15
Revenues over expenditures	8,746	14,085	5,339	+ 61.04

TABLE II

EXPENDITURE BY OBJECTS OF EXPENDITURE

Expenditure by object	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$848,073	$1,104,978	+$256,900	+ 30.29
Operating expense	114,690	143,028	+ 28,338	+ 24.71
Equipment	23,227	46,098	+ 22,871	+ 98.46
Total support	$985,995	$1,294,104	+$308,109	+ 31.24
Capital outlay	355,836	73,911	— 281,925	— 79.23
Total	$1,341,831	$1,368,015	+ $26,184	+ 1.95
Total enrollment units for biennium	2,258	4,030	+ 1,772	+ 78.48
Enrollment (average each fiscal year)	1,129	2,015	886	+ 78.48
Unit cost for support	$437	$321	— $116	— 26.54

Table I discloses increases of $18,965 or 11.74 per cent in Administration and $270,355 or 37.72 per cent in Instruction. These are the two units where increases or decreases in enrollment are reflected the most in cost of operation. Table II shows an increase from 2,258 students at an average student cost of $437 during the 1943-45 Biennium to an estimated enrollment of 4,030 students at a student cost of $321 during the 1945-47 Biennium. Maintenance and operation of plant shows a proposed increase of $18,789 or 12.12 per cent.

Table II shows an increase of $256,900 or 30.29 per cent in salaries and wages, accounted for by $74,410 or 28.96 per cent for salary increases and salaries of employees not employed during the full 24 months of the 1943-45 Biennium. Proposed new positions accounts for $182,490 or 71.03 per cent, and will be necessary to handle anticipated increased enrollment. Proposed new positions are shown in detail in Table III.

TABLE III

PROPOSED NEW POSITIONS

Proposed new positions 1945-46	Proposed new positions 1946-47		Estimated cost for biennium
		Administration	
		Graduate Nurse (Increase from one-half to full time)	$2,040
	1	Placement Secretary (ML)	5,280
		Instruction	
7	28	Teachers	126,000
	1	Junior Stenographer Clerk (ML)	1,680
		Maintenance and Operation of Plant	
1	1	Watchman	3,120
1	1	Mechanical Handyman	3,700
9	32		$141,820

Proposed increase of $28,338 or 24.71 per cent in operating expense is accounted for principally by an increase of $19,535 or 68.93 per cent in instruction unit, and $6,344 or 22.38 per cent in the maintenance and operation of plant unit.

Proposed increase of $22,871 or 98.46 per cent in equipment is accounted for by $20,677 or 90.41 per cent for teaching service and library in the instruction unit.

Recommendation: That Item 90, page 7 of the Budget Bill be allowed for $1,173,204, the amount requested, with restrictions such that the expenditure of funds appropriated by Item 90 shall not exceed $950,000 until enrollment has reached 2,260 students, expenditures of funds appropriated by Item 90 may be increased at the rate of $125 per student until the total appropriation of $1,173,204 has been used.

In order that the complete expenditure program of the College may be before you, the Summer School Session for which no appropriation is requested, it being supported by student fees, is shown in Table IV.

TABLE IV

SUMMER SESSION

Summer session	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Expenditure and support				
Salaries and wages	$24,636	$24,400	— $236	— .95
Operating Expense	4,035	3,600	— 435	—10.78
Total support	$28,671	$28,000	— $671	— 2.34
State Employees Retirement System	924	915	— 9	— .97
Total	$29,595	$28,915	— $680	— 2.30
Revenue—Student fees	38,341	43,000	+ 4,659	+12.15
Revenue over expenditures	8,746	14,085	+ 5,339	+61.05
Total enrollment units for biennium	1,466	1,760	+ 294	+20.05
Enrollment (average each fiscal year)	733	880	+ 147	+20.05
Unit cost for support	$20	$16	— $4	—20.0

Item 91, page 7 of the Budget Bill and page 238 of the Budget. Amount requested for construction, improvement and repairs, $73,911.

This represents a decrease of $281,925 or 79.23 per cent under expenditures of $355,836 for the 1943-45 Biennium which included a special appropriation of $300,000 for acquisition of land and buildings.

This appropriation being for construction, improvement and repairs, it is not necessary to make a comparison with prior years as each item should be considered separately. The items included in this appropriation are as follows:

Construction, improvements and equipment:	
Electric service and transformers	$11,000
Campus outdoor lighting	13,200
Interior lighting in main building	6,000
Construction of:	
Deep vacuum pump pit in boiler room	2,077
Tunnels for steam service	10,076
Fire walls in attics of main building, education, art, and home economics buildings	5,000
Installation of:	
Bookshelves in library	
Concrete floor covered with cork linoleum in reserve book room	4,334
Basket locker system in men's gymnasium	6,000
Tile on wall and ceiling in shower room in men's gymnasium	1,500
Steam flow meter, feed-water regulators and booster circulating pump	985
New hot water heater in home economics building	600
Lawn sprinkling system	8,936
Mastipave on cement floors in science building	3,128
Ventilating fans in basement of classrooms	500
Painting:	
Science building	
Main building	
Alterations to lavatories in main building	575
Repairing window frames and sashes	
Miscellaneous painting and repairs in all buildings	
Totals, construction, improvement and equipment	$73,911

Expenditures for repairs and maintenance for the two preceding bienniums were below average however, so it is clear not all the above items are emergency. It is recommended that Item 91 be approved for $51,000, reducing the request by $22,911. This will allow enough to do emergency work. Outdoor lighting and lawn sprinkling can wait until the end of the war.

Department of Education—California School for the Blind

Items, 92, 93 and 94 of the Budget Bill, pages 246 to 250, inclusive, of the Budget. Total appropriation requested, $368,453. This is an increase of $45,217 or 13.98 per cent over 1943-45 expenditure of $323,-236 and an increase of $85,113 or 30.03 per cent over the 1943-45 appropriation of $283,340. Item 92 for support—$343,953 is an increase of $40,217 or 13.3 per cent above 1943-45.

The two largest items of expense in connection with operation of the California School for the Blind are: "Instruction and care" and "Support and subsistence." In the 1945-47 Biennium "Instruction and care" costs are scheduled to increase from a total of $146,770 in the 1943-45 Biennium to $164,163, an increase of $17,384 or 11.85 per cent. Blind students require a greater degree of care and more personalized supervision than is normally necessary thus tending toward high per

capita costs. In view of larger enrollment and resulting increased intramural activities, we believe this 11 per cent increase to be in line.

The item for "Support and subsistence" is to increase from $79,976 in the 1943-45 Biennium to $95,335 in the 1945-47 Biennium, an increase of $15,379 or 19.22 per cent. Owing to the fact that the California School for the Blind purchases all of its food supplies on the open market some allowance should be made for increased expenditures due to larger enrollment. We believe, however, that the total increase requested can be reduced without causing undue hardship. This is particularly true in view of the tapering off of food prices which already has begun to develop. However, we do not recommend reducing the appropriation but allow the institution to save if moneys are not required.

Salaries and wages in the 1943-45 Biennium amounted to $235,397. It is proposed that the amount for salaries and wages in the 1945-47 Biennium shall be $266,598, an increase of $31,201 or 13.25 per cent. Of this budgeted salary increase $7,158 is for normal salary increases and the remainder for new positions necessary by population increase.

Proposed new positions account for $12,792 of the increase and the differential, $11,250 is salary increases and salaries to be paid to employees who did not work the full 24 months of the 1943-45 Biennium but who are expected to be working the full 24 months of the ensuing biennium.

Proposed expenditures and estimated revenue are summarized in Table I following:

CALIFORNIA SCHOOL FOR THE BLIND

GENERAL FUND

	Budget Page No.	Actual and estimated 1943-45	Estimated and proposed 1945-47	Increase (+) or decrease (—) from 1943-45	Per cent increase or decrease from 1943-45
Expenditures					
Support:					
Administration	247	$34,363	$38,545	+ $4,181	+ 12.16
Support and subsistence	248	79,975	95,355	+ 15,379	+ 19.22
Instruction and care	248	146,779	164,163	+ 17,383	+ 11.85
Maintenance and operation of plant	249	34,066	37,290	+ 3,223	+ 9.46
Field work	249	8,550	8,600	+ 50	-------
Totals, support	246	$303,735	$343,953	+$40,217	+ 13.25
Other current expenses:					
Readers for blind college students	250	13,000	13,000	-------	-------
Totals, current expenses		$316,735	$356,953	+$40,217	+ 12.69
Capital outlay:					
Construction, improvements and equipment	250	6,500	11,500	+ 5,000	+ 76.92
Total expenditures		$323,235	$368,453	+$45,217	+ 13.98
Revenues					
Tuition fee, nonresident deaf-blind student	250	1,600	3,200	+ 1,600	+100.

ENROLLMENT AND UNIT COSTS

	Fiscal year	Average student enrollment	Cost per student
Actual	1943-44	135	$1,056.27
Actual and Estimated	1944-45	147	1,096.18
Estimated	1945-46	147	1,197.39
Estimated	1946-47	147	1,142.43

Recommendations: Item 92—Although we believe that per student costs should be held down, we recommend that the request for appropriations for new positions be held in a salary saving fund as previously described.

Item 93—We recommend that Item 93 for $13,000 for readers for the blind be approved. This is the same sum appropriated for the current biennium.

Item 94—$11,500. We recommend that the amount requested for capital outlay be approved for the proposed sum of $11,500.

Department of Education—California School for the Deaf

Items 95, 96, 97 of the Budget Bill and pages 251-256, inclusive, of the Budget.

Item 95 for support. Amount requested, $691,870; this is an increase of $128,724 or 22.85 per cent over expenditure of $563,146 in the 1943-1945 Biennium and an increase of $123,395 or 21.70 per cent over the 1943-45 appropriation of $568,475.

Item 96, for expenses of deaf graduates attending Gaulledet College. Amount requested, $12,000, an increase of $6,342 or 112.08 per cent over expenditures of $5,658 for the 1943-45 Biennium and an increase of $3,900 or 48.15 per cent over the 1943-45 appropriation of $8,100 for this purpose.

Item 97, for construction and improvements. Amount requested, $9,000. This is an increase of $3,000 or 50 per cent over the 1943-1945 expenditure, and an increase of $7,000 or 350 per cent over the capital outlay appropriation of $2,000 for the 1943-45 Biennium.

Table I below analyses total expenditures, revenues, and enrollment and unit costs:

TABLE I—CALIFORNIA SCHOOL FOR DEAF

GENERAL FUND Expenditures	Budget page number	Actual and estimated 1943-45	Estimated and proposed 1945-47	Increase (+) decrease (—) 1943-45	Per cent increase or decrease 45-47 over 43-45
Support:					
Administration	252	$49,985	$53,245	+ $3,259	6.52
Support and subsistence	252	156,327	188,450	+ 32,122	20.54
Instruction and care	253	286,581	367,995	+ 81,413	28.40
Maintenance and operation of plant	254	70,252	82,180	+ 11,927	16.97
Totals, support		$563,145	$691,870	+$128,724	+22.85
Other current expenses:					
Expenses of deaf graduates attending Galludet College	255	5,658	12,000	+ 6,341	+112.08
Totals, current expenses		$568,803	$703,870	+$135,066	+23.74
Capital outlay:					
Construction, improvements and equipment	255	6,000	9,000	+ 3,000	+50.
Total expenditures		$574,803	$712,870	+$138,066	+24.02
Revenues:					
Miscellaneous	256	100	100		

ENROLLMENT AND UNIT COSTS	Fiscal year	Average student enrollment	Cost per student	Students per employee
Actual	1943-44	320	$822.04	3.5
Actual and estimated	1944-45	320	937.79	3.2
Estimated	1945-47	320	1,076.54	2.8
Estimated	1946-47	320	1,085.55	2.8

As in the case of the School for the Blind, the two major items of expense are for "Instruction and care" and "Support and subsistence." "Instruction and care" costs are scheduled to increase from $286,581 in the 1943-45 Biennium to $367,995 in the ensuing biennium, an increase of $81,414 or 28.40 per cent.

Salaries and wages are the largest contributing factor to the cost of this service, totaling $286,390 for the 1943-45 Biennium and $296,890 for the 1945-47 Biennium. Fourteen proposed new positions for "Instruction and care" would add an additional salary cost of $57,960 for the biennium making the total salary expense $354,850 for "Instruction and care." This is the largest factor in increasing the per student cost from $822.04 per year for 1943-44 up to $1,085 for 1946-47 for the same enrollment of 320. In 1943-44 there were 3.5 students per employees. For 1944-45 it will be 3.2 and for 1945-46 and 1946-47 it drops to 2.8 students for each employee.

In our opinion the State is not justified in such a low ratio of students per employee.

We believe that student costs should be held down to a lower figure and the ratio of students per employee held higher. We recommend that the requested appropriation for new positions be limited to one-half of the request, or to $32,240 making a reduction of $30,000.

Table II following shows the scheduled new positions.

TABLE II

SCHEDULE OF PROPOSED NEW POSITIONS—DEPARTMENT OF EDUCATION
CALIFORNIA SCHOOL FOR THE DEAF

Number of positions 1945-46 Total for year	1946-47 Cumulative total for biennium	Classification	Total amount 1945-46	1946-47
1	1	Supervising teacher—Vocational	$3,120	$3,240
9	9	Junior teacher	17,820	18,900
3	3	Housemother	4,650	4,950
1	1	Junior stenographer clerk	1,620	1,740
1	1	Mechanical handyman	1,740	1,860
		Employment of seamstress increased from 10 to 12 months	330	350
		Advancement of junior teachers to senior teachers	720	1,200
			$30,000	$32,240
			$62,240	

We also recommend the previously described salary saving plan be applied.

Support and subsistence is to increase from $156,327 in the current biennium to $188,540 in the 1945-47 Biennium, an increase of $32,123 or 20.54 per cent. In connection with "Support and subsistence," the largest item of expenditure is for feeding, which, in the 1943-45 Biennium amounted to $67,770 but which is estimated to increase in the 1945-47 Biennium to $79,000, an increase of $11,230 or 16.57 per cent.

The same situation prevails here as for the School for the Blind, namely, the fact that this institution purchases all of its food and supplies in the open market and can not effect a saving through local production. However, since the estimated enrollment in this school is not scheduled to increase in the ensuing biennium, and since food prices are already beginning to decline, the proposed $11,230 increase in feeding costs is high.

Table III following gives a breakdown of the principal item of expenditure for "Support and subsistence."

TABLE III

	Actual and estimated 1943-45		Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Operating expenses				
Support and subsistence				
Feeding	$67,770	$79,000	+$11,230	+16.57
Clothing	862	800	— 62	— 7.19
Housekeeping	3,813	4,000	+ 187	+ 4.90
Laundry	25,300	28,000	+ 2,700	+10.68
County children's clothing	781	1,000	+ 219	+28.04
	$98,526	$112,800	+$14,274	+14.48
Less: Abatements				
From counties for clothing	— 781	— 1,000		
For feeding blind children in hospital	— 428	— 200		
	—$1,209	—$1,200		
Grand total	$97,317	$111,600	+$14,283	+14.68

Table IV following shows proposed expenditures for the 1945-47 Biennium compared with actual and estimated expenditures for 1943-45 by major items of expense.

	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease Amount	Per cent
Expenditures				
Salaries	$419,763	$519,545	$99,782	+ 23.77
Operating expenses	155,798	175,750	+19,952	+ 12.80
Equipment	3,037	11,575	8,538	+281.13

Recommendations: 1. We recommend that feeding costs be reduced from a proposed expenditure of $79,000 to $75,000 for the 1945-47 Biennium, a saving of $4,000. This will still amply allow for increased population or any slight rise in food costs which may develop.

2. We recommend the amount for new positions be reduced by $30,000 allowing an increase for new positions of $32,240.

3. Item 95 to be reduced $34,000 from $691,870 to $657,870 which still leaves an increase of $94,724 or $148 per student per year.

Department of Education—California Maritime Academy

Analysis of Proposed Expenditures for 1945-47 Biennium

Item 98, page 8 of the Budget Bill, pages 257 to 262, inclusive, of the Budget. Amount requested $266,608. This represents an increase of $113,556 or 74.19 per cent over appropriation expenditures of $153,052 for the 1943-45 Biennium.

Proposed expenditures for the 1945-47 Biennium compared with estimated expenditures for the 1943-45 Biennium are shown by organization unit in Table I and by object of expenditure in Table II.

TABLE I

DEPARTMENT OF EDUCATION, CALIFORNIA MARITIME ACADEMY

Analysis of Proposed Expenditures for the 1945-47 Biennium

By organization unit	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Administration	$45,812	$46,350	+ $538	+ 1.18
Instruction	26,759	53,110	+ 26,351	+98.47
Support and subsistence	144,376	165,640	+ 21,264	+14.73
Maintenance and operation of base	34,799	63,430	+ 28,631	+82.27
Maintenance and operation of ship	57,150	74,670	+ 17,520	+30.65
Total support	$308,896	$403,200	+ $94,304	+30.53
Less amount payable from Federal contributions	50,000	50,000	----	----
Net total support	$258,896	$353,200	+ $94,304	+36.43
Appropriations—				
Item 98 of Budget Bill	$153,052	$266,608	+$113,556	+74.19
Emergency fund	15,815	----	— 15,815	----
Student fees	90,029	86,592	— 3,437	— 3.82
Total	$258,896	$353,200	+ $94,304	+36.42

TABLE II

EXPENDITURE BY OBJECT

Salaries and wages	$135,008	$210,800	+ $75,792	+56.14
Operating expense	176,068	191,600	+ 15,532	+ 8.82
Equipment	7,530	9,200	+ 1,670	+22.18
Less reimbursement for maintenance	$9,710	$8,400	— $1,310	—13.50
Net total	$308,896	$403,200	+ $94,304	+30.53

Table II discloses the following:

Proposed increase in salaries and wages of $75,792 or 56.14 per cent accounted for by $34,742 or 45.83 per cent for salaries increase and salaries of new employees required for maintenance and operation of the new base constructed for the academy. Proposed new positions shown in detail in Table III accounts for $41,050 or 54.17 per cent.

TABLE III

DEPARTMENT OF EDUCATION, CALIFORNIA MARITIME ACADEMY

45-46	46-47	Proposed new positions	Estimated cost for biennium
		Administration	
		Institution Bookkeeper Gr. 2 (Reclassification of Inst. Bookkeeper Gr. 1)	$240
		Institution Storekeeper Gr. 2 (Reclassification of Inst. Storekeeper Gr. 1)	240
		Instruction	
	1	Chief Engineer—Instruction	3,780
	1	Commandant of Midshipmen (Maint. only)	240
	1	1st Lt. Deck-Instructor	3,060
	1	Navigator, Deck-Instructor	2,880
	1	Communications Officer-Instructor	2,700
	1	Physical Education Spanish-Instructor	2,700
		Support and Subsistence	
		Business Manager, Grade 1 (Reclassification of Supply Officer)	540
	1	Medical Officer Instructor	2,880
		Maintenance and Operation of Base	
2	2	Janitor—Janitress	6,000
1	1	Institution Equipment Operator	3,480
2	2	Ass't. Inst. Groundsman and Flower Gardener	6,000
		Maintenance and Operation of Ship	
	1	Master	3,780
	1	Chief Radio Operator (5 months)	925
	3	Apprentice Radio Operator (5 months)	1,125
		Senior Stenographer-Clerk (male) (Reclassification of Ins. Steno-Clerk)	480
5	17	Total	$41,050

Table III shows eight new positions in the instruction unit for the second year of the 1945-47 Biennium. These positions are needed in order to provide instructors to replace U. S. Navy men now acting as instructors and to operate the training ship and instruction thereon. The new positions in other units are necessary in order to employ persons to do maintenance work, which is now performed by students so that the students will have more time to study.

Proposed increase in operating expenses of $15,532 or 8.82 per cent a reasonable Budget request.

Proposed increase in equipment of $1,670 or 22.18 per cent the percentage amount is high but amount in dollars is reasonable.

The Maritime Academy is at this time working under a war program training cadets as fast as possible for the Navy and Maritime Service, therefore it is recommended that Item 98 page 8 of the Budget Bill be approved for $266,608 the amount requested.

However, it is believed that there is over budgeting for 1944-45 and carried over to 1945-47. We, therefore, recommend the over all savings be applied and also the salary savings. If the training ship is not operated and the base not brought up to full operations then some of the proposed new positions should not be filled.

Per student costs per year have increased from $733.17 for 1941-42 to estimated for 1946-47 at $1,611.25. However, the school did not operate its own base until the present site was secured and still occupies temporary quarters.

The per student costs will remain high unless enrollment is materially increased.

Item 99 page 8 of the Budget Bill and page 262 of the Budget amount requested $15,000.

This item is for the purchase of real property for the California Maritime Academy. The property is needed, therefore, it is recommended that item 99 be approved for $15,000 as requested.

Department of Education—California Polytechnic School
Analysis of Proposed Expenditures for the 1945-47 Biennium

Item 100, page 8 of the Budget Bill and pages 263-271 inclusive of the Budget. Amount requested from the General Fund $570,324. This represents an increase of $251,278 or 78.76 per cent over appropriated expenditures of $319,046 for the 1943-45 Biennium.

The California Polytechnic School normally is supported by funds received from horse racing. Horse racing having been curtailed during the war, it has been necessary to appropriate General Fund money with the provision that it will not be used until such a time that horse racing funds are not sufficient to operate the school. Similar provisions were made in the 1943-45 Budget and none of the General Fund money has been used, funds received from horse racing being sufficient for the 1943-45 Biennium.

At the present time with the Federal ban on horse racing, the situation in forecasting ahead for the 1945-47 Biennium is such that it probably will be necessary to use some General Fund money. However, Item 100 is written in such a way that should horse racing funds become available in the second year of the 1945-47 Biennium the General Fund will be reimbursed.

It is recommended that this institution be supported by a regular appropriation from the General Fund for all purposes and that all revenues from horse racing go into the General Fund to be appropriated out by the Legislature as it determines.

It is also recommended that all receipts from the operation of this institution be considered henceforth as income and not as abatements for particular activities, and appropriations be made for the institution including appropriation from receipts. See bottom Table III—net cost to taxpayers for this agency.

During the 1945-47 Biennium the California Polytechnic School had two Federal training projects for which the school was reimbursed. There are also other projects for which the school is reimbursed. On the pages of the Budget referred to above these reimbursements have been deducted in showing the expenditures of the school. Below in Table I are shown the net expenditure figures by organization unit as shown in the Budget.

TABLE I
NET EXPENDITURES BY ORGANIZATION UNIT

By organization unit	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Administration	$78,931	$101,647	+$22,716	+ 28.77
San Luis Obispo Unit:				
Instruction	122,006	268,516	+146,510	+120.08
Maintenance & Operation of Plant	77,750	122,290	+ 44,540	+ 57.28
Farm	29,479	33,940	+ 4,461	+ 15.13
Total—San Luis Obispo Unit	$229,235	$424,746	+$195,511	+ 85.29
Voorhis Unit:				
Instruction	7,769	52,216	44,447	+572.11
Maintenance & Operation of Plant	8,017	14,025	+ 6,008	+ 74.94
Farm	—2,595	— 560	— 2,035	— 78.42
Total—Voorhis Unit	$13,191	$65,681	+$52,490	+397.92
Total Support	$321,356	$592,074	+$270,718	+ 84.24
Appropriation				
Fair & Exposition Fund	319,046	-------	—319,046	—100.00
Item 100 Budget Bill	-------	570,324	+570,324	New
Student Fees	2,310	21,750	19,440	841.55
	$321,356	$592,074	+$270,718	+ 84.24

In Table II following are shown in detail the revenue which was treated as reimbursements in the preparation of the Budget, also the other items of revenue including student fees which are appropriated for support and revenue not for support.

TABLE II

Revenues	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Revenues deducted from expenditures in Budget				
Surplus product sales	$32,585	$31,000	— $1,585	— 4.86
Reimbursements for maintenance	4,548	7,000	+ 2,452	+ 53.91
Reimbursements from:				
Federal Government				
For National Defense Training Program	25,833	28,877	+ 3,044	+ 11.78
For Naval Training School	270,308	87,709	— 182,599	— 67.55
Bureau of Agricultural Education				
For clerical assistance	30,700	38,954	+ 8,254	+ 26.88
Instructors' salaries	124	1,600	+ 1,476	+1190.32
Cadets' salaries	7,019	12,000	+ 4,981	+ 70.96
Automobile rental	3,191	3,500	+ 309	+ 9.68
California Polytechnic Foundation				
For accounting service	6,905	10,970	+ 4,065	+ 58.87
Utilities service	3,310	4,400	+ 1,090	+ 32.93
Total revenue—Reimbursement	$384,523	$226,010	—$158,513	— 41.22
Revenues Appropriated for Support				
Student fees	2,310	21,750	+ 19,440	+ 841.55
Revenue Not Appropriated				
Rentals	421	422	+ 1	
Payment for use of facilities for Navy Training Program	28,728	7,000	— 21,728	— 75.63
Miscellaneous	1,499	200	— 1,299	— 86.65
Total	30,648	7,622	— 23,026	— 75.13
Total all revenue	417,481	255,382	— 162,099	— 38.82

Proposed expenditures for the 1945-47 Biennium compared with estimated expenditures for the 1943-45 Biennium are shown for each organization unit by object of expenditure in Table III.

TABLE III

EXPENDITURES BY ORGANIZATION UNIT AND BY OBJECT OF EXPENDITURE

Administration	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$152,664	$166,407	+ $13,743	+ 9.00
Operating expense	18,634	23,840	+ 5,206	+ 27.94
Equipment	33	1,236	+ 1,203	+3645.45
Total administration	171,331	191,483	+ 20,152	+ 11.76
San Luis Obispo Unit				
Salaries and wages	419,247	421,066	+ 1,819	+ .43
Operating expense	86,256	103,314	+ 16,810	+ 19.49
Equipment	5,219	26,540	+ 21,321	+ 408.52
Total	510,722	550,920	+ 40,198	+ 7.87
Voorhis Unit				
Salaries and wages	15,568	56,657	+ 41,089	+ 263.93
Operating expense	8,208	15,599	+ 7,391	+ 90.04
Equipment	50	3,425	+ 3,375	+6750.00
Total	23,826	75,681	+ 51,855	+ 217.64
Grand total	705,879	818,084	+ 112,205	+ 15.89
Deduct:				
Total revenue shown on Table II	417,481	255,382	— 162,099	— 38.82
Net expenditure of California tax funds	288,398	562,702	+ 274,304	+ 95.11

Proposed new positions are shown in Table IV.

TABLE IV

PROPOSED NEW POSITIONS

45-46	46-47	*Administration*	Proposed cost for biennium
1	3	Intermediate Stenographer-Clerks	$7,300
	1	Intermediate Typist Clerk	1,500
	1	Intermediate Typist Clerk (part time)	880
1	1	Bookkeeper Grade 1	4,200
1	1	Intermediate Account Clerk	3,560
		Student Assistants	1,350
3	7		$18,790
		Instruction -San Luis Obispo Unit	
2	2	Instructor Agriculture Education	$14,182
1	1	Assistant Instructor Agriculture Education (part time)	2,225
3	5	Instructor, Industrial Division	22,050
	1	Assistant Instructor—Industrial Division	2,150
2	2	Instructor—Related Subjects (ML)	12,350
1	1	Assistant Instructors—Related Subjects	3,500
1	1	Senior Librarian	3,960
	1	Junior Librarian	1,680
10	14		$62,097
		Maintenance and Operation of Plant at San Luis Obispo Unit	
1	1	Mechanical Handyman	$3,100
			$83,987
		Instruction—Voorhis Unit	
4	5	Instructor—Agriculture Education	$28,757
1	1	Assistant Instructor—Agriculture	5,760
1	1	Junior Librarian	4,080
		Student Assistants	1,500
7	8		$40,097
20	29	Total	$124,084

Administration Unit shows a total proposed increase in expenditures of $20,152 or 11.76 per cent. Salaries and wages shows a proposed increase of $13,743 or 9.0 per cent. An examination of proposed new positions shown in Table IV shows seven new positions at a proposed expenditure of $18,790 for the 1945-47 Biennium, an amount in excess of the total proposed increase in salary payments. The cause of this difference is this unit has nine war emergency positions in the Navy Training Program for which no funds are requested for the second year of the 1945-47 Biennium, proposed new permanent positions being requested to fill these war positions.

Maintenance and operation shows a proposed increase of $5,206 or 27.94 per cent accounted for by increases in nearly all classifications.

Equipment shows a proposed increase of $1,203 or 3,645.45 per cent, a very high percentage of increase, and is due to the small expenditure of $33 during the 1943-45 Biennium.

San Luis Obispo Unit shows a total proposed increase in expenditures of $40,198 or 7.87 per cent.

Salaries and wages show an increase of only $1,819 or .43 per cent. An examination of Table IV shows 14 new positions at a proposed expenditure of $62,097 for the 1945-47 Biennium, an amount in excess of the total proposed increase in salary payments. The large difference is caused by war positions, as during the 1943-44 Fiscal Year there were 24 instructors in war emergency positions. These positions have been reduced to 8 for the 1944-45 Fiscal Year, with an additional reduction to 6 positions during the first year of the 1945-47 Biennium. No war emergency positions are shown for the second year of the 1945-47 Biennium, proposed new permanent positions being requested to take the place of part of the war positions.

Maintenance and operation shows a proposed increase of $16,810 or 19.49 per cent, nearly all classifications showing substantial increases.

Equipment shows a proposed increase of $21,321 or 408.52 per cent, all classifications showing substantial increases.

The Voorhis Unit shows a total proposal increase in expenditures of $51,855 or 217.64 per cent. We are informed this unit has not operated as a school during the war but has been maintained more as a ranch. According to a booklet published by the California Polytechnic School, the Voorhis Unit consists of a 150-acre ranch located near San Dimas, Los Angeles County. There are approximately 28 acres of citrus orchard on the ranch which was in bad condition when the State acquired the property several years ago. There are buildings that can be used to house and train about 200 boys. The school being originally constructed as a school for boys should make a very suitable school for the Youth Authority. California Polytechnic never did have the enrollment up to a paying basis as not enough students were studying the subjects taught there. Based on the manner the Youth Authority has operated some of their camps, they could no doubt take the Voorhis School with its 150 acres of land and do a lot of good for its better class of boys and at the same time keep the cost to the taxpayers at a minimum.

Therefore, it is recommended that a survey be made by the Youth Authority to determine the feasibility of the transfer of the Voorhis School to the Youth Authority. If this is not possible, the property

should be disposed of as the operation of it as a branch of the California Polytechnic School is not justified.

Budget Recommendations

That Item 100, page 8 of the Budget Bill, be reduced to $492,939, a savings of $77,385 represented by:

The total amount of proposed increase at the Voorhis Unit	$51,855
The Capital Outlay, page 271 of the Budget, should be eliminated for Voorhis Unit	8,300*
A cut in the appropriation for Administration and San Luis Obispo Units	25,530
Total savings	$77,385

The San Luis Obispo Unit having been on a War Educational Program, it is difficult to forecast at this time just what will be needed.

Drug and Oil Project

Item 101, page 8 of the Budget Bill and page 272 of the Budget. Amount requested $35,000. This represents an increase of $2,852 or 8.88 per cent over estimated expenditures of $32,148 for the 1943-45 Biennium.

Proposed expenditures for the 1945-47 Biennium compared with estimated expenditures for the 1943-45 Biennium are shown by object of expenditure in Table I.

TABLE I

EXPENDITURES BY OBJECT OF EXPENDITURE

Object of expenditure	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$20,238	$20,860	+ $622	3.08
Operating expense	11,641	13,940	+ 2,299	19.74
Equipment	269	200	— 69	—25.65
Total	$32,148	$35,000	$2,852	8.87

The total proposed increase is reasonable but this is a war project and by the end of the first fiscal year of the biennium (1945-46) no doubt will have completed its usefulness. Therefore, it is recommended that Item 101 of the Budget Bill be reduced by $17,575, the amount of the appropriation, for support of this project for the second fiscal year of the Biennium 1945-47.

Teachers Retirement

Item 102 Budget Bill, pages 273-275 of the Budget; appropriation from the General Fund $167,100 for support of the Teacher's Retirement System. This is an increase of $100,782 from the General Fund over 1943-45 actual and estimated expenditures but this requires explanation.

It is only $50,233.26 over actual expenditures for $50,548.74 was paid out of Teachers Fund prior to July 1, 1944 when the Statute of 1944 (Fourth Extraordinary Session) Chapter 13 provided all cost be borne by the General Fund.

The added cost is largely for three new positions for each of the two years of 1945-47, $11,700 and some $30,000 to continue the two new posi-

* Not taken into total as not in appropriation bill as it is from horse race money.

tions added in 1944 and operating expense up $16,000 for 1945-47 or from $12,665 actually spent in 1943-44 to over $20,000 for each year following to $21,500 for 1946-47.

While work has been increased by the new Teachers Retirement Act of 1944, we feel that operating expenses are too high, particularly when one whole item—Departmental pro rata administration charges of $4,800 per biennium has been entirely eliminated for 1945-47 by becoming a General Fund charge.

We recommend a reduction of $11,500 from operating expense, so that Item 102 will be reduced to $155,600.

Item 102.5 Budget Bill, pages 274-275 of the Budget; appropriation from the General Fund to the Teachers Permanent Fund for the Teachers Retirement System $7,315,000. This is the amount calculated by the actuary to be required to pay the State's share of the obligations of the Teachers Retirement Fund for retirement costs for the next biennium under the terms of the 1944 legislation.

If this is over what is required the overage will be a credit for reduction of the next biennium appropriation, if under it must be made up.

This is the first time this appropriation has appeared for a full biennium. It will now continue as a fixed charge. It shows the approximate increase we predicted when the law was enacted. It will continue to increase each year at an accelerated rate for many years.

This replaces the former full obligation of the State of 5 per cent of the inheritance tax collections.

This appropriation is all from the General Fund and the reserve of $30,000,000 set up for the Teachers Retirement Fund by 1944 Special Session remains intact for future appropriation.

It has grown by interest earnings to $30,550,000 and it is estimated it will reach $31,900,000 by June 30, 1947. If this fund can be kept intact for several bienniums the earnings will go far to cut down the pyramiding costs to the State of the retirement requirements.

No reductions can be recommended in this fixed charge unless the Legislature wishes to reduce the benefits, or secure more support from other sources.

Item 102.6 Budget Bill, pages 274-275 of the Budget. Appropriation $295,000 from the General Fund to the Retirement Annuity Fund for the operation of the Teachers Retirement System. This follows along the same procedure and requirements of law as the prior item and for the same reasons. For the same reasons *we can not recommend any reduction.*

University of California

Item 103, Budget Bill, pages 276-282, inclusive, of the Budget. While the entire Budget for spending over $22,000,000 is presented in seven pages and is far from as complete as a Budget officer desires, this year's Budget presentation of the University is a decided improvement over what the Legislature had to work with in prior years. The current 1943-45 Budget covered the University of California in four pages. It is hoped the improvement is continued and future Budgets give the Legislature more facts and breakdowns of figures and amounts to work with so as to promote a better understanding and fuller consideration of the needs of the University with as full an equity as possible.

The brief summary of Budget requests for 1945-47 prepared by the University has been very helpful in making the analysis and the confidential larger detailed Budget request which was furnished the Legislative Auditor is by far the best presentation we have had from the University.

With some further breakdowns and some more detailed information, this will furnish a very satisfactory basis for full Budget analysis.

The appropriation from the General Fund is $22,233,081, an increase of $5,282,097.18 over actual and estimated expenditures of $16,950,983.82 for 1943-45.

The usual five items of continuing appropriations, four dating from 1919 and one from 1921, amounting to $794,450 from the General Fund, go on. This brings the grand total from the General Fund to $23,027,531 with the same total increase.

The items of continuing appropriations might just as well be done away with and included in the entire Budget. Considerable bookkeeping would be saved both at Sacramento and at Berkeley. We can not see any harm following from this procedure—the money all comes from the State General Fund.

It is estimated the receipts from the Fair and Exposition Fund (Horse Racing) will reach $939,480 or an increase of $115,530. The receipts depend on the Federal ruling on holding meets so we make no comment on the possibilities of these receipts.

The University uses this money for capital outlay as the amount is not predictable. We concur in this procedure. We make no further recommendation on this item.

New Activities and Provisions

We call particular attention to the bottom of page 278 and to page 279 in the Budget entitled "new activities and provisions." The cost of these activities totaled a little less than one million dollars for 1943-45 but they go up to almost $3,000,000 ($2,902,074) for 1945-47.

These activities and their increasing costs are shown in the following tabulation for ready consideration:

Place	Activity	Actual 1943-44	Estimated 1944-45	Proposed 1945-46	Proposed 1946-47	Remarks
Statewide	Academic salary adjustments			$600,000	$600,000	Matter of policy—decision by Legislature
Berkeley	School public health	$34,976	$114,343	80,211	81,231	Chapter 1080, Statute 1943
Berkeley	Forest Products Laboratory				20,000	By Legislative Resolution
Berkeley	Physic-medical physics			3,250	3,450	University of California proposal
Los Angeles	College of Engineering		300,000	293,800	294,300	Legislature approved 1943
Los Angeles	Nursing education			5,450	5,450	University of Calif. own proposal
Los Angeles	Occupational therapy			8,245	10,965	University of Calif. own proposal
Los Angeles	Institute geophysics			50,000	50,000	University of Calif. own proposal
Santa Barbara College			354,885	396,258	399,464	Transferred by Legislature, 1943
Total of new activities		$34,976	$769,228	$1,437,214	$1,464,860	
Total for biennium			$804,204	----------	$2,902,074	
			Increase		$2,097,870	

If these services are to be supplied, it will require approximately the amounts proposed. If the Legislature wishes these new services, then the money should be provided. Most of the items have had some sort of a Legislative "go ahead" sign or an expressed approval. This, of course, does not bind the present Legislature.

One item not at all decided is the first one for adjustment of all academic salaries in the sum of $600,000 per year or $1,200,000 out of $2,902,074. This is clearly a salary increase and a matter of policy. This $1,200,000 not only includes increases for the present faculty but includes enough money for like salaries for the increased faculty to be added for the expanded program both in research and in teaching due to contemplated added enrollment based on the University's estimates.

The University has made a salary study. This study shows that academic salaries paid by the University of California are in general lower than salaries for similar positions in those institutions considered by the University as comparable. These salaries are not lower, however, than for many other universities and colleges which in this study are not considered comparable.

We have not reviewed the proposed distribution of these funds if the amount requested for increasing salaries should be approved and we are not in a position to judge the proposed results. This is the kind of information we believe the University should present with such a request.

We wish to call the attention of the Budget Committee and the Legislature to the fact that the new services listed above are generally just being started and that they will make much larger demand in the next biennium and that practically all of them will continue to increase for several bienniums in succeeding Budgets. Some of them will require a very large expenditure in capital outlay before they can be fully made effective. This is particularly true of the new College of Engineering at Los Angeles established in response to the terms of the Kellems Bill of the 1943 Session. This is only the first request for funds and on a minimum basis. These requests will grow and grow as the services are developed. The terms of the Kellems Bill, Chapter 1021, Statutes of 1943, might well be considered to determine an idea of the ultimate outlay that will be necessary.

The new item of Santa Barbara for the University of California budget results from a transfer from the Department of Education. The amount of this item is not actually an increase in total appropriation by the State but a bookkeeping matter showing an increase in the amount for the University of California and a decrease for State Colleges. The amount of the increase required for this institution is not large.

These new items make up $2,097,870 of the increase of $5,282,097 in State appropriations. The remainder of the increase is distributed throughout the Budget in increased positions and operation costs to take care of additional research and anticipated increase in student enrollment as estimated and determined by the University.

The increase in positions is shown in the following table as is the enrollment and the per student costs.

POSITIONS FOR REGULAR CONTINUING ACTIVITIES
OFFICERS AND EMPLOYEES, ENROLLMENT, STUDENT COSTS

	Fiscal years				Increase biennially 1945-47 over 1943-45
	1943-44	1944-45	1945-46	1946-47	
Full time	3,654	3,727	3,894	3,913	814
Part time	3,645	3,683	3,964	4,135	771
Enrollment	18,724	21,500	24,000	28,000	
Per Student Cost	$647.85	$607.73	$606.99	$534.46	

The University has at no time stated how much of the added cost results from increased enrollment. The above table, however, shows that the enrollment for 1943-44 was 18,724 and the University estimated that this will increase to 28,000 for 1946-47. It is presumed that some part of the increased cost of $5,282,097 from State funds alone is due to increased enrollment. If the enrollment is not secured in approximately the numbers estimated and should it fall materially below the estimates, certainly comparable savings should result of that part of the increase that is attributed to be due to increased enrollment. To meet this unknown situation and to secure savings under such circumstances, and to treat the University in budgeting as are other departments of the State, we believe that such savings should accrue to the General Fund.

In this connection, it should be noted that the Department of Finance, which exercises budgetary control in general over State agencies and audits expenditures to determine if the money has been spent as budgeted exercises no budgetary control over appropriations made to the University of California, nor has it at any time audited the expenditures of the University. Under the Constitution and the statutes as presently interpreted, when an appropriation is made to the University the only limitations on the expenditure of this money are those limitations that are placed in the appropriation bill itself. Budgetary control can not be exercised so as to make savings if it is subsequently discovered that original estimates upon which the Budget was based turn out to be in error. In other State departments these savings can be made and controlled through functioning budgetary control by the Department of Finance.

It has been suggested in other sections of this report for other agencies that budgetary control be exercised for the several departments for the reason that this being a transition budget from war to peace, the needs of the several institutions cannot be accurately estimated due to changing conditions which will result from the ending of the war or from other economic changes over which the State has no control.

In other places in the Budget we have suggested specific reductions where it was clearly demonstrated by material in the Budget in the several sections referred to that appropriations were out of line with previous experience. The detail presented in this Budget, in the six pages therein given, is not sufficient to make such specific recommendations for the University. We have requested the University to provide us with information showing that part of their increased Budget which they attribute to increased enrollment and what amounts they can save in personnel and operating expense if they do not have approximately the

enrollments estimated. We believe this material should be before the Legislature for consideration. It is not available at this time.

Hastings College of Law

Item 104 Budget Bill, pages 283 to 285, inclusive, of the Budget. Appropriates $69,403 from the General Fund an increase of $4,331 over actual and estimated expenditures but only about $1,000 over the prior appropriation. The increase is to take care of an estimated increase of 50 students in enrollment for the second year of 1946-47 to 125 students.

The increase is modest and per student costs show a corresponding decrease. Other State agencies might well follow this example.

We recommend approval of this appropriation.

Department of Employment

Analysis of the Proposed Expenditures for the 1945-47 Biennium

Item 105 of the Budget Bill, pages 286 and 287 of the Budget; appropriation from the General Fund of $312,380. This is a new item which does not appear in the 1943-45 Budget. The appropriation item states this is to match contributions to the State of California from the Federal Government, under the provisions of the Wagner-Peyser Act.

This item is included in the Budget solely to cover the contingency that the employment service, now operated by the Federal Government, will be returned to the status of an agency of the State. This is entirely problematical, and in our opinion it is doubtful if this will be done during the 1945-47 Biennium. It certainly will not be accomplished if the war continues.

To cover the contingency sufficient money should be available in the estimated sum of $312,380. Since the Budget was prepared and the appropriation bill introduced, the financial status of the Department of Employment has been somewhat modified by the passage and the approval of Senate Bill 286. This is now the law on this matter since it carries an urgency clause.

This bill went through the Legislature without having been referred to the respective committees supposed to consider appropriations, and has the further defect of not having a letter from the Governor, a violation of constitutional requirements. We doubt the validity of the bill. We furthermore believe that a bill of this nature involving the appropriation of approximately $1,000,000 should be given full consideration by the respective committees in the two houses considering appropriations.

Senate Bill 286 amends the Unemployment Insurance Act and sets up a special fund known as the Unemployment Fund. This fund shall consist of: (1) All contributions collected under this act; (2) Interest earned upon any moneys in the fund; (3) Any property or securities acquired through the use of moneys belonging to the fund; and (4) All earnings of such property or securities.

The act was amended to provide that there shall be maintained within the fund the three following accounts:

(1) A clearing account
(2) An Unemployment Trust Fund account
(3) A benefit account

Refunds or judgments are to be paid by the Controller on the direction of the commission. *The money is continuously appropriated for this without regard to* fiscal years. In other words, this is a continuous appropriation.

There is also created a Department of Employment Contingent Fund into which shall be deposited or transferred all interest on contributions, penalties, and fines collected under this act. *All amounts in this fund are also continually appropriated and can be expended by the Commission under authorization of the Director of Finance, under provision of Section 661 of the Political Code, which is the section providing for the allowing of deficiencies.* In other words, the Legislature has given up control over the future budgeting of this fund. We believe this is bad financial policy.

It is proper to provide for the making of refunds but in this instance the refunds may not amount to more than $30,000 or $40,000 a biennium. We estimate, however, that at least $40,000 a month will go into this Contingent Fund and it will reach from $960,000 to $1,000,000 a biennium. In the last couple of days in January, since the act has been in effect, collections have amounted to $2,411.64.

We suggest that this money should be subject to budgetary control and expenditure thereof provided by the Legislature and budgeted as for other departments of the State.

We furthermore suggest that Item 105 of the Budget Bill be amended so that this appropriation be made out of the Department of Employment Contingent Fund rather than out of the General Fund, and reduce the appropriation from the General Fund by $312,380.

The rest of the Budget for the operations of the Department of Employment is found on pages 286 to 297 inclusive. It calls for an expenditure of $8,361,645 for 1945-47 or an increase of $3,636,909 over 1943-45. This is for the reason that considerable unemployment is anticipated and the increase is to handle claim payments.

The funds come from the Federal Government for the Unemployment Administration Fund on the basis of a Budget approved by the Federal agency, and they are controlled by this agency so no attempt has been made to analyze this Budget or make recommendation for it.

Fiscal Affairs

Item 106 of the Budget Bill, page 298 of the Budget, appropriates $31,760 from the General Fund for the support of the State Board of Control.

This is an entirely new item in the Budget, never having before appeared as a separate item. Previously, expenditures for the Board of Control have been included in the support item for the Department of Finance. This is shown on page 260 of the Budget for 1943-45 and it is also shown on page 336 of the Budget for 1945-47, indicating the positions that are eliminated in the Department of Finance Budget and included in this item. The corresponding operations expense is likewise eliminated from the Department of Finance Budget, setting this up as a separate item—therefore this is equivalent to reducing necessary expenditure of the Department of Finance by this sum or $31,760.

The Budget provides for the per diem payment of the members of the board and for the salaries of a secretary and a senior stenographer, and

for the necessary operating expense. There are also two special items—one, the service of accountants supplied by the Division of Budgets and Accounts of the Department of Finance in the sum of $9,280. This should be noted in making an adjustment of the Department of Finance budget. The second special item is $1,000 to pay for the services of a referee.

The only item that appears out of line is $2,000 for postage for the Biennium. This appears to be excessive and we suggest should be reduced by $1,000 leaving Item 106 in the sum of $30,760.

For Support of State Controller

Item 107 of the Budget Bill, pages 299-305 inclusive of the Budget; appropriation $1,195,376; increase of $241,053 or 25.2 per cent over the estimated expenditure of $954,323 for the 1943-1945 Biennium; and of $222,648 or 22.8 per cent over the $972,728 for the 1943-1945 Biennium appropriated by Item 26 of Assembly Bill No. 1600 of the last regular session.

Recommendation: Reduce Item 107 by $152,765 or 13 per cent to $1,042,611.

Part I. Statistical Summary

This appropriation item covers the general activities of the Controller's Office which includes administration and the divisions of county budgets and reports, accounting, inheritance and gift tax, claims auditing and disbursing, and tax collection.

The proposed increase of $241,053 or 25.2 per cent is distributed as follows among these six sectors of General Activities of the State Controller's Office:

Expenditures—support	Estimated 1943-45	Proposed 1945-47	Change Amount	Change Per cent	Per cent of total increase
Administration	$80,361	$86,050	$5,689	7.1	2.4
County Budget and Report Division	24,752	37,790	13,037	52.6	5.4
Accounting Division	162,026	203,896	41,870	25.8	17.4
Inheritance and Gift Tax Division	315,874	426,575	110,701	35.0	45.9
Claims Auditing and Disbursing Division	259,865	313,960	54,095	20.8	22.4
Tax Collecting Division	111,444	127,105	15,661	14.0	6.4
Totals, general activities	$954,323	$1,195,376	$241,053	25.2	100.0

Significant facts revealed by the foregoing table include the following:

1. Almost half of the approximately $241,000 proposed increase is for Inheritance and Gift Tax Division.
2. Almost an additional quarter, or $54,000 of the total increase is for the Claims Auditing and Disbursing Division.
3. The largest percentage increase among the divisions is for the County Budgets and Report Division, which is slated to increase expenditures by some $13,000 or 52.6 per cent.

The following table summarizes the proposed increase of $241,053 for the 1945-1947 Biennium, by object of expenditure:

Number of positions, fiscal years					Estimated	Proposed	Change		Per cent of
43-44	44-45	45-46	46-47		1943-45	1945-47	Amount	Per cent	total change
				Salaries and wages:					
171	171	170	170	Positions now authorized	$805,381	$885,240	$79,859	9.9	33.1
				Estimated salary savings	—8,500	—11,250	—2,750	32.3	
				1945-47 normal salary adjustments		25,145	25,145		10.4
		12	14	Proposed new positions		61,840	61,840		25.6
171	173	182	184	Totals, salaries and wages	$796,881	$960,975	$164,094	20.6	68.0
				Operating expenses	151,654	198,631	46,977	31.0	19.5
				Equipment	5,786	35,770	29,984	518.2	12.5
				Totals	$954,322	$1,195,376	$241,053	25.2	100.0

Significant facts indicated by the foregoing analysis of the proposed increased expenditures, by object of expenditure, include the following.

1. Salaries and wages account for almost $165,000 of 68 per cent of the total proposed increase of some $241,000.
2. The budgeted salaries for the proposed new positions (12 for the first year and a cumulative total of 14 for the second) represent over one-quarter of the proposed total increase.
3. Increased proposed operating expenditures account for almost 20 per cent of the total increase.

Part II. Findings and Recommendations

1. *Summary of Recommended Reductions in Appropriation Item 107*

We recommend that Appropriation Item 107 be reduced by $21,660 or 2 per cent to $1,173,716. The recommended reduction of $21,660 would be divided up among the divisions of the general activities sector of the Controller's office as follows:

(a) Administration	$1,000
(b) County Budgets and Reports Division	300
(c) Accounting Division	4,360
(d) Inheritance and Gift Tax Division	12,800
(e) Claims Auditing and Disbursing Division	7,200
(f) Reduction from Item 107 of the Appropriation Bill in the sum of $127,105 as shown on page 305 of the Budget resulting from recommended transfer of the Tax Collection Division of the Controller's office to the jurisdiction of the Board of Equalization. (It is anticipated that the Board of Equalization will be able to coordinate this activity with their current tax collection activities at a saving approaching 50 per cent of the amount currently budgeted for this division	$127,105
Total reduction recommended for Item 107	$152,765

The foregoing individual recommended reductions are discussed in greater detail in recommendations 2 to 7 below:

2. *Administration*

Expenditures proposed for 1945-47 are up by $5,689 or 7.1 per cent. There are 11 positions under this Division of Administration. There is one vacancy. No additional positions are requested.

Much of the total increase is due to normal salary increases. Individual budgeted expenditure items are in line except traveling expense which is up to $6,000 for the Biennium as compared with approximately $4,300 for the current period. We recommend a reduction of $1,000 in traveling expense for administration.

3. *County Budgets and Reports Division*

This division was created in October 1943 by transfer from the Department of Finance to administer the County Budget Act, Section 3714 of the Political Code, including the gathering and publishing of local government fiscal data. It is instituting uniform Budget procedure and uniform reporting by all counties.

Expenditures proposed for 1945-47 are up by $13,037 or 52.6 per cent. Much of this expansion results from the fact that this activity in the Controller's office began well toward the middle of the current Biennium and is now approaching its peak period of operations.

An additional employee, a Senior Account Clerk, is requested which would bring the number of authorized positions up to three. This request is reasonable in view of the objectives and the predicted work load of this activity. Other items of the Budget also are in line, with the exception of a provision of $1,300 for purchase of an automobile. We believe that $1,000 will suffice for this purpose. Recommended saving: $300.

4. *Accounting Division*

Expenditures proposed for 1945-47 are up by $41,870 or 25.8 per cent. There are 30 authorized positions of which two are currently vacant. Two additional positions are proposed.

We recommend that one of two proposed positions not be granted. This would be the position of Intermediate Account Clerk. We believe that with the return of personnel on military leave that a rearrangement and division of work among personnel would obviate the need for this particular position of Intermediate Account Clerk. The saving this would realize would be $3,360 in salary expense itemized by the Budget.

Printing costs budgeted for this Accounting Division are up by approximately $2,000. The Controller's Office reports that most of this increase results from the anticipated increase in the cost of printing the Controller's Biennial Report caused by plans to enlarge this biennial report, which in turn is reported as necessary because of the increased complexity and volume of financial transactions recorded on the State control records. We believe that careful planning of this report will keep it down to its present size and that a reduction of $1,000 is possible and desirable here. Recommended saving: $1,000.

5. *Inheritance and Gift Tax Division*

Expenditure proposed for 1945-47 is up by $110,703 or 35 per cent and represents almost half of the total increase involved in Appropriation Item 107. This proposed increase is distributed as follows, by object of expenditure:

	Estimated 1943-45	Proposed 1945-47	Increase	
			Amount	Per cent
Positions now authorized	$256,963	$295,040	$38,077	14.8
Proposed new positions	----	36,505	36,505	
Operating expenses	56,710	81,700	24,990	44.9
Property and equipment	2,199	13,330	11,131	506.1
Totals	$315,872	$426,575	$110,703	35.0

We recommend that the proposed increase in salary expense for currently authorized and for proposed new positions (of which there are six for the first year and a cumulative total of seven for the second year) be cut by $6,000. The increased positions, however, will be subject to the general salary saving provision mentioned above in our report under which the Department of Finance would pass on the wisdom and need for specific positions. The Inheritance and Gift Tax Division needs some additional personnel in view of: (1) Recent losses to the military, (2) a serious backlog of work; and (3) An expanding work load resulting from several factors, including population growth, war time expansion in the value of estates, and some changes in inheritance tax law within recent years.

We recommend that budgeted operating expenses be reduced by $6,800 with this proposed reduction being divided up among different operating expense items as follows:

Items	Estimated 1943-45	Proposed by Budget 1945-47	Recommended reduction
Printing	$6,169	$9,800	$2,800
Telegraph and telephone	6,891	8,200	1,000
Conference	3,000	6,000	3,000
			$6,800

The budgeted printing item given above includes an allowance for the printing and proposed free distribution to attorneys and others of two pamphlets on inheritance and gift tax laws. These publications should continue to be distributed through the State Superintendent of Documents on a definite self supporting basis. There is no reason for this service being rendered free of charge, particularly since gift and inheritance tax laws can be secured from a number of legal sources, especially public law libraries. We recommend a saving of $1,800 in printing. As indicated by the table above, we believe that a saving of $1,000 from the amount budgeted can be effected in telephone and telegraph expense.

The budgeted item of $6,000 for Conference is designed to cover the expenses of inheritance tax appraisers to an annual two day conference. We are convinced that the results achieved from such conferences are not commensurate wtih their cost and recommend that the deletion of $3,000 of this budgeted item be made which would result in a saving of $3,000 and allow for only one conference during the second year of the biennium. Such conventions should not be held during the war.

We recommend that appropriate steps be taken to place inheritance tax appraisers under civil service. We are convinced that such action will reduce the possibility of political favoritism in appointment, together with such other consequences of such a practice as poor supervision, low morale, inequitable distribution of work loads, and inequality of compensation.

We further recommend that the administration of the inheritance and gift taxes be made a responsibility of a proposed Central Department of Revenue Collection which would collect practically all of the State's taxes. We also recommend that the staff of the Inheritance and Gift Tax Division be transferred to this proposed Department of Revenue when and if it is established. Under such a centralized and coordinated tax collection department, the administration of the inheritance and gift taxes, as well as of the other taxes, could be accomplished with greater effectiveness and at much less expense through the use of such central staff services as legal services, auditing and research serving all sectors of the department, through better coordination of travel that is possible with central planning and control, and the shifting of staffs to meet reasonable work demands of different taxes.

Pending the establishment of a Revenue Department, we recommend a complete overhauling of this division.

6. *Claims Auditing and Disbursing Division*

Expenditures proposed for 1945-47 are up by almost $55,000 or 20.8 per cent.

The budgeted items for this division appear to be in line in view of the gradually increasing load of State business, with the exception of

one of the two proposed new positions for Supervising Claim Auditor. We recommend that this proposed position not be granted on the grounds that reallocation of work among the staff of the Controller's Office and the return of personnel on military leave will make it unnecessary. This recommendation would effect a saving in budgeted salary expense of $7,200.

7. *Tax Collection Division, pages 304-5 of Budget*

The Controller collects the Motor Vehicle Fuel Tax (Gas Tax), the Motor Transportation Tax, and the Insurance Premium Tax. These are all assessed by the Board of Equalization and payments are sent in as a result.

In the case of the Insurance Tax, most of the payments are made on assessment and billing is not required. Records must be kept by both agencies and certain notices sent to the taxpayers by both. Both agencies do some auditing in respect to these taxes. Some confusion of the taxpayers results.

The Board of Equalization have a large corps of auditors and investigators covering many other taxes paid by the same taxpayers as pay the above taxes.

For these reasons it is believed that the Board of Equalization can collect these taxes with very small additions to their present staff.

The staff of the Controller for the Tax Collecting Division consists of 19 and the biennial appropriation for 1945-47 requested is $127,105 or an increase as shown on the previous table of 14 per cent. It is felt the Board of Equalization can perform this service at at least a 50 per cent saving. The Interim Senate Committee on the State Board of Equalization concluded that such a move would produce economy and lessen the taxpayers confusion.

It is, therefore, recommended that such transfer be made effective as soon as possible and funds and personnel be transferred.

Audit of Expenditures for Local Post War Public Works Plans and Sites

Budgeted expenditure of $50,000, pages 299 and 306 of the Budget.

The Appropriation Bill does not make provision for this expenditure item as it will be cared for from an appropriation made by Chapter 47, Statutes of 1944 (Fourth Extraordinary Session). The Budget (page 306) makes provision for expenditures of $50,000, including a staff of seven, and operating expenses of $13,540.

It probably will require more funds rather than less to do this work properly.

State Controller

For Support of Motor Vehicle Fuel Tax Refund Division

Item 108 Budget Bill, page 307 of the Budget; appropriation from the General Fund, $182,863; increase of $30,478 or 20.0 per cent over the estimated expenditure of $152,385 for the 1943-1945 Biennium; and of $20,357 or 12.5 per cent over the $162,506 for the 1943-1945 Biennium appropriated by Item 27 of Assembly Bill No. 1600 of the last regular session.

This proposed expenditure of $182,863 is to cover the expenses involved in connection with refunding motor vehicle fuel taxes where fuel is used for purposes other than for highway use. This is a special

fund activity. Recommendation: Reduce Item 108 of Budget Bill by $3,800 or 2.1 per cent to $179,063.

The proposed increase results from increased equipment expenditures, some upward trend in operating expenses, and increased allowance for salary expense through anticipated better success in filling existing positions. No new positions are proposed.

The budgeted items appear to be generally in line, with minor exceptions. The traveling expense item is up by approximately $2,000, and budgeted automobile operating expense is up by approximately $1,000.

We recommend a total reduction of $2,000 for these two items. Budgeted equipment expense includes $1,800 per year for expenditure for automobiles. We recommend that no expenditure for automobiles be made. The total savings resulting from acceptance of these recommendations would be $3,800, which would reduce appropriation item 108 by 2.1 per cent to $179,063.

We further recommend that when and if a centralized department of revenue is created for the State, that this Motor Vehicle Fuel Tax Refund Division be transferred to such a department. Pending creation of such an agency, we recommend that this Motor Vehicle Fuel Tax Refund Division be transferred to the Board of Equalization which can administer the motor vehicle fuel tax refund work in connection with its administration of other tax work, particularly the Motor Vehicle Transportation License Tax.

If either of these recommendations is accepted and applied, a very substantial saving can be realized, during this Biennium, and in succeeding biennial periods, through the elimination of duplicate investigations and record keeping by two agencies, and the institution of other short cuts that are possible with the amalgamation of these tax administering responsibilities in one agency.

We also recommend a more stringent investigation of claims for refunds as there is opportunity for great abuse.

For Support of State Controller: Redemption Tax Division

Item 109 Budget Bill, pages 308-309 of the Budget; Appropriation from the Redemption Tax Fund, $351,473, increase of $37,390 or 11.9 per cent over the estimated expenditure of $314,083 for 1943-45; and of $81,128 or 30.0 per cent over the $270,345 for the 1943-1945 Biennium appropriated by Item 28 of Assembly Bill No. 1600 of the last regular session.

This division sells and leases lands deeded to the State for nonpayment of taxes. It has 56 personnel positions and two more positions (map delineators) are proposed for the coming Biennium.

We recommend Legislative study of this division and its work of selling and leasing lands deeded to the State to determine the answers to the following questions:

1. Should the functions of the State Redemption Tax Division continue to be performed at the State level or should they be performed by the several counties which may be found to have certain natural administrative advantages by virtue of being nearer the lands being sold and leased.
2. In the event that it is determined that the work of the State Division of Tax Redemption should remain in the hands of the

State Government, should this remain within the jurisdiction of the State Controller, or should it be transferred to the State Division of Lands within the Department of Finance which administers, sells, and leases other State lands and may, upon study, be found in a superior position to assume responsibility for tax-deeded lands as well.

Pending action on such a study, we specifically recommend that:

The appropriate laws should be changed to increase revenues from this tax redemption work so that revenues therefrom at least match expenditures—something that will not be achieved by the State during the current Biennium for which estimated expenses of the State Redemption Tax Division are estimated at $314,083 which is $21,246 in excess of estimated revenues of $292,837.

Charges of overhead should also be made to cover these costs as well as direct costs.

It is also recommended that appropriation Item 109 be reduced by $4,800 to $346,673; which reduction represents the salary expense for one of the two positions of mapping delineator proposed by the Budget. We are convinced that the resulting one delineator, with the aid of existing secretarial and clerical personnel, can carry on the work of keeping maps of State-owned lands in this division up to date. The other budgeted subitems for the Redemption Tax Division appear to be in line.

For Support of State Controller: SRA Restitutions Division

Item 110 Budget Bill, pages 310-311 of the Budget; appropriation from the State Controller's SRA Restitution Fund. This is a special fund operation. It is to be used for the auditing and collection of refunds under, and administrative expenses in connection with the "California Unemployment Relief Act of 1935," $120,840; increase of $11,204 or 10.2 per cent over the estimated expenditure of $109,636 for 1943-45.

We recommend a 50 per cent reduction in this appropriation to $60,420 which is the sum budgeted for this activity for the first year of the Biennium. We further recommend that this activity be discontinued as of the end of the 1945-1946 Fiscal Year unless collections are such at this time that it will justify support from the Emergency Fund.

We make this recommendation because the point of diminishing and economical returns in collections for money spent on administration probably will be reached by that time and the State will have more effective use of the money and the manpower involved. The staff should be reduced as effective work decrease. Estimated expenditures for this division for the 1943-45 Biennium are $109,636 as compared with estimated collections of $358,975. This gives a ratio of $3.27 in collections for every dollar of expenditure on administration. It is reasonable to assume that as time passes and as more former relief recipients move around, and there are fewer accounts remaining to be collected, less rather than more money will be collected and the ratio of collections to administrative expense will be considerably less than the $3.27 in collections to $1 in administration expense that prevails during the 1943-1945 Biennium.

We also recommend that the unbudgeted surplus as of July 1, 1945, estimated at $312,721, page 311 of the Budget, or whatever it is be transferred to the General Fund and this account be closed out. All appropriations to be made henceforth from the General Fund. This will eliminate one more fund and simplify funds and operations and accounting by this sum.

Board of Equalization

Analysis of Proposed Expenditures 1945-47

1. *General Statement*

Items 111-114, inclusive, of the Appropriation Bill, pages 312-333, inclusive, of the Budget. There are four appropriation items for the Board of Equalization as follows:

Item 111.	Support of Board of Equalization	$1,495,991
Item 112.	Support of Retail Sales Tax Division, State Board of Equalization	6,626,112
Item 113.	Support of Alcoholic Beverage Control Division of the State Board of Equalization	2,796,301
Item 114.	Support of Motor Vehicle Fuel Tax Division, State Board of Equalization	396,330
	Total	$11,314,734

It is pertinent to call attention to the conclusions and recommendations respecting administrative organization of the Board of Equalization of the Senate Interim Committee on the State Board of Equalization appearing in the Senate Journal of January 26, 1945 as follows:

CONCLUSIONS

Your committee has reached the conclusion that the licensing and control of liquor and the various tax functions now vested in the State Board of Equalization should not both be vested in said board or in any other board or department of government. That the two functions should be in separate departments.

That the duties of the State Controller, as same relate to the Motor Vehicle Fuel Tax Division and the Transportation Tax Division, should be transferred to the State Board of Equalization.

RECOMMENDATIONS

For the purpose of divorcing the licensing and control of liquor from the tax functions now administered by the State Board of Equalization, your committee submits to the Legislature two proposals:

1. A constitutional amendment divorcing the licensing and control of liquor from the State Board of Equalization; and

2. A bill, or bills, creating a Department of Revenue to administer the tax functions of the State Board of Equalization, leaving the licensing and control of liquor with said board.

In the matter of the Motor Vehicle Fuel Tax Division and Transportation Tax Division, the functions of the State Controller should be transferred to the State Board of Equalization or to a Department of Revenue, if one be created by the Legislature.

Your committee is having prepared for consideration of the Legislature a constitutional amendment and the necessary bills to accomplish the objectives herein outlined.

Respectfully submitted.

CLARENCE C. WARD
W. P. RICH
FRANK W. MIXTER
HAROLD J. POWERS
OLIVER J. CARTER

We commented as follows in our Budget report to the last regular session (1943) concerning the proposal for a central revenue collecting agency:

> In order to produce the most effective administration of the functions of the Board of Equalization for the best interests of the people of the State and in the most economical and efficient manner, it appears that in connection with the entire problem of tax administration it would be well, as has been mentioned before, in connection with the State Controller, to set up a department of taxation and revenue and concentrate therein the administration of all taxes of the State. These then could be coordinated both in their administration and in their application so as to reduce the costs to the minimum and at the same time produce a more coordinated scheme of taxation.
>
> Whether or not the Board of Equalization shall constitute this department is not now so important as the establishment of such a department. It is important, however, that somebody with the constitutional authority which is possessed by the Board of Equalization of administering and equalizing taxes, as well as acting as a Board of Tax Appeals, should be established independent of the tax department. The decisions of this body should be the reflection of the entire body and in no instance should it allow the individual view of one of the members to prevail in the particular district from which he is elected, for unless this is done, uniformity of tax system throughout the State, on a general basis, will not be accomplished and particular influences will be brought to bear.

We also repeat our recommendation of the prior report that the Board of Equalization should make the maximum desirable use of the practice of transferring employees during the course of a year from activities having slack periods to other activities having peak periods.

For Support of State Board of Equalization

Item 111 Budget Bill, pages 314-319 inclusive of the Budget, appropriation from the General Fund, $1,495,991; increase of $200,247 or 15.4 per cent over the estimated expenditure of $1,295,743 for the 1943-45 Biennium.

Our recommendation: Reduce Item 111 by $54,800 or 3.7 per cent to $1,441,191. The other general reductions of overall salary, automobile, and printing savings would also apply.

I. Statistical Summary

The expenditure of $1,495,991 proposed by Item 111 of the Budget from the General Fund is for support of general activities of the Board

of Equalization, and for certain pro rata charges against the General Fund. General activities of the Board of Equalization include the following:

General Administration
Division of Research and Statistics
Division of Assessment Standards
Valuation Division
Motor Transportation License Tax Division

The $200,247 or 15.4 per cent proposed increase for the 1945-47 Biennium over the 1943-45 period is divided up as follows among the different sectors of the general activities of the Board of Equalization:

Expenditures General Fund	Actual and estimated 1943-45	Estimated and proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent	Per cent of total increase
Support, General Activities:					
General Administration	$274,920	$312,525	+ $37,604	13.7	18.7
Division of Research and Statistics	34,196	45,340	+ 11,143	32.5	5.5
Division of Assessment Standards	140,400	169,107	+ 28,706	20.5	14.3
Valuation Division	255,046	302,569	+ 47,522	18.6	23.7
Motor Transportation License Tax Division:					
Headquarters	151,843	163,412	+ 11,568	7.6	5.8
District Offices	313,569	373,861	+ 60,291	19.2	30.1
Totals, Motor Transportation License Tax Division	$465,413	$537,273	+ $71,859	15.3	35.8
Pro rata charges for services rendered by Sales Tax Division	136,069	139,857	+ 3,787	2.7	1.9
Totals, General Activities	$1,306,047	$1,506,671	+$200,623	15.7	
Less credits for prorata of general administration and research and statistics chargeable to Motor Fuel Tax Division	10,304	10,680	+ 376		
Net Totals, General Activities	$1,295,743	$1,495,991	+$200,247	15.4	100.0

Significant facts revealed by the foregoing table include the following:

1. The total proposed increase is up by 15.4 per cent—slightly less than the average increase for the entire Budget of 16.4 per cent.
2. The Motor Transportation License Tax Division accounts for some $71,000 or almost one-third of the total proposed increase.

The same $200,000 or 15.4 per cent proposed increase, by object of expenditure, is as follows:

	Estimated 1943-45	Proposed 1945-47	Change Amount	Per cent	Per cent total increase
Salaries and wages:					
Positions now authorized	$1,003,030	$1,146,600	$143,570	---	71.5
Estimated salary savings	—46,324	—82,245	—35,921	---	---
1945-47 normal salary adjustment	-----	21,915	21,915	---	10.9
Proposed new positions	-----	29,120	29,120	---	14.5
Totals, salaries and wages	$956,706	$1,115,390	$158,684	16.6	79.1
Operating expenses	344,373	373,753	29,381	8.5	14.6
Equipment	4,968	17,528	12,561	252.8	6.3
Totals	$1,306,047	$1,506,671	$200,624	15.4	100.0

The foregoing table shows that operating expenses are up by some $29,000 or 8 per cent while equipment expenditures are scheduled to expand by some $12,500, and salaries and wages are budgeted to increase by about $158,000 or 16.6 per cent.

Of the total increase of approximately $200,000, salaries and wages are responsible for $158,000 or 79.2 per cent. Most of this increase for salaries or $143,570, or 71.5 per cent of the total increase, is for presently authorized positions that are vacant or have been vacant.

II. Findings and Recommendations

1. *Summary of Recommendations*

We recomend that appropriation Item 111 be reduced by $54,800 or 3.7 per cent to $1,441,191; with the recommended reduction of $54,800 being divided as follows:

General Administration	$44,500
Division of Assessment Standards	5,800
Valuation Division	4,500
Total of Recommended Reductions	$54,800

These recommended reductions are discussed further below:

2. *General Administration*

Proposed expenditure for general administration are $312,525 and are up by $37,604 or 13.7 per cent, and this increase represents 18.7 per cent of the total increase for general activities.

We recommend a reduction of $44,500 for general administration to be applied as follows:

(a) Elimination of the three established positions of public relations officers for the biennium	$22,080
(b) Elimination of the position of assistant tax counsel	7,200
(c) Elimination of the position of associate tax counsel	8,640
(d) Denial of request for new position of junior typist clerk	2,680
(e) Reduction of the three succeeding operating expense items, as indicated, by	4,000

Item	Estimated 1943-45	Budget 1945-47	Reduction in Budget recommended
Traveling	$15,937	$18,000	$1,000
Printing	3,819	7,900	2,000
Automobiles	5,735	7,250	1,000
Total reduction	xx	xx	$4,000

(f) Total reduction recommended	$44,500

The records show that there were 34 positions for administration in 1943-44 and that a net increase of five, including the above positions of tax counsel established in 1944-45, make a net of 39. There were 39 positions allowed in 1941-42 and 40 budgeted for 1942-43 and 1943-45.

As indicated above, we recommend abolition of the three positions of public relations officer as this type of position is not needed for public business in a State tax collecting agency.

The above positions of tax attorney are now vacant and the elimination of two of them will still leave a consulting tax counsel and a junior assistant counsel, which we believe are sufficient in general administration to advise the board, when we consider that the executive secretary is an attorney and that the Retail Sales Tax Division has three positions of associate tax counsel, and the Alcoholic Beverage Control Division has two positions of associate tax counsel. Besides this, the Attorney Gen-

eral contracts to furnish legal service to the Motor Vehicle Fuel Tax Division and his office is available to the entire department.

We recommend that the new position of junior typist clerk indicated not be established for the reason that with greater transfer of workers within this agency it would not be needed.

We recommend the reductions in the operating expense items given above as they are substantially out of line with those for the previous biennium.

3. *Division of Assessment Standards*

This division was established to assist in the development of uniformity in assessment practices throughout the State. The board reports that the activities and work of the Division of Assessment Standards assist in equalizing assessment values within and among counties as a result of close cooperation with county assessors.

The proposed expenditure for the Division of Assessment Standards for 1945-47 is $169,107, which represents an increase of $28,706 or 20.5 per cent. We recommend a reduction of $5,800 for the Division of Assessment Standards which represents the salary of a proposed new position of junior real property appraiser and a cut of $1,000 for traveling expense. The division can operate effectively with its current staff of three land appraisers, and two assistant real estate appraisers, and one property inspector and appraiser. The recommended cut of $1,000 in traveling is needed as the Budget proposes an out-of-line increase from about $16,400 for 1943-45 to $19,600 for 1945-47. We further recommend that the proposed new position of junior petroleum valuation engineer be granted as it will permit necessary and desirable, better and more extensive service in this field of tax administration which is increasing in importance in the oil producing State of California.

4. *Valuation Division*

This division assesses for all tax purposes various types of public utility property and certain other holdings. It also administers the Private Car Tax Act of 1937, which imposes an ad valorem State tax on rolling stock operated over rail lines, but not owned by railroad companies.

Proposed expenditures for the Valuation Division for 1945-47 are $302,569, an increase of $47,522 or 18.6 per cent over the estimated expenditure for 1943-45. *We recommend a reduction of $4,500 in the Budget for the Valuation Division with the cut being applied as follows:*

Elimination of proposed new position of Intermediate Stenographer-Clerk	$3,540
Reduction of travel expense by	1,000
	$4,540

Through greater transfer of personnel among the different divisions, the proposed new position of intermediate stenographer-clerk can be safely denied. The budgeted amount of $18,000 for travel, representing an increase of almost $7,000 over expenditures for 1943-45, is excessive and warrants at least the cut of $1,000 we recommend above.

5. *Motor Transportation Tax Division*

This division handles the administration of the gross receipts tax imposed upon motor vehicle carriers for hire.

Proposed expenditures for 1945-47 for this division are $537,271, an increase of $71,859 or 15.4 per cent. Practically all of this increase results from normal salary adjustments and anticipated filling of positions vacant during the current biennium. No additional job spots are requested. Budget subitems are in line and we recommend no change.

We have already recommended under the section dealing with the Controller that the tax collecting functions of the Controller be transferred to the Board of Equalization. We believe this can be absorbed with very little additional help or equipment, possibly none.

For Support of Retail Sales Tax Division
State Board of Equalization

Item 112 Budget Bill, pages 320-323, inclusive, of the Budget, appropriation from the General Fund $6,626,112; increase of $1,445,562 or 27.9 per cent over the estimated expenditure of $5,180,549 for the 1943-45 Biennium.

Recommendation: Reduce Item 112 by $347,450 or 5.2 per cent to $6,278,662.

1. *Statistical Summary*

The proposed increase of $1,445,562 or 27.9 per cent for 1945-47 over the estimated expenditure for 1943-45 is distributed, by object of expenditure, as follows:

	Estimated 1943-45	Budget 1945-47	Change 1945-47 over 1943-45 Amount	Per cent	Per cent of total increase
Salaries and Wages					
Positions now authorized	$5,282,104	$6,010,280	$728,176	13.7	50.3
Estimated salary savings	—521,484	—522,462	—981	---	---
1945-47 normal salary adjustments	---	155,391	155,391	---	10.7
Proposed new positions	---	421,620	421,620	---	29.1
Totals, salaries and wages	$4,760,620	$6,064,829	$1,304,209	27.4	90.2
Operating expenses	398,998	506,722	107,724	26.9	7.4
Equipment	20,930	54,561	33,631	160.6	2.3
Totals	$5,180,549	$6,626,112	$1,445,563	27.9	99.9

Operating expenses, up about $107,000 or 27 per cent, account for 7 per cent of the total increase of approximately $1,445,000; while equipment expenditures account for slightly more than 2 per cent of the total increase. *Over 90 per cent or about $1, 300,000 of the total increase, is for salaries and wages.*

This scheduled expansion is particularly significant in view of the fact that revenue receipts are estimated to decline materially (13 per cent) for the biennium.

II. *Findings and Recommendations*

1. *Summary of Recommendations*

In addition to application of the previously mentioned general savings items of allowance for unfilled positions, and general reductions for printing, automobile, and travel expense, we recommend a specific reduction of $347,450 or 5.2 per cent in Item 112 of the Appropriation Bill, which

will reduce this amount to $6,278,662. The recommendations below give further information:

2. *Salaries and Wages*

The budgeted amount for salaries and wages for 1945-47 is up by $1,304,209 or 27.4 per cent as follows:

	Increase amount
Positions now authorized	$728,176
Estimated salary savings	—981
1945-47 normal salary adjustments	155,394
Proposed new positions	421,620
Total increase	$1,304,209

The $728,176 item above represents the estimated amount to be expended as a result of filling authorized positions that are, or have been, vacant.

The subitem of $421,620 above for proposed new positions is divided up as follows:

	Amounts
60 new positions, first fiscal year	$126,240
114 (cumulative total) new positions, second fiscal year	270,360
Subtotal new positions, excluding reclassifications	396,600
Reclassifications	25,020
Total increase	$421,620

The proposed 114 additional positions would bring the total number of authorized personnel positions up to 1,274 as compared with 1,125 for the prewar Fiscal Year of 1937-1938. Of these 114, 74 are for the auditing department, of which 25 are for the first year and an additional 49 for the second year.

We recommend that a reduction of $297,450 be made for salaries and wages, which represents three quarters of the amount budgeted for new positions (excluding reclassifications). This reduction would still permit an increase of $1,006,759 or 21.1 per cent in the amount budgeted for salaries and wages for 1945-47 over the estimated expenditure for 1943-45. It would permit the full budgeted increases for positions currently approved, normal salary adjustments, and reclassifications, as well as one quarter of the salary expense of the proposed new positions (excluding reclassifications).

Under our recommendation, the Board of Equalization would decide which of the additional positions proposed by the Budget it would fill from the money available.

With a tightening up in administrative practices, the resulting increase for salaries and wages so permitted would be sufficient to care for the division's needs. One important element in such improved administrative practices would be to so organize the auditing work as to secure a properly regulated flow of audits for the particular types of businesses needing more careful audits and for close supervisory scrutiny of the time consumed by auditors in processing the audits assigned to them.

3. *Operating Expenses*

Budgeted operating expenses for 1943-47 aggregate $506,722, which represents an increase of $107,724 or 26.9 per cent over the estimated expenditure for 1943-1945.

Almost 80 per cent of this increase in operating expenses of over $107,000 occurs in the four operating expense items of tabulating equipment rental, printing, traveling, and automobile expense as follows:

	Estimated 1943-45	Proposed 1945-47	Increase Amount	Increase Per cent	Per cent of total increase for all items
Tabulating equipment rental	$16,875	$27,662	$10,737	63.6	10.0
Printing	53,695	63,095	9,400	17.5	8.7
Traveling	133,550	185,110	51,560	38.6	47.8
Automobile	55,040	63,314	8,274	15.0	7.7
Subtotal four above items	$259,160	$339,181	$79,971	30.8	74.2
Total, all operating expense items	$398,998	$506,722	$107,724	26.9	100.0

The amount budgeted for operating expenses, $506,722 is excessive with the increases for the four items of tabulating equipment rental, printing, traveling and automobile expense being particularly out of line.

We recommend a reduction of $50,000, or approximately 10 per cent, in the total budgeted amount of $506,722 for operating expenses, with the Board of Equalization being left free to apply this reduction among the different operating expense items. This reduction of $50,000 would still allow an increase of $57,724 or 14.4 per cent over the estimated expenditure for 1943-45 and will be sufficient for the board's needs.

4. *Equipment*

Proposed expenditure for equipment during the 1945-47 Biennium is $54,561, an increase of $33,631 or 160.7 per cent. While the increase is relatively large, we believe it justified due to the inability to replace old equipment and to purchase necessary new equipment within the past several years because of wartime conditions.

It is also recommended that the overall general savings be applied to this agency, and the recommended savings in printing and automobiles be secured. Also the salary savings plan should be followed to save from funds for salary and wages when not used. We feel sure that additional savings of large amounts will be saved through this process.

Alcoholic Beverage Control Division
State Board of Equalization

Item 113 in Budget Bill, pages 324 to 327 of the Budget. Appropriation from General Fund $2,796,301, an increase of $314,535 or 12.6 per cent over the estimated expenditure of $2,481,766 for the 1943-45 Biennium.

Our recommendation: Reduce Item 113 by $265,000 or $2,531,301.

1. *Statistical Summary*

The proposed increase of $314,535 or 12.6 per cent for 1945-47 over the estimated expenditure for 1943-45 is as follows, by object of expenditure:

ALCOHOLIC BEVERAGE CONTROL DIVISION
EXPENDITURE FOR SUPPORT BY OBJECT

Object	Estimated 1943-45 Biennium	Proposed 1945-47 Biennium	Increase Amount	Increase Per cent
Salaries and wages				
Positions now authorized	$2,138,143	$2,318,244	$180,101	8.4
Estimated salary savings	-126,720	-135,349	-8,629	7.1
1945-47 normal salary adjustments		51,670	51,670	
Proposed new positions		22,895	22,895	
Totals, salaries and wages	$2,011,423	$2,257,460	$246,037	12.2
Operating expense	464,475	499,957	35,482	7.6
Equipment	5,868	38,884	33,016	562.4
	$2,481,766	$2,796,301	$314,535	12.6

Operating expenditures are up by $35,482 or 7.6 per cent while equipment expenditures are expanding by $33,016. Salaries and wages, up by $246,037, or 12.2 per cent, account for over 78 per cent of the increase.

II. *Findings and Recommendations*

Summary of Recommendations: While we can report that there has been some improvement in the administration and operation of the Alcoholic Beverage Control Division since our report of two years ago to the Legislature, there still remains considerable ground for further improvement. We believe that very substantial gains in liquor control activities could be secured from divorcing the administration of the liquor control laws from tax administration work. We again call attention to the recommendation of the Senate Interim Committee on the Board of Equalization to the effect that the State Board of Equalization should *not* administer both liquor control laws and tax laws. One unfortunate effect of the present arrangement is to cause the members of the Board of Equalization to spend most of their time on liquor control matters at the expense of the tax matters for which the board was originally created. In fact, the situation now has reached the point where the liquor control tail of the Board of Equalization is wagging the tax dog.

In any event, whether or not the Alcoholic Tax Division remains with the Board of Equalization, its Budget warrants reduction. This Budget calls for an increase of $314,535 or 12.6 per cent for the 1945-47 Biennium from the already inflated expenditure bast of $2,481,766.

In addition to the general overall reductions previousy mentioned for salary savings through failure to fill positions and the general reductions for printing, automobiles and traveling expenses, we recommend a reduction for Item 113 of $265,000 to $2,531,301. This amount approximately represents the sum of the listed salary expense for the vacant positions (excluding those formerly occupied by persons on military leave) plus the budgeted salary expense for the six new positions proposed by the Budget. This reduction is very moderate and is both possible and highly desirable because of past over-budgeting of positions. This recommendation would still leave a margin of expansion to meet additional demands in the event they develop through the filling of the large number of

current vacancies on the staffs of the offices of the districts. In the interest of administrative flexibility, we further recommend that the Alcoholic Beverage Control Division be authorized to apply this reduction to whatever parts of its organization it deems most suitable.

Motor Vehicle Fuel Tax Division
State Board of Equalization

Item 114 of the Budget Bill, pages 330 to 333 of the Budget—a Special Fund Agency. Appropriation from Motor Vehicle Fuel Fund $396,330, an increase of $68,474 or 20.9 per cent over the estimated expenditures of $327,856 for the 1943-45 Biennium.

The proposed increase of $68,474 or 20.9 per cent for 1945-47, by object of expenditure, is as follows:

Object	Expenditures Estimated 1943-45	Proposed 1945-47	Increase Amount	Per cent
Salaries and wages				
Positions now authorized	$248,926	$273,880	$24,954	10.0
Estimated salary savings	—3,000	—3,000	------	----
1945-47 normal salary adjustments	------	5,015	5,015	----
Proposed new positions	------	26,400	26,400	----
Total, salaries and wages	$245,926	$302,295	$56,369	22.9
Operating expense	81,398	88,396	6,998	8.6
Equipment	532	5,639	5,107	960.0
Total	$327,856	$396,330	$68,474	20.9

This increase is definitely out of line with prior budgets and the current and anticipated work load of this Motor Vehicle Fuel Tax Division. We believe that unless new and substantial duties are bestowed on this division, it can operate effectively without the six new positions proposed by the Budget. *Accordingly, we recommend a reduction of $24,900, or to $371,430, in Item 114 to cover the salaries of these positions.* This reduction can be achieved through greater use of the practice of transferring employees among divisions of the Board of Equalization.

If our previous recommendation, given in the section on the Controller's Office, to transfer the Motor Vehicle Fuel Tax Refund Division from the State Controller's Office to the Board of Equalization, is approved then Item 114 should be increased by $84,800 to $481,130, to finance the additional work involved. This increase of $84,800 represents 60 per cent of the amount currently budgeted for the Motor Vehicle Fuel Tax Division of the Controller's Office less $24,900 for the salaries of the six new positions for the Motor Vehicle Fuel Tax Division that can be dispensed with under the present form of administrative organization.

Fiscal Affairs—Department of Finance

Item 115, for support of Department of Finance, exclusive of Buildings and Grounds, pages 334-341, inclusive, of the Budget, appropriation from the General Fund, $1,487,590; increase of $309,120, or 26.23 per cent over estimated expenditure of $1,178,470 for the 1943-1945 Biennium; and of $302,847 or 25.56 per cent over the $1,184,743 appropriated by Item 85 of Assembly Bill No. 1600 of the last regular session for the 1943-45 Biennium.

This Department of Finance is the financial management and control agency of the State and the most important arm of the Chief Executive in carrying into effect his fiscal policies. In this respect the proper and effective functioning of the department particularly in budgetary control, purchasing and auditing, is of primary importance to the economy of State Government.

Its functions should not be hampered but ineffective spending should be eliminated and more efficient action substituted.

We have already pointed out in several places of our report where better budgeting can be secured and better control methods devised. We present here the following overall recommendations to review desirable procedure in improving financial control.

1. The office of State General Auditor should be established independent of the Executive to make all post audits and the Department of Finance transfer this activity over to this officer, and there should be turned over to the Department of Finance the function of a full preaudit as an integral part of its responsibility for budgetary control. The preaudit work of the Controller to determine legality of expenditures should be maintained but should be coordinated with the preaudit work of the Department of Finance so as to reduce duplication to the minimum.

2. The responsibility for establishing and maintaining a uniform accounting system should be given to the Auditor General, but should be coordinated to the preaudit needs of the Department of Finance and the Controller so as to satisfy the three offices.

3. Purchasing procedure and control should be reviewed, modernized, and coordinated with the preaudit activity so that purchases mesh with equipment and supplies in hand, budgeted amounts for supplies and equipment, and actual needs for the period to be covered. Such purchasing procedure should take into account surpluses in other Departments of the State, including surpluses being liquidated, as well as the production facilities for State use of all State institutions and agencies. Preaudit on purchases should include a positive record of what was bought and what was delivered.

4. A full and effective property record and audit should be made and kept abreast of the State's property acquisition so as to tie together accounting for property held, property purchased, property consumed or disposed of, and property on hand as well as for use in connection with post audits.

Full accountability for all property should be established and maintained. This applies to both real and personal property and to every agency of the State, including the State Guard, and includes property on loan from the Federal Government and other agencies.

While there has been large improvement in the procedure of the department, better budgeting should be secured by:

(a) Improving the Budget Document.
(b) Developing unit costs for services and functions.
(c) Determining actual need rather than primarily comparing with prior expenditures.
(d) Giving full explanation to all items that appear out of line.

(e) Tying appropriations to the Budget closer through the appropriation act.

(f) Improve the Budget and control thereof for the Department of Public Works, The University of California, the Department of Natural Resources, particularly, Fish and Game, as well as numerous socalled self supporting agencies.

(g) Better control of personnel and coordination of personnel records and procedure between the Department of Finance, Personnel Board, Controller and several departments concerned. The purpose of this would be to eliminate unnecessary records and red tape to make it easier to hire, discharge for cause, lay off, etc., and pay personnel. This requires a high degree of cooperation and leadership.

(h) Coordinate property records with Budget procedures.

6. Extraneous activities should be reduced to the minimum with time and effort being concentrated on the vital work of the Department.

7. The Division of State Lands should be an integral part of the Department of Finance, and the State Lands Commission should be abolished as unnecessary and as an added expense and time consumer of the Director of Finance.

8. Management of the Napa State Farm should be transferred to some other agency, or the agricultural part sold, or the Department of Finance should have an agricultural production specialist to coordinate agricultural production at all State agencies and see that the Napa State Farm is operated in the general plan.

Many of these recommendations can be forwarded under the proposed Budget.

This Budget shows an increase of $309,120 or 26.23 per cent, while the total Budget increase is 16.4 per cent. The increase is somewhat more than this for the costs of the Board of Control have been taken out of this Budget, but were in the current Budget.

A comparative analysis of expenditures for support by administrative activity is set forth in Table I following:

TABLE I

FISCAL AFFAIRS—DEPARTMENT OF FINANCE

Expenditures—General Fund	Actual and estimated, 1943-45	Estimated and proposed, 1945-47	Increase or decrease from, 1943-45	Per cent change 1945-47 over 1943-45
Support, general activities:				
Departmental administration	$161,325 89	$187,750 00	+ $26,424 11	+ 16.37
Accounts and disbursements	90,984 93	107,620 00	+ 16,635 07	+ 18.28
Division of budgets and accounts	199,864 56	249,070 00	+ 49,205 44	+ 24.61
Division of audits	344,632 01	529,655 00	+ 185,022 99	+ 53.68
Division of State Planning	887 59	----------	— 887 59	-----
Division of service and supply:				
Divisional administration	19,183 08	34,950 00	+ 15,766 92	+ 82.19
Bureau of purchases	314,399 84	368,885 00	+ 54,485 16	+ 17.33
Bureau of liquidation	62,192 31	59,660 00	— 2,532 31	— 4.07
Totals, general activities	$1,193,470 21	$1,537,590 00	+$344,119 79	+ 28.83
Less amounts appropriated from Fair and Exposition Fund	15,000 00	50,000 00	+ 35,000 00	+233.00
Net totals, general activities	$1,178,470 21	$1,487,590 00	+$309,119 79	+ 26.23

Principal Causes of Increases

The principal reasons for the increases in the Budget are for salaries, operations and equipment.

Salaries went up from $1,121,692 in 1943-45 to $1,425,975 for 1945-47, an increase of $304,283 or 27.12 per cent.

Operating expense increased $17,911 from $140,749 for the current biennium 1943-45 to $158,660 for 1945-47 or 12.72 per cent.

Equipment increased from $7,726 to $12,145 up $4,419 or 57.19 per cent.

Reimbursements for auditing decreased by $17,507 or 22.82 per cent, making the net increase that much greater.

TABLE II

ANALYSIS OF EXPENDITURES BY OBJECT

Expenditures—support	Budget page	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	335	$1,121,692	$1,425,975	$304,283	+27.12
Operating expense	335	140,749	158,660	17,911	+12.72
Equipment		7,726	12,145	4,419	+57.19
		$1,270,167	$1,596,780	$326,613	+25.71
Less					
Miscellaneous reimbursements	335	— 76,697	— 59,190	+ 17,507	—22.82
Net totals, support		$1,193,470	$1,537,590	$344,120	+28.83

Continuing present positions through 1945-47 shows an increase in salaries of $147,000. New positions call for $122,470 and normal salary adjustments add $30,000 more.

The item of new positions is the largest amount and requires some explanation. Actual positions for 1943-44 totaled 199 and 223 for 1944-45. For 1945-46 the two board of control positions and a planner—or three positions—are transferred and one is eliminated and 19 new positions are added, making a net addition of 15. For the 1946-47 Fiscal Year, 19 new positions are continued and nine more are added.

New Positions: Of the proposed new positions, three military leave positions are provided for in the first fiscal year at a cost of $8,940. The cumulative total for military leave positions in the second fiscal year is five, at a cost of $16,440, or a total cost for the biennium of $25,380.

Number of new positions requested		*Cost*	
19	First fiscal year	$46,370	
Cumulative total 28	Second fiscal year	73,670	
	Total 1945-1947	$120,040	
	Less: Five military leave	— 25,380	
	Net actual new positions	$94,660	or 31.10 per cent of the total salary increase goes for new positions.

One entirely new service is provided: An Agricultural Adviser. We presume he will advise in relation to the production of all State agencies and institutions. If this is done effectively it will be a good investment. Two administrative analysts positions are proposed for 1946; if they function properly they will be a good investment.

Two senior buyers are proposed with one to be added each year. We recommend that one be eliminated for 1946-47 at a saving of $3,780; also that there be eliminated the three proposed positions of three typist clerks for 1946-1947 in Purchases at a saving of $4,500, as these positions all depend on the postwar construction program. We have already recommended that this be held until the war ends.

The remainder of the new positions are for accountants and clerks and appear necessary.

We recommend only the elimination of the four positions mentioned above with an aggregate salary saving of $8,280 resulting.

Operating expense shows some items out of line and undoubtedly savings will be made. We feel sure the department will apply to itself the same rules of saving which it applies to other State departments.

The proposed equipment expenditure is not out of line. The largest item for $5,395 (page 340 of Budget for the Bureau of Purchases) is for a new automobile, 16 typewriters and furniture.

We recommend that Item 115 of the Budget be reduced by only $8,280.

The same overall savings should be applied to the Department of Finance as to other General Fund Departments of the State to produce a saving of $10,000,000. The salary savings plan for all unfilled and new positions should be applied to this department.

Department of Finance—For Support of
Bureau of Buildings and Grounds, Division of Services and Supply

Item 116 Budget Bill, pages 342-350, inclusive, of the Budget, appropriation from the General Fund $1,780,733; increase of $83,779 or 4.9 per cent over estimated expenditure of $1,696,954 for the 1943-45 Biennium; and of $71,481 or 4.2 per cent over the $1,709,252 appropriated by Item 85.5 of Assembly Bill No. 1600 of the last regular session for the 1943-1945 Biennium.

A breakdown of expense by broad classification follows:

TABLE I

Expenditures for:	1943-45	1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Administration	$43,602	$59,293	$15,691	35.98
Sacramento State Buildings and Grounds	833,236	944,481	111,245	13.35
San Francisco State Buildings	184,639	220,545	35,906	19.44
Los Angeles State Buildings	283,647	310,080	26,433	9.31
Rented offices	351,830	246,334	—105,496	—29.98
	$1,696,954	$1,780,733	$83,779	4.93

SERVICE REVOLVING FUND ANALYSIS

Causes of Increase

1. *Salaries*—Up from $1,663,958 in the 1943 Biennium to $1,781,282 in the 1945-47 Biennium an increase of $120,525 or 7.24 per cent.

New Positions—Nine, for both years of the Biennium, at a total cost of	$48,920
Normal salary adjustments (1945-47)	32,294
	$81,214

Balance between new positions, normal salary adjustments and proposed increase in salaries is $39,310 which amount represents existing but unfilled positions in 1943-45 expected to be filled in 1945-47.

2. *Capital Outlay:* Note that the recapitulation of this item on page 334 of the Budget shows:

	1943-45	1945-47	Increase or decrease Amount	Per cent
Acquisition of real property	$190,000	$384,460	+ $194,460	102.34
Construction of dam and water distribution system to supply State institutions in Napa County	1,370,669	--------	— 1,370,669	—100
	$1,560,670	$384,460	—$1,176,210	— 75.36

This statement is misleading. It will be impossible to construct and complete the above proposed dam before June 31, 1945, and consequently this expenditure is properly chargeable to the ensuing Biennium.

A true statement of the facts follows:

	1943-45	1945-47	Increase or decrease Amount	Per cent
Acquisition of property	$190,000	$384,460	+ $194,460	102.34
Construction of dam and water distribution system to supply State institution at Napa	---------	1,370,670	+ 1,370,670	new
	$190,000	$1,755,130	$1,565,130	+ 8.237

Decreases

Operating Expenses—Down from $1,095,345 in 1943-45 to $1,004,327, a decrease of $91,018 or —8.3 per cent.

Equipment—Down from $4,469 in 1943-45 to $3,200 in 1945-47 a decrease of $1,269 or 28.39 per cent.

The Bureau of Buildings and Grounds of the Department of Finance, under Sections 689 and 689.5 of the Political Code, must make all expenditures from the Service Revolving Fund. This fund is made up from collections from the Special Funds and after the cost of all service is paid, the remainder is made up from the General Fund.

For these reasons the increase or decrease of Item 116 does not mean much in itself insofar as measuring the cost or effectiveness of the Bureau.

The percentage increase of 4.9 per cent looks very favorable. The total expenditure shown on page 344 of the Budget is more pertinent.

This shows an expenditure of $2,763,771 for 1943-45 and $2,788,809 for 1945-1947, or an increase of $45,038 or 1.63 per cent. The details are presented on pages 344 to 350 of the Budget Bill. This looks very favorable but it illustrates the fallacy of budgeting merely by considering the expenditures of prior years.

Reference to page 350 will show that no material increase came in the Fiscal Year 1944-45 which is $1,438,653 as compared with $1,385,602 or an increase of $53,051. Yet it may be that the base expenditures are already too high and the division overstaffed.

In this case a complete operation study will be required to make an intelligent recommendation. We, therefore, suggest merely the overall percentage saving be applied as previously explained, and the other scheduled savings for printing and automobiles, and the salary savings plan, but no specific reductions pending completion of an operations survey.

Item 117 of the Budget Bill, page 334 and page 342 of the Budget. An appropriation from the General Fund of $125,000 for alterations, repairs and equipment of the State Capitol and State Office buildings.

This is the customary appropriation made to the Department of Finance for this purpose. The actual amount expended and estimated for the current fiscal year is $76,380. The appropriation requested therefore is $48,620 increase or an increase of 63.65 per cent. We believe that this sum will be sufficient for the purpose and that there should be a remaining balance at the end of the biennium. We see no advantage of recommending a reduction of this item. During the current biennium an emergency repair item amounting to $69,932 was expended. This is not repeated for the coming biennium.

Item 118 of the Budget Bill and pages 334 and 342 of the Budget. This provides for an appropriation to the Department of Finance of $70,000 from the General Fund for the payment of automobile liability insurance premiums, expense of investigation and payments of claims. There was expended for the current biennium $66,216 for this purpose, so the increase is only $3,784. This item is not out of line and is a necessary expenditure.

Item 119 of the Budget Bill, pages 334 and 342 of the Budget. Appropriates $2,000 from the General Fund for the Department of Finance for official advertising. The expenditure for the current biennium is $1,295.11. This is an increase of $704.89. The item is necessary and is not out of line.

Item 120 of the Budget Bill, pages 334 and 342 of the Budget. Appropriates $9,000 from the General Fund for the Department of Finance for premiums on official bonds required by law for officers and employees for salaries paid from the General Fund, and also bonds required by Section 28 of the Unemployment Insurance Act.

The amount required for the current biennium is $6,732.23. This is an increase of $2,267.77. The increase may be necessary to take care of additional bonds or any fluctuation in costs. It is not out of line and the expenditure is required by law.

Item 121, of the Budget Bill, pages 334 and 342 of the Budget, appropriates $150 from the General Fund for reclamation assessments on State-owned property to be paid by the Department of Finance. There was required for this purpose for the current biennium $547.80. This is a decrease of $397.80, made possible by the sale of State-owned land subject to reclamation. This sale places this property on the local tax roll and it is hoped that the remaining State-owned land which is not needed for State Government purposes will likewise be disposed of and eliminate this necessary land assessment.

Item 122 of the Budget Bill, pages 334 and 342 of the Budget, appropriates $5,000 from the General Fund to the Department of Finance for making tax license and fee refunds paid erroneously into the General Fund and where no other provision is provided by law and requiring the approval of the State Board of Control. The sum of $1,297.96 was required for the current biennium. The request is an increase of $3,702. It is not out of line for the amount of such refunds required cannot be accurately estimated. Any balance remaining will revert to the General Fund.

Item 123 of the Budget Bill, pages 334 and 342 of the Budget—an appropriation of $1,500 from the General Fund to the Department of Finance for painting the portrait of the two former Governors whose portraits are not yet in the possession of the State. This is the customary

amount appropriated for this purpose and was not made in the Biennium 1943-45.

Item 124 of the Budget Bill, page 343 of the Budget, appropriates $275,000 from the General Fund to the Department of Finance for the purchase of real property in San Francisco. This is for the purchase of the California Building, which the State has had under lease and has occupied for some time. This is the sum estimated to complete this purchase. An analysis was made of this matter by the Legislative Auditor and on the basis of appraisals and the saving in rent, it appears to be a good investment.

Item 125 of the Budget Bill, page 343 of the Budget, appropriates $109,460 to the Department of Finance for the purchase of the warehouse in Sacramento which the State has had under a rent lease purchase agreement for some time. This is the balance that is necessary to secure full title.

Rector Canyon Dam Construction

We have already called attention to the fact that there is another item of capital outlay chargeable to the Department of Finance which is set up as an expenditure for the 1943-45 Biennium and is entered as actually expended. Reference to pages 334 and 343 of the Budget will show this item set up as a charge for the Biennium 1943-45 in the sum of $1,370,669.85. This is taken as a decrease of the same amount in the proposed Budget for 1945-47 which, of course, will not occur between now and June 30, 1945. This is for the construction, improvement and equipment of a water works in Napa County to consist of the Rector Canyon Dam and a water distribution to supply State institutions in Napa County. The appropriation and authorization was made by Chapter 1208, Statutes of 1941. No reappropriation is required.

Item 126 of the Budget Bill, page 334 of the Budget, provides for the appropriation of $50,000 from the Fairs and Expositions Fund, as allocated by Section 19626 of the Business and Professions Code for the support of the Division of Audits of the Department of Finance. This is a special fund item. This appropriation is a lump sum item to pay for the auditing of local county and district fairs: $15,000 was spent during the 1943-45 Biennium for this same purpose, so this is an increase of $35,000. However, certain other adjustments and charges for auditing will be eliminated and only so much as is necessary will be spent for this purpose.

Item 127 of the Budget Bill, pages 334 and 353 of the Budget. This provides for the appropriation of $42,105 from the Fairs and Expositions Fund, as allocated by Section 19626 of the Business and Professions Code, to the Department of Finance for the support of the Division of Fairs and Expositions. This is a special fund operation. Details are found on page 353. The expenditure for this purpose for the current biennium was $26,912. This is an increase of $15,193, or 56.45 per cent. This division operated during the Fiscal Year 1943-44 with three employees. For the current fiscal year they have four employees and they expect to continue with that number through the biennium. The salaries have been increased from $24,000 to $33,000, making up the major part of the increase.

It is expected that only a few district and county fairs will be held during the Biennium 1945-47, and that no State Fair will be held during

the first fiscal year of the biennium and probably not until the second fiscal year of the biennium, if at all. It is necessary, however, to carry on certain administrative work to take care of property and to keep proper accounts insofar as they are necessary. It is possible that not as much activity will occur as is contemplated. Some savings can be made but not to any great extent in this Budget.

Item 128 of the Budget Bill, page 354 of the Budget. This provides for the appropriation of $168,320 from the State Agricultural Society Contingent Fund to the Department of Finance, Division of Exhibits, for the support of the State Agricultural Society. This is a special fund activity. This is for the operation of the organization that puts on the State Fair. It is not contemplated that a State Fair will be held the first fiscal year of the biennium and it is only problematical that the fair will be held during the second year. The appropriation is an increase of $25,710 over the actual estimated expenditure for the current biennium. The principal increases are in administration, $4,921; and operations, $20,614. Salaries and wages require the largest single increase. $36,500 is for eight new positions. These positions are: One intermediate stenographer-clerk, one carpenter, one electrician, and five laborers. The other increases are due primarily to operating expense, which increases with the number of employees.

It does not appear that this budget is particularly out of line. A large plant at the State Fair Grounds has to be maintained. If it is allowed to deteriorate, it will cost more to put it in shape later. We feel that the Department of Finance will exercise control over these State Fair expenditures.

We recommend that the overall savings in the Budget previously proposed to produce a $10,000,000 saving be applied to this activity.

It is also recommended that the money for vacant positions and new positions be set aside in a special salary saving fund as has been previously recommended.

Item 129 of the Budget Bill, pages 354 and 357 of the Budget, provides for an appropriation of $150,000 to the Department of Finance from the Fairs and Expositions Fund allocated by Section 19626 of the Business and Professional Code for the purchase of real property. This is a special fund item. This is for the purchase of land at the State Fair Grounds in Sacramento for an area immediately adjacent to the present plant. While this land is desirable and will round out the property, it is not absolutely necessary for the successful operation of a State Fair. The State now has some 35 acres of land to the south of the fenced in area which is used primarily for parking purposes and is not otherwise occupied. It is desirable to have such a parking space, but this area can be used for expansion. The decision whether or not to make this appropriation is purely one of legislative policy. If eventually this land will be required and will be used, it is desirable to purchase it now. If not, it should not be purchased and taken off the local tax roll.

Item 130 of the Budget Bill, pages 358-361, inclusive, of the Budget, appropriates $86,538 from the Sixth District Agricultural Association Fund for the support of the Sixth District Agricultural Association, Division of Exhibits, Department of Finance. This is a special fund activity. The primary activity of the Sixth District Agricultural Association is the operation of the Exposition Building in Exposition Park,

Los Angeles. It also participates in the management of the Los Angeles Memorial Coliseum, which is located on land belonging to the district.

The appropriation of $86,538 is an increase of $41,862 over the estimated and actual expenditures for the current biennium. This increase is caused largely through an increase in salaries and wages by the addition of eight new positions in 1945-46 and one more in 1946-47, making the total number of positions 17 in the last year of the biennium. This requires $36,080. Continuation of present salaries and the increase in operating expense from $2,546 to $8,728 makes up the remaining balance.

The new positions to be added consist of the following:

1 Mechanical model maker
1 Exhibit craftsman
2 Graphic Artists
2 Intermediate clerks
1 Head janitor
1 Janitor
1 Watchman
1 Head janitor

A careful examination of the functioning of this activity and the use made of it by the public demonstrates that these additional positions are necessary if the facility is to be properly used and the valuable exhibits maintained.

We do recommend, however, that the same percentage saving be applied here as is suggested for the General Fund to produce the over-all $10,000,000 savings. We also suggest that the salary savings be set up as previously described.

The revenues for the Sixth District Agricultural Association are derived primarily from the rent of the Coliseum site, as shown on page 361 of the Budget in the sum of $60,000 a year, or $120,000 for the biennium. This is an increase of $59,445 over receipts for the present Biennium, or almost a 100 per cent increase. This, in turn, results in an estimated unbudgeted surplus June 30, 1947, of $168,190.

A further word of explanation is required. At the present time a controversy is going on between the Sixth District Agricultural Association, the city playground commission of Los Angeles city and the county supervisors over the control and management of the Coliseum and the contract which existed for ten years whereby the Sixth District Agricultural Association was paid $30,000 a year in lieu of its right to exercise the privilege of taking certain days for the use of the district. When this contract ended in 1943 it was not renewed and at the present time, pending solution of the matter, all receipts from various games and events held in the Coliseum are being impounded and it may require a lawsuit to straighten the matter out. This matter has been thoroughly investigated by the Legislative Auditor, acting for the Ways and Means Committee of the Assembly; meetings have been held by this committee and testimony taken, and as a result a bill has been introduced into the Legislature providing that the Sixth District Agricultural Association shall have the power to exercise condemnation to protect the State's interest and to secure control and management of the Coliseum. Since this is a public institution operating for the best interests of the public and on a State-wide basis, it is our recommendation that the State's inter-

est should be protected fully by the Sixth District Agricultural Association; and that all of the revenues that can be accrued to the credit of the State through exercising the option to use the Coliseum for a certain number of selected days be exercised; and the directors of the Sixth District Agricultural Association, in our opinion, will be derelict in their duty if they do not select these days to the best financial advantage of the State. They will furthermore be negligent of their duty if they do not protect the interests of the State in the properties of the State under their control in Exposition Park, including all interests that may exist in the Coliseum in the site on which it is located and the reversion rights in their full value.

Item 131 of the Budget Bill, pages 363 to 367, inclusive, of the Budget, appropriates $301,811 for the support of the Division of State Lands, and the State Land Commission of the Department of Finance, payable from the State Lands Act Fund. This is a special fund activity. This appropriation is an increase of $89,407 or 42 per cent over the actual and estimated expenditure for 1943-45.

Item 132 is an appropriation of $35,000 to the Division of State Lands from the State Land Act Fund for the installation of a public lands record system. This is an increase of $25,001 or 250 per cent above the expenditures of the current biennium. This is divided into two principal expenditures: $20,000 for the record system, and $15,000 for a proprietary lands survey. Both of these are special items and are proposed for the purpose of increasing the efficiency and effectiveness of the division and so as to better determine the values of lands.

The principal increase in the support expenditures is from the following: To continue the five new positions created in 1944-45 through the current biennium and to add six new positions for the biennium 1945-46. These six new positions are a Junior Engineering Aid, a Senior Civil Engineer, a Senior Stenographer Clerk, an Intermediate Account Clerk, a District Petroleum Engineer and a Junior Geological Draftsman. There is also a material increase in equipment of approximately $5,000 or a 100 per cent increase. $3,900 of this is for the purchase of automobiles in the administration and the same amount in the oil land control.

If the same degree of activity continues as now exists in the sale and leasing of State land and the exploration for oil on State lands, the staff requested will probably be necessary. If this activity should decline, it is quite possible to reduce the staff. The revenues are estimated to continue at the 1944-45 rate, which indicates the Budget was made on the basis that revenues are holding up.

We recommend that the overall saving suggested from the General Fund to produce the $10,000,000 saving there be applied to this fund in the same percentage. We also recommend that the schedule of savings for automobiles be applied to this division. It is further recommended that the salary savings plan be fully applied to this division and that the moneys for vacant positions and new positions be segregated and the amounts not needed be saved.

It is also recommended that the State Lands Commission be abolished and that the State Division of Lands be returned and made an integral part of the Department of Finance as one of its regular divisions. This is primarily the operating real estate division of the State in the way of

management. It is a fiscal function and belongs in the Department of Finance and under a division chief. Its administration now is not coordinated properly with the Department of Finance.. The administrative control is not meshed. Yet the Director of Finance is required to act in a dual capacity, particularly in relation to the approval of leases. He first puts on his hat as a member of the State Lands Commission, and then as Director of Finance he reviews the work of the commission and the recommendations made with regard to leases and either approves or disapproves of such leases. We see no particular advantage in the operation of the Lands Commission, and we do see an added expense. While we recognize the diligence of the present management and commend them for that diligence, it is no argument for the continuation of a separate land commission, nor is the fact that revenues have been increased a material argument, for these increases have come primarily from oil royalties which are derived from the exploitation of natural resources. The commission may have managed them well, but they did not create the values, these result from the war which has brought on an accelerated development and a high price for petroleum products.

We also recommend that the revenues from this source should go into the General Fund as general receipts of the State, as they properly are, and that the Legislature then Budget for those several items that now are allocated from the receipts from this source. The accounts showing the source of the receipts can be kept. The present procedure of fixed appropriations on a percentage basis into other special funds without regard to the needs of these funds and without full and adequate consideration biennially of these matters by the Legislature results in a dislocation in appropriations and in State activities and also results in a more costly accounting procedure than if these receipts went directly into the General Fund with expenditures also coming from the General Fund in conformance with regular established budgetry procedure and under the immediate control of the Legislature.

Napa State Farm

Item 133 of the Budget Bill, pages 368-369 of the Budget. Appropriates $51,833 from the General Fund to the Department of Finance for support of the Napa State Farm.

Previously this facility has been operated out of a revolving fund and it has not appeared in the appropriation bill. Deficits have been made up out of appropriations from the General Fund.

Income will go to the General Fund. This is estimated at $30,000 for the biennium from farm income.

This will show a deficit on this basis of $21,833. Part of this, however, is for equipment, some $14,413, a large part of which (such as a tractor) will last for a number of years.

The farm should be operated to produce a larger return on the heavy overhead.

It is now proposed to operate a dairy and to supply milk to the Veterans' Home. This should produce an income of sufficient size to justify operations. If the farm operation continues to show a loss, it should be abandoned, with only the production of water being developed as a State activity.

Occupational therapy for inmates of the Veterans' Home and Napa State Hospital should be provided when possible for the two twofold purpose of benefiting the State's charges and cutting labor costs.

Franchise Tax Commissioner

Item 134 Budget Bill, pages 371-378 inclusive of the Budget, appropriation from the General Fund, $2,563,824; increase of $412,348 or 19.2 per cent over estimated expenditure of $2,151,475 for the 1943-1945 Biennium.

Recommendation: Approve Item 134 in the amount of $2,563,824 without reduction.

We recommend the application of the overall Budget savings; automobile and printing savings and the salary saving fund procedure.

We also recommend strongly that this office be placed under some competent body for overall control. It is suffering in management and from lack of control from the top under present operations and an unmeasurable excess cost results.

I. Statistical Summary

The increase of $412,348 or 19.2 per cent for 1945-1947 proposed by the Budget over estimated expenditures for 1943-1945 is distributed as follows by object of expenditure:

Object:	Actual and estimated 1943-45	Proposed 1945-47 Biennium	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages:				
Positions now authorized	$1,922,729	$2,168,713	+$245,984	+ 12.8
Estimated salary savings	— 128,284	— 147,545	— 19,260	— 15.0
1945-47 Normal salary adjustment		82,105	+ 82,105	
Proposed new positions		60,990	+ 60,990	
Totals—Salaries and Wages	$1,794,444	$2,164,263	+$369,819	+ 20.6
Operating expenses	341,724	359,628	+ 17,904	+ 5.2
Equipment	15,307	39,933	+ 24,626	+160.9
Totals for biennium for support	$2,151,475	$2,563,824	+$412,348	+ 19.2

The relatively large increase of $245,984 for positions now authorized indicated by the table above results largely from the expectation that the large number of vacant positions will be filled during the coming biennium. As of March 30, there were 67 vacant positions. The $60,990 sum above represents the budgeted amount for 12 new positions and the reclassification of several other job spots.

II. Findings and Recommendations

As previously indicated, we are convinced that the establishment of a central tax collecting and administering agency for the State of California which would amalgamate the several separate tax collecting agencies, including the Franchise Tax Commissioner, would effect considerable improvement and economy in the administration of taxes. This improvement and economy would result from the better control that a central tax collecting department would exercise in overall planning and coordination of the work of the several tax collecting branches; from the transfer of personnel from slack period to peak period tax collecting sectors of the department; and from greater and more effective use of the central auditing, legal, and research staff services.

However, pending the establishment of such a central tax collecting agency, the work of the Franchise Tax Commissioner's Office will require the amount of $2,563,824 provided by Item 134 of the Budget Bill, and we recommend the approval of this item without reduction. Reasons for this recommendation include the following:

1. The volume of work has increased considerably during the biennium. This was because of the much larger number of tax returns and the larger amounts from such returns as a result of expanded wartime incomes.
2. The office has a very heavy backlog of work in checking returns and, in fact, runs the danger of falling afoul of the statute of limitations in connection with a number of unchecked returns.
3. An inadequate amount of money for administration of this agency would result in substantial loss of tax revenue to the State through the resulting failure to adequately audit tax returns.

We further recommend that the request of the Franchise Tax Commissioner in his letter of February 21, 1945, to the Ways and Means Committee *for an addition to the Budget of $14,580 be denied.* This request would cover the Commissioner's estimate of the cost of reclassifying a number of Income Tax Examiner Grade II positions to Grade III. Some of the reclassifications have already been approved by the Personnel Board and approval of others is expected.

While there may be good ground for such reclassification of a limited number of positions, we recommend that no additional allotment be granted over and above the total appearing in the Governor's Budget for the following reasons:

1. The amount requested—$14,580—represents the Franchise Tax Commissioner's estimate of the cost, based in turn on his estimate of the number of positions that will be reclassified. It is probable that the Personnel Board will approve a fewer number of such reclassifications. During the biennium it may also reduce classifications or reduce salary ranges.
2. We believe that the Franchise Commissioner's Office, through the exercise of available economy devices, can find the money from its Budget for such approved reclassifications.

Horse Racing Board

Item 135 of the Budget Bill, pages 379 to 384 inclusive of the Budget. This is a special fund agency.

Appropriates $95,176 out of the Fair and Exposition Fund for support of the California Horse Racing Board.

This is an increase of $45,124.56 over 1943-45 or 90 per cent increase. Practically all of this is proposed for the 1946-47 Fiscal Year or the last year of the biennium. It is caused primarily by adding eight new employees at an annual cost of $23,040. Likewise, operating expense is increased by $17,000.

This is due to the estimate that there will be no horse racing in 1944-45 but there will be full racing in 1946-47.

The estimates of revenues are made on this same basis, page 381 Budget.

We believe the appropriation requested will be necessary if horse racing is held as assumed.

Fiscal Affairs—State Treasurer

Item 136 in the Budget Bill, pages 336 and 337 of the Budget.

Appropriation of $192,205 from the General Fund. This is an increase of $8,397.12 or 4.5 per cent. Salary adjustment, fiscal agency fees, and equipment make up the increase. There is no increase for positions.

There is no opportunity to make appreciable savings on a definite basis. We recommend the appropriation as requested.

Department of Industrial Relations

Analysis of Proposed Expenditures for the 1945-47 Biennium

Items 137 to 144, inclusive, of the Budget Bill, and pages 388 to 404 inclusive of the Budget. Amount requested from all funds—$3,821,235. This represents an increase of $631,844 or 19.81 per cent over expenditures of $3,189,391 for the 1943-45 biennium; and an increase of $823,977 or 27.49 per cent over the 1943-45 (AB 1600) appropriation of $2,997,258.

Of the total appropriation requested, proposed General Fund expenditures amount to $3,671,281 or 96.07 per cent. Appropriation from Special Funds (Fire Marshal's Fund) amounts to $149,954 or 3.92 per cent of the total. This latter amount is for additional support of the Division of Fire Safety.

We recommend that the overall percentage savings be applied to this department as recommended to produce $10,000,000 General Fund savings. Also that automobile and printing costs be reduced as per schedule previously presented. Also that the general salary savings plan be applied to all divisions of this department.

The following table summarizes by Division total actual and estimated expenditures for the 1943-45 Biennium compared with total proposed expenditures for the 1945-47 Biennium.

TABLE I

ANALYSIS OF PROPOSED EXPENDITURES BY DIVISION FOR THE 1945-47 BIENNIUM COMPARED WITH THE 1943-45 BIENNIUM

Item No.	Budget page No.	Expenditure for	Actual and estimated expenditures, 1943-45	Proposed expenditure, 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
	389					
137	390	Departmental administration	$99,726	$129,687	+ $29,960	+30.04%
138	391	Support, Division of Apprenticeship Training	64,862	69,655	+ 4,793	+ 7.38%
139	392	Support, Division of Fire Safety (General Fund)	42,603	60,950	+ 18,347	+43.06%
140	393	Additional support, Division Fire Safety (Fire Marshal's Fund)	165,006	149,954	— 15,052	— 9.12%
141	394	Support, Division of Immigration and Housing	217,343	252,674	+ 35,330	+16.25%
142	395	Support, Division of Industrial Accidents	1,831,068	2,247,071	+ 416,003	+22.71%
143	400	Support, Industrial Welfare	192,862	273,340	+ 80,478	+41.72%
144	402	Support, Division of Labor Statistics	575,920	637,904	+ 61,984	+10.76%
		Grand total, expenditures all funds	$3,189,391	$3,821,235	+$631,844	+19.81%
		Grand total, revenues, all funds	$320,953	$329,400	$8,447	+ 2.63%

To facilitate examining appropriations for this department, there is set forth in the following pages a detailed analysis of the respective division's appropriation requests as they appear in the Budget Bill, items 137 to 144 inclusive.

Administration

Item 137, page 12 of the Budget Bill, and pages 389 and 390 of the Budget. Amount requested $129,687. This represents an increase of $29,960 or 30.05 per cent over expenditures of $99,727 for the 1943-1945 Biennium; and an increase of $38,571 or 42.33 per cent over the 1943-45 appropriation (Assembly Bill No. 1600) of $91,116.

Reduction recommended—$24,067.

Increased expenditures for the 1945-1947 Biennium over the 1943-1945 Biennium is comprised largely of increased salary and wage expenses which have risen from $87,144 in the 1943-1945 Biennium to $110,071 in the 1945-1947 Biennium, an increase of 26.30 per cent.

The second largest percentage-wise increase is for equipment. This expenditure in the 1943-1945 Biennium amounted to $706. In the ensuing biennium it is proposed to encrease this item to $3,914 or a 452.40 per cent increase.

Proposed expenditures for the 1945-1947 Biennium compared with actual and estimated expenditures, 1943-1945, by object of expenditure are set forth in Table I below:

TABLE I

DEPARTMENTAL ADMINISTRATION

Expenditures (Gen. Fund) Support:	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$87,144	$110,071	$22,927	+ 26.30
Operating expenses	16,979	20,437	3,458	+ 20.36
Equipment	706	3,900	+ 3,194	+452.40
Total	$104,829	$134,408	$298,579	+ 28.0
Less: Reimbursements from Fire Marshal's Fund for Departmental Administration	5,103	4,721	— 391	
Totals for support	$99,726	$129,687	$29,961	+ 30.05

Of the total of $22,927 for salary increases $13,720 or 59.84 per cent is for four new positions for the first year and two of them carried into the second year.

Table II below shows the proposed new positions and the budgeted salary expense resulting therefrom:

TABLE II

DEPARTMENTAL ADMINISTRATION—SCHEDULE OF PROPOSED NEW POSITIONS, 1945-47 BIENNIUM

Number of positions 1944-45 Total for year	1945-46 Cumulative total for Biennium	Classification	Total amount [1] 1945-46	1946-47
1	1	Senior Account Clerk	$2,100	$2,220
1	1	Intermediate Stenographer-Clerk	1,620	1,740
1	-	Supervisor of Apprentice Labor Agreements	3,420	----
1	-	Intermediate Stenographer-Clerk	1,620	----
		Temporary help	500	500
4	2		$9,260	$4,460
			$13,720	

[1] Wartime bonus included in totals.

RECOMMENDATIONS

DEPARTMENTAL ADMINISTRATION

1. We recommend that the proposed new positions for Senior Account Clerk and Stenographer-Clerk be denied. Under the classification of War Emergency positions, there are already two Intermediate Stenographer-Clerks, one Intermediate Account Clerk and one File Clerk. These positions should be terminated when the war emergency is over and no new classifications of this type should be added during the ensuing biennium. Saving $6,680
2. The Secretariat, Citizens Advisory Committee on Social and Industrial Welfare, is a new function not heretofore presented to the Legislature for approval. We recommend that until the Legislature has an opportunity to review this proposal, that the requested appropriation, therefore, be stricken from the item in the sum of..... $16,387
3. We recommend that traveling expenses in 1945-47 be reduced from the proposed total of $4,000 to $3,000, a reduction of $1,000

Division of Apprentice Training

Item 138, page 12 of the Budget Bill and page 391 of the Budget. Amount requested $69,655. This represents an increase of $4,792, or 7.38 per cent over expenditures of $64,862 for the 1943-45 Biennium; and an increase of $15,793 or 29.32 per cent over the 1943-45 appropriation (AB 1600) of $53,862.

Analysis of expenditures for this division, by object, indicates that proposed expenditures for salaries and wages in the ensuing biennium are scheduled to increase $3,765 or 7.72 per cent; operating expenses are to be expanded from $16,040 in the 1943-45 Biennium to $16,955 in the 1945-47 Biennium, an increase of $915 or 5.70 per cent.

RECOMMENDATIONS

APPRENTICESHIP TRAINING

We recommend that the Division of Apprenticeship Training be abolished and Item 138 in the sum of $69,555 be eliminated.

(a) The peak requirements for apprenticeship training have passed.
(b) Even when the need for skilled labor was at its height, the State-sponsored program failed to attract but a small number of apprentices and only in a haphazard way, and almost entirely in union shops.
(c) With the termination of the war and the return to normal peacetime industrial production, any apprenticeship training program that is necessary can be adequately handled by organized trades and industry itself and the regular educational agencies. This is true also in connection with rehabilitation of veterans through a regular educational training program.
(d) At no time since its inception have benefits derived from the State-sponsored program matched its cost to the California taxpayers.

Division of Fire Safety

Item 139, page 12 of the Budget Bill and page 392 of the Budget. Amount requested from General Fund $60,950. This represents an increase of $18,347 or 43 per cent over expenditures of $42,603 for the 1943-45 biennium; and an increase of $32,285 or 112.62 per cent over the 1943-45 appropriation (AB No. 1600) of $28,665.

Item 140, page 12 of the Budget Bill and page 393 of the Budget. Amount requested from Fire Marshal Fund $149,954. This is a decrease of $15,052 or 9.12 per cent below expenditures of $165,006 for the 1943-45 biennium; and a decrease of $36,854 or 19.72 per cent below the 1943-45 appropriation (AB No. 1600) of $186,808.

We will treat proposed expenditures from both funds on the basis of a single lump sum appropriation (Items 139 and 140 combined, or a total appropriation request of $210,904).

Proposed expenditures for 1945-47 Biennium as compared with actual and estimated expenditures for the 1943-45 biennium by object of expenditure, and fund, follows:

TABLE I

DIVISION OF FIRE SAFETY

Expenditure object	Fund				Total estimated expenditures, both funds	Total property expenditures, both funds	Increase or decrease, 1945-47 over 1943-45	
	General Fund		Fire Marshal's					
	1943-45	1945-47	1943-45	1945-47	1943-45	1945-47	Amount	Per cent
Salaries	$30,120	$44,700	$107,905	$96,262	$138,025	$140,963	+$2,938	+ 2.12%
Operating expenditures	12,423	15,070	56,850	53,241	69,273	68,311	— 962	— 1.38%
Equipment	60	1,180	251	450	311	1,630	+ 1,319	+424.11%
Totals	$42,603	$60,950	$165,006	$149,954	$207,609	$210,904	+$3,295	+ 1.58%

The total expenditure proposed is an increase of $3,295 or 1.58 per cent over the 1943-45 expenditures of $207,609 and a decrease of $4,569 or 2.12 per cent below the 1943-45 combined appropriation (both General and Fire Marshal's Fund—AB No. 1600 of $215,473).

RECOMMENDATIONS

DIVISION OF FIRE SAFETY

While no new positions are requested, war emergency positions are continued in the ensuing biennium at an aggregate cost of $11,480. It is reasonable to expect curtailment of wartime activities in the ensuing biennium, but proposed operating expenses are scheduled to continue at an unabated rate.

In view of the fact that normal peacetime expenditures for this agency approximate $189,000 (using the 1939-41 Biennium as a base period) and anticipating curtailment of wartime activities in the 1945-47 Biennium, we believe that a reduction of $3,000 in the requested appropriation of $210,904 to $207,904 or approximately the amount of the actual and estimated expenditures for the 1943-45 Biennium, is ample to carry on the work of the division and still provide for whatever additional work load may have arisen as the result of increased population and wartime activities.

We recommend that the whole reduction be from the General Fund and that Item 139 be reduced $3,000 to $66,655.

Division of Immigration and Housing

Item 141, page 12 of the Budget Bill and page 394 of the Budget. Amount requested $252,674. This represents an increase of $35,331 or 16.25 per cent over expenditures of $217,343 for the 1943-45 Biennium; and an increase of $68,860 or 37.46 per cent over the 1943-45 appropriation (Assembly Bill No. 1600) of $183,814.

TABLE I

DIVISION OF IMMIGRATION AND HOUSING—ANALYSIS OF EXPENDITURES BY OBJECT

Expenditures Support	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$154,998	$184,875	+$29,877	+19.28
Operating expense	54,498	63,100	+ 8,602	+15.78
Equipment	7,846	4,699	— 3,147	—40.0
Net totals, support	$217,342	$252,674	+$35,332	+16.25

Of the budgeted salary increase of $29,877, only $1,620 or 5.42 per cent is for new positions (temporary help); $4,900 or 16.40 per cent of the total increase is for normal salary adjustments. The balance, $23,377 or 78.24 per cent, is the amount that is expected to be expended for positions in the 1945-47 Biennium which were existing but unfilled in the 1943-45 Biennium.

In connection with operating expense we wish to direct particular attention to the following facts:

(1) Actual traveling expense for the first fiscal year of the 1943-45 Biennium amounted to $12,391.02, a 69 per cent increase over actual expenses of $8,530 for travel for the first fiscal year of the 1941-43 Biennium.

(2) It is proposed that in the second fiscal year of the 1943-45 Biennium traveling expenses will increase to $23,200, an increase of $10,809, almost double the amount expended in the first fiscal year of the biennium. This is only a budget figure and will not be expended.

(3) During the 1945-47 Biennium the division proposes to spend for traveling expense, a total of $38,000, an increase of $2,407 over actual and estimated expenditures for the 1943-45 Biennium.

(4) The second operating expense item which contributes largely to increased operating costs is automobile expense. Actual and estimated expenditures for this item during the 1943-45 Biennium are $12,026. During the 1945-47 Biennium the division proposes to spend $16,600, an increase of $4,574 or 38.03 per cent.

RECOMMENDATIONS

DIVISION OF IMMIGRATION AND HOUSING

The peak of the work load for this Division of Immigration and Housing was reached during the 1943-44 Fiscal Year. This is particularly true in connection with housing, camp, and trailer court inspections. As a result of wartime concentration of population in urban areas, camps and temporary housing facilities expanded rapidly in the 1943-44 Fiscal Year, thus increasing the inspection service work load. This situation, however, can not be expected to prevail in the ensuing biennium, but to the contrary the work of the division should taper off materially.

We therefore recommend that traveling expense for the ensuing biennium be reduced from the proposed $38,000 to $26,000, a reduction of $12,000. Based on the actual expenditure figure of $12,391 for 1943-44, the sum of $26,000 should be more than ample to cover requirements.

We further recommend, and for the same reasons, that automobile expense be reduced from $16,600 as proposed, to $14,000—a reduction of $2,600.

The total reduction recommended for item 141 is $14,600 or to $237,874. This is still an increase of $20,531 or approximately 10 per cent over 1943-45.

Division of Industrial Accident and Safety

Item 142, page 12 of the Budget Bill and pages 395-399, inclusive, of the Budget. Amount requested $2,247,071. This represents an increase of $416,003 or 22.71 per cent over expenditures of $1,831,068 for the 1943-45 Biennium; and an increase of $510,762 or 29.41 per cent over the 1943-45 appropriation (Assembly Bill No. 1600) of $1,736,309.

Of the budgeted increased salary expense of $355,113, the sum of $113,900 or 32.07 per cent is for 17 new positions in the first fiscal year and a cumulative total of 26 new positions in the second fiscal year of the biennium. Normal salary adjustments amount to $48,620 or 13.69 per cent. The remainder, $192,593, is the amount that is expected to be expended for positions during the 1945-47 Biennium, which were not filled during the 1943-45 Biennium.

A tabulation of proposed expenditures 1945-47 compared with 1943-45 by object of expenditure is shown in Table I following.

TABLE I

DIVISION OF INDUSTRIAL ACCIDENT AND SAFETY—ANALYSIS OF EXPENDITURES BY OBJECT

Expenditures—support	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$1,586,529	$1,941,642	+$355,113	+22.38
Operating expense	227,739	283,534	+ 55,795	+24.49
Equipment	16,801	21,895	+ 5,094	+30.31
Net totals, support	$1,831,069	$2,247,071	+$416,002	+22.71

Proposed new positions, showing increased costs therefor, are listed in Table II.

TABLE II

DIVISION OF INDUSTRIAL ACCIDENT AND SAFETY—SCHEDULE OF PROPOSED NEW POSITIONS—1945-47 BIENNIUM

Number of positions 1945-46 Total for year	Number of positions 1946-47 Cumulative total biennium	Classification	[1] Total amount 1945-46	[1] Total amount 1946-47
		I. Administration		
-	1	Associate Counsel		$3,420
-	1	Intermediate Stenographer-Clerk		1,740
		II. Industrial Accident and Prevention		
1	1	Senior Safety Engineer	3,420	3,600
6	6	Assistant Safety Engineers	18,360	19,440
1	1	Senior Stenographer-Clerk	2,100	2,220
		III. Industrial Compilation Bureau		
1	1	Referee	4,080	4,320
1	1	Hearing Reporter	2,460	2,580
1	1	Senior Stenographer-Clerk	2,100	2,220
		IV. Accident and Statistics		
1	1	Junior Clerk	1,260	1,320
2	2	Intermediate Accounting Clerk	3,240	3,480
2	2	Key Punch Operator, Grade 2	3,240	3,480
1	1	Intermediate Stenographer-Clerk	1,620	1,740
		V. Revue of Permanent Disability Ration Schedule		
-	1	Actuary		5,040
-	2	Actuary Statistician		7,920
-	2	Senior Stenographer-Clerk		4,100
-	2	Field Investigator		5,400
17	26		$41,880	$72,020

[1] Wartime bonus included in totals.

The largest single item of operating expense is for travel. During the 1943-45 Biennium actual and estimated expenditures total $98,464. Proposed expenditures for the 1945-47 Biennium amount to $109,500, an increase of $11,036 or 11.20 per cent.

Automobile expense accounts for a substantial portion of total operating costs. In the 1943-45 Biennium expenditures were $61,805; in the ensuing Biennium it is proposed to increase these expenditures by nearly $10,000 to $71,300, or an increase of 15.36 per cent.

A tabulation of these expenses by "administrative" function is set forth in Table III below.

TABLE III

DIVISION OF INDUSTRIAL ACCIDENT AND SAFETY

	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Traveling Expense				
Administration	$5,732	$6,900	+ $1,168	+ 20.30
Accident Prevention Bureau	69,376	76,000	+ 6,624	+ 9.54
Industrial Compensation Bureau	23,356	23,000	— 356	— 1.52
Accident Statistics	----	3,600	+ 3,600	+100.0
Totals	$98,464	$109,500	+$11,036	+ 11.20
Automobile Expense				
Administration	$1,536	$2,300	+ $764	+ 49.73
Accident Prevention Bureau	36,913	44,000	+ 7,087	+ 19.19
Industrial Compensation Bureau	23,356	25,000	+ 1,644	+ 7.03
Totals	$61,805	$71,300	+ $9,495	+ 15.36

RECOMMENDATIONS

DIVISION OF INDUSTRIAL ACCIDENT AND SAFETY

1. The total proposed increase in salary expense is $355,-113 for the ensuing biennium; $192,593 of this, or 54.23 per cent is the amount to be expended for positions in the 1945-47 Biennial Period which were established, but unfilled, in the 1943-45 Biennium.
This sum would seem to be adequate to take care of any additional requirements which may arise in the biennium. Industrial production is tapering off and will probably continue to diminish in the two-year period ahead. This will relieve the division of many of its present wartime responsibilities.
We therefore recommend that the requested appropriation for new positions be reduced from the proposed $192,593 to $38,460. This will still enable the division to improve its statistical setup and possibly some added safety work and in the last fiscal year of the biennium to fill the seven positions required to do work in connection with revising the Permanent Disability Rating Schedule, indicated in Table II above.
This will produce a saving of $154,133
2. It is further recommended that the 85 wartime emergency positions, aggregating an expenditure of $263,-880 for the last year of the biennium, be reduced in the last year of the biennium by 50 per cent to a total of $131,990. This will produce a saving of 129,890
3. Proposed expenditures for telephone and telegraph are high. It is our recommendation that the proposed sum of $11,100 for this purpose be reduced to $9,435, a saving of 1,665
4. In line with the above suggestions it is recommended that the total budget for this division be reduced from the proposed figure of $2,247,071 to $1,961,383, a reduction of 285,688
This still represents an increase of $130,315 or 7.10 per cent over actual and estimated expenditures for the 1943-45 Biennium, which was the maximum requirement and has been falling off since January, 1944.

Division of Industrial Welfare

Item 143, page 12 of the Budget Bill and pages 400 and 401, inclusive, of the Budget. Amount requested, $273,340. This represents an increase of $80,478, or 41.72 per cent over expenditures of $192,862 for the 1943-45 Biennium; and an increase of $113,548 or 71.05 per cent over the 1943-45 appropriation (Assembly Bill No. 1600) of $159,792.

Total proposed expenditures for support for the 1945-47 Biennium are $273,340, an increase of $80,478 or 41.72 per cent over the current biennium. Proposed expenditures for salaries and wages are up 33.94 per cent and operating expenses are up 88.82 per cent. See Table I below for detail.

TABLE I

DIVISION OF INDUSTRIAL WELFARE—ANALYSIS OF EXPENDITURES BY OBJECT

Expenditures—support	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$148,794	$199,308	+$50,514	+33.94
Operating expense	38,843	73,347	+ 34,504	+88.82
Equipment	5,225	685	— 4,540	—86.88
Net totals, support	$192,862	$273,340	+$80,478	+41.72

Thirteen war emergency positions are requested to be continued for the first fiscal year of the biennium and in the second year of the biennium the division asks that seven wartime positions be allowed.

A schedule of these positions and salary expense resulting is set forth in Table II below:

TABLE II

DIVISION OF INDUSTRIAL WELFARE—SCHEDULE OF PROPOSED NEW POSITIONS 1945-47 BIENNIUM

Number of positions 1945-46 Total for year	Number of positions 1946-47 Cumulative total biennium	Classification	[1] Salary range	[2] Total amount 1945-46	[2] Total amount 1946-47
		Proposed War Emergency Positions to be continued			
8	4	Industrial Welfare Agent	$180-220	$20,400	$11,040
3	1	Intermediate Stenographer-Clerk	110-150	4,860	1,740
1	1	Senior Stenographer-Clerk	150-190	2,100	2,220
1	1	Deputy Chief of Division	215-275	2,880	3,060
-	-	Temporary Help		3,330	500
13	7			$33,570	$18,560
		War Emergency Positions in Effect During the 1943-45 Biennium and Scheduled to Continue During the 1945-47 Biennium as Permanent.			
1	1	Senior Payroll Auditor	$150-190	$2,100	$2,100
1	1	Industrial Welfare Agent	180-220	2,700	2,700
2	2	Intermediate Stenographer-Clerk	110-150	3,600	3,600
1	1	Junior Stenographer-Clerk	90-115	1,680	1,680
5	5			$10,080	$10,080

[1] Does not include State employees wartime bonus.
[2] Wartime bonus included in totals.

Reference to page 400 of the Budget shows that during 1944-45 under the category of "*War Emergency Positions*" a total of nine industrial welfare agents were employed. Under this same category for the ensuing biennium only one industrial welfare agent is to be employed. However, under "*Proposed New Positions*" for the ensuing biennium the division requests eight industrial welfare agents for the 1945-46 Fiscal Year, which if granted will bring the strength of this classification to the 1944-45 level. This same situation prevails in connection with intermediate stenographer-clerk. In effect, then, these are *not* new position requests but if granted has the effect of continuing the war emergency positions already set up.

The large increase in operating expense is principally due to increased expenditures for travel—up 71 per cent. Printing is up 41 per cent; automobile expenses are up 13 per cent; and there is a $10,725 allowance for legal advertising. Table III following gives a comparative summary of operating costs 1943-45 vs. 1945-47:

TABLE III

DIVISION OF INDUSTRIAL WELFARE—PROPOSED OPERATING EXPENSES 1945-1947 COMPARED WITH ACTUAL AND ESTIMATED EXPENDITURES 1943-1945

Expenditure for:	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Administration				
Office	$2,374	$2,600	+ $226	+ 9.51
Printing	2,124	3,000	+ 876	+ 41.24
Traveling	15,624	26,800	+ 11,176	+ 71.53
Telephone and telegraph	5,041	5,000	— 41	— .008
Postage	2,850	3,600	+ 750	+ 26.31
Automobile	7,763	6,700	— 1,063	— 13.69
Freight and cartage	276	300	+ 24	+ .008
Rent	2,002	4,982	+ 2,980	+148.85
Sub-total—Administration	$38,054	$52,982	+ $14,928	+ 39.22
Wage Board				
Office	----	$1,110		
Legal advertising	----	10,725		
Printing	$548	3,405		
Traveling	----	1,250		
Telephone and telegraph	----	125		
Postage	165	3,345		
Freight and cartage	76	210		
Rent	----	195		
Total	$38,843	$73,347		

RECOMMENDATIONS

DIVISION OF INDUSTRIAL WELFARE

1. Wartime emergency positions should be curtailed in this biennium. Much of the peak load which existed in the 1943-45 Biennium is now passed. This should be particularly true in the case of the welfare agents who devote the major portion of their time to checking those firms operating under war production permits. In this group are included the eight industrial welfare positions proposed for 1945-46, and the four industrial welfare agents proposed for the 1946-47 Fiscal Year. We recommend that proposed new war emergency positions be denied for the second fiscal year of the biennium, and the strength then be placed at 29 employees.
2. Traveling expenses are excessive and should be reduced. We recommend that this item be cut from a proposed expenditure of $26,800 to $20,100. This still provides an increase of $4,476 over expenditures for this item in the 1943-45 Biennium.
3. In connection with legal advertising, we recommend that only the actual amount used for this purpose shall be allowed. Any balance remaining shall not be diverted to other purposes.

In conformance with the above suggestions, we recommend that the 1945-47 Budget request for Item 143 be reduced from $273,340 to $213,970, a decrease of $59,370. This still permits an increase

of $21,884 over expenditures for 1943-45, or 11.35 per cent when needs are decreasing with the reduction of the number of women and children in employment.

Division of Labor Statistics and Law Enforcement

Item 144, page 12 of the Budget Bill and pages 402-403 inclusive of the Budget. Amount requested $637,904. This represents an increase of $61,984, or 10.76 per cent over expenditures of $575,920 for the 1943-45 Biennium; and an increase of $81,012 or 14.54 per cent over the 1943-45 Appropriation (Assembly Bill No. 1600) of $556,892.

Total proposed expenditures for support for the 1945-47 Biennium are $637,904, an increase of $61,984 or 10.76 per cent over the 1943-45 Biennium. Of this amount, proposed expenditures for salaries and wages come to $526,188, an increase of $53,243 or 11.25 per cent over the 1943-45 expenditure of $472,945. Of the $53,243 increase for salaries and wages, $12,540 or 23.45 per cent is for normal salary adjustments. Four proposed new positions will require an expenditure of $12,960 or 24.34 per cent of the total increase for salaries and wages. The balance, $27,743, is the amount that is expected to be expended for positions during the 1945-47 Biennium which were not filled in the 1943-45 period.

In addition to the analysis of expenditures by object which is given in Table I following, Table II presents a list of the present war emergency positions, and their cost, and a list of proposed new positions for the 1945-47 Biennium and the salary expense resulting therefrom:

TABLE I

DIVISION OF LABOR STATISTICS AND LAW ENFORCEMENT—ANALYSIS OF EXPENDITURES BY OBJECT

Expenditures—support	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$472,945	$526,188	+$53,243	+11.25
Operating expense	91,680	99,800	+ 8,110	+ 8.84
Equipment	11,295	11,916	+ 621	+ .005
Net totals—Support	$575,920	$637,904	+$61,984	+10.76

TABLE II

DIVISION OF LABOR STATISTICS AND LAW ENFORCEMENT—
SCHEDULE OF PROPOSED NEW POSITIONS AND WAR EMERGENCY POSITIONS
1945-47 BIENNIUM

Number of positions 1945-46 Total for year	Number of positions 1946-47 Cumulative total biennium	Classification	[1] Total amount 1945-46	[1] Total amount 1946-47
		War Emergency Positions:		
1	1	Junior Socio-Economic Research Technician	$2,340	$2,340
4	4	Intermediate Stenographer-Clerk	6,960	6,960
2	2	Intermediate Accounting Clerks	3,720	3,720
1	1	Intermediate Typist Clerk	1,980	1,980
2	2	Departmental Labor Commissioner	5,760	5,760
-	-	Temporary Help	500	500
10	10		$21,260	$21,260
			$42,520	
		Proposed New Positions:		
1	1	Intermediate Typist Clerk	$1,500	$1,620
1	1	Intermediate Accounting Clerk	1,620	1,740
1	1	Key Punch Operator, Grade 2	1,620	1,740
1	1	Library Aid	1,500	1,620
4	4		$6,240	$6,720
			$12,960	

[1] Wartime bonus included in totals.

Operating expenses in the ensuing biennium are scheduled to increase from $91,680 to $99,800, an increase of $8,120, or approximately 9 per cent.

In connection with operating expenditure, the principal items contributing to the over-all increase are as follows:

Item:	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Office	$13,281	$14,000	+ $719	+ 5.41%
Printing	8,060	10,000	+ 1,940	+13.57%
Traveling	13,243	13,200	— 43	—
Telephone and telegraph	9,868	10,000	+ 132	+ 1.33%
Postage	9,606	12,000	+ 2,394	+24.92%
Automobile	16,725	15,600	— 1,125	— 6.12%
Rent	20,394	24,000	+ 3,606	+17.68%

RECOMMENDATIONS

DIVISION OF LABOR STATISTICS AND LAW ENFORCEMENT

1. The cost of proposed new positions for the coming biennium as shown in Table II above, is $12,960. As previously pointed out, there is already allowed in salary and wage totals a sum of $27,743 which is expected to be expended for positions during the 1945-47 biennium which were unfilled in the 1943-45 period. This sum should be ample to take care of additional needs in the 1945-47 biennium and we, therefore, recommend that the requested amount for new positions be denied. This will allow a continuance of 96 positions in the first half of the fiscal year of the biennium, and 91 positions in the second fiscal year of the 1945-47 biennium.
2. We recommend that the 10 war emergency positions with a proposed expenditure of $42,520 be reduced by one-half in the second fiscal year of the biennium. This will effect a saving of $11,260 for salaries and wages during the biennium.

3. The requested appropriation for office equipment in the sum of $9,216 for the 1945-47 biennium is excessive. This is particularly true in view of the fact that during the 1943-45 biennium estimated and actual expenditures for this item totaled $4,777.55. In view of anticipated curtailed wartime activities we recommend the proposed expenditure of $9,216 for office equipment for the 1945-47 biennium be reduced to $5,000, a saving of $4,216.
4. With the termination of the war, telephone and telegraph requirements for this division should diminish materially. We recommend that the appropriation for this item be reduced to $9,000—a saving of $1,000.
5. In conformance with the above suggestions, we recommend that Item 144 be reduced from $637,904 to $608,468, a decrease of $29,436 or 4.6 per cent. This still permits an increase of $32,548 or 5.6 per cent over expenditures for 1943-1945.

INSTITUTIONS

Analysis of Budgeted Expenditures, State Department of Institutions for 1945-1947 Biennium

Items 145 to 171 inclusive, pages 12 to 14 of the Appropriation Bill, and pages 404 to 497, inclusive, of the Budget.

I. *Summary of Appropriation Items and Budget.*

These appropriations call for a total expenditure of $30,034,099 for the 1945-1947 Biennium, which represents an increase of $5,325,199 or 21.5 per cent over the estimated expenditure for 1943-1945, compared with the Budget increase of 16.4 per cent.

Table 1, page 354, comparing budgeted expenditures for 1945-1947 with those for 1943-1945 for the several institutions, reveals that proposed appropriations for support total $29,101,351, an increase of $5,250,465 or 21.5 per cent. It further shows that budgeted expenditures for capital outlay items for construction, etc., aggregate $932,748, an increase of $74,737 or 8.7 per cent over estimated expenditures for the current biennium. The capital outlay item is abnormally low for both periods on account of the war. Percentage increases for 1945-47 support items over 1943-45 range from 5.4 per cent for the transportation of inmates to 100.5 per cent for the Langley Porter Clinic. An entirely new item (No. 149) of $179,500 is being added for outpatient mental clinics.

The Langley Porter Clinic was established on a teaching and research basis as an experiment to see if new cures and treatments could not be developed. It is just now getting into full swing and this large increase in expenditures is to make its program effective. We recommend this be approved, with the reservation that results be observed and measured insofar as possible to determine if further expansion of this type of service is justified in relation to the costs. No new institutions of this sort should be set up until this one proves its worth.

As Item 149 is an entirely new service for outpatient clinics never before approved by the Legislature, determination on it is purely a matter of Legislative policy. The costs set up in the Budget are only a "come-on." The actual costs in a few years will be very much higher than is asked for now.

We recommend delaying the establishment of this new service until after the war closes.

TABLE I

COMPARISON OF ESTIMATED EXPENDITURES FOR 1943-1945 BIENNIUM WITH EXPENDITURES PROPOSED BY GOVERNOR'S BUDGET FOR 1945-1947 DEPARTMENT OF INSTITUTIONS AND INSTITUTIONS IT CONTROLS

Institutions	Support				Capital outlay from General Fund for construction, improvements and equipment				Totals			
			Increase				Change				Change	
	Estimated 1943-45	Proposed 1945-47	Amount	Per Cent	Estimated 1943-45	Proposed 1945-47	Amount	Per Cent	Estimated 1943-45	Proposed 1945-47	Amount	Per Cent
Departmental Administration	$350,753	$514,009	$163,256	46.5					$350,753	$514,009	$163,256	46.5
Transportation of Inmates	98,433	103,800	5,367	5.4					98,433	103,800	5,367	5.4
Mental Hospitals												
Langley Porter Clinic	418,020	838,237	420,217	100.5	38,900	$24,500	-$14,400	31.0	456,920	862,737	405,817	88.8
Outpatient Clinics		179,500	179,500	New						179,500	179,500	New
Agnews	2,662,678	3,155,192	492,514	15.0	186,800	59,500	-127,300	-68.1	2,849,478	3,214,692	365,214	12.8
Camarillo	2,772,614	3,718,436	945,821	34.1	93,400	125,722	32,322	34.6	2,866,014	3,844,158	978,144	34.1
Mendocino	2,188,202	2,583,257	395,054	18.1	69,167	91,800	22,633	32.7	2,257,369	2,675,057	417,688	18.8
Napa	2,844,044	3,364,273	520,229	18.3	186,725	2,600	-184,125	-98.6	3,030,769	3,366,873	336,104	11.1
Norwalk	2,006,873	2,326,733	319,860	15.9	75,698	55,206	-20,492	-27.1	2,082,571	2,381,939	299,368	14.4
Patton	2,880,963	3,357,270	476,302	16.5	22,200	99,900	77,700	350.0	2,903,163	3,457,170	554,002	19.1
Stockton	3,165,247	3,820,274	655,027	20.7	121,841	258,020	136,178	111.7	3,287,088	4,078,294	791,206	24.1
Pacific Colony	1,425,757	1,702,966	277,209	19.4	11,000	60,900	49,900	453.6	1,436,757	1,763,866	327,109	22.7
Sonoma State Home	2,625,450	2,983,275	357,825	13.6	27,980	132,000	104,020	371.8	2,653,430	3,115,275	461,845	17.4
Agencies for the Blind:												
Industrial Home, Adult Blind	299,737	332,717	32,980	11.0	24,300	22,600	-1,700	7.0	324,027	355,317	31,280	9.6
Industrial Workshop	74,252	81,382	7,130	9.6					74,252	81,382	7,130	9.6
State Blind Shop	37,863	40,030	2,167	5.7					37,863	40,030	2,167	5.7
Totals	$23,850,886	$29,101,351	$5,250,465	21.7	$858,011	$932,748	$74,737	8.7	$24,708,897	$30,034,099	$5,325,199	21.5

Increased salary expense accounts for $4,182,050 or 78.5 per cent of the total scheduled increase for support and capital outlay. Approximately $2,331,000 or 43.7 per cent of the total increased expenditure is scheduled for the salaries for proposed new positions. There are 491 of these for the first year of the biennium and a cumulative total of 754 for the second year of the two-year period. These proposed new positions are summarized as follows:

	NEW POSITIONS				
	No.	1945-46	No.	1946-47	
Director of Clinical Services (at Institutions)			9	34,560	A
Physician and surgeon	7	18,480	16	43,920	B
Occupational therapists	7	15,060	13	27,780	C
Physio- and hydrotherapists	4	8,160	12	24,240	D
Dentist	2	4,800	2	5,160	E
Graduate nurses (1-500 ratio)	29	57,420	62	126,240	F
Reclassification hospital attendants to nurses		11,040		25,440	G
Institution librarian			6	11,660	H
Juvenile units (Camarillo and Napa)	8	18,600	8	19,560	I
Tuberculosis survey	3	9,180	3	9,420	J
Outpatient clinics	8	21,180	40	107,160	K
Senior clerk (personnel)	9	17,820	9	18,900	L
Intermediate accounting clerk (property)	6	9,720	6	10,440	M
Institution supervising dietitian	3	7,740	9	23,580	N
Institution equipment operator (fire department)	7	12,180	7	13,020	O
Farmhand (assistant hog ranch operators)	7	11,220	7	12,060	P
Social workers (extramural care)			12	25,560	Q
Intermediate stenographic clerks (extramural care)	1	1,620	5	8,100	R
Holidays (additional)	94	145,170	94	156,330	S
Hospital attendants (For increase in population)	74	114,430	139	224,840	T
(For improved service on wards)	65	97,740	117	179,180	U
Langley Porter Clinic	49	100,000	68	142,120	V
Miscellaneous—Administration	23	41,220	24	46,080	W
Miscellaneous—Feeding, laundry, etc.	44	68,040	44	73,320	W
Miscellaneous—Care and welfare	9	17,820	10	21,000	W
Miscellaneous—Maintenance and operation	13	23,600	13	25,040	W
Miscellaneous—Farm	16	25,070	16	26,760	W
Medical deputy director	1	8,040	1	8,280	X
Private institutions inspector	1	4,020	1	4,260	Y
Senior maintenance engineer	1	4,080	1	4,320	Z
Totals	491	$873,450	754	$1,458,330 873,450	
Total for biennium				$2,331,780	

In connection with this request for a large number of additional positions for the coming biennium, it is significant that on February 13, 1945, there were 502 vacant positions waiting to be filled in the department. It is now proposed to fill all these vacant positions and create 491 new positions the first year and go up 263 more the next year. Many of these require technical trained people not to be had now or probably as long as the war lasts.

Many of these are for new or enlarged services never before offered by the Department.

II. The Department of Institutions' Reasons for Increased Expenditures and Our Comments on These Reasons

Reasons for proposed increases in expenditures by State Institutions, as gleaned from materials submitted by the Department of Institutions, include the following:

> "California is now the third largest state in the Union and one of the wealthiest. It is only logical that California should takes its respective place among other states in the Union with regard to all types of service rendered to its citizens."

The Department of Institutions further stated that a review of the services and forward-looking governmental programs reveals that California is at, or near, the top expenditure status for each particular program—viz., old age assistance, aid to blind, aid to dependent children, juvenile correctional activity, and education. According to the Department of Institutions, California has not made comparable progress in caring for mental cases. The department intimates that the time is at hand for California to begin "catching up" in its program of treatment and care of the mentally ill. The population of hospitals is expected to increase during the coming biennium.

The Department of Institutions rephrases its explanation for increased proposed expenditur in general and for additional personnel positions in particular as follows:

> It must be understood that with the increasing population in the State of California there will be an increased number of patients in the State hospitals and to care for these patients increased personnel must be provided for in the respective budgets.
>
> In addition to this, if California is to provide services to its mental patients *similar to other States*, there must be included in our budgets added positions in various functions to bring California up to the average service rendered by other States, even though we are not requesting sufficient positions to place California among the first few States of the Union where it should properly be when considering the size, population, and wealth of this State."

We have the following comments to make on the above explanations:

Reason one above is a totally inadequate attempted justification. Just because California is large and wealthy compared with other States is no proper reason for greater spending as such. Nor should the amount of money spent by other States be used as the criterion for California. It is quite possible, indeed probable, that some of the other States are wasting, or ineffectively spending, substantial portions of the sums they are allocating for hospitals. Furthermore, a comparison of California expenditures with those for eastern States is not valid because of the difference in climate. The warmer California climate permits California institutions to spend less money on such expensive items as clothing, heat and light; and the California hospitals also are able to grow larger parts of their food supplies, and keep patients out-of-doors a larger part of the time than can the eastern institutions. Nor should the fact that California leads many other States in expenditures for such governmental services as old age pensions and education necessarily mean that

our State should lead in expenditures for mental hospitals; for California may be spending more money than it should for such other services. An excessive expenditure in one sphere does not of itself justify increased spending in another field.

Moreover, the cases for improved and for more expensive governmental services must be balanced against the mounting burden upon the taxpayer to meet the rising cost of State, local, and federal taxes.

Finally, it must not be forgotten that the war is far from being won. In consequence, this is not the time for civilian services, including hospitals, to compete with the war effort for the people's limited supply of taxable wealth and labor.

The population increase explanation advanced above has only limited application for the Department of Institutions estimated that its population will increase by about 1,500 patients, or 4.9 per cent during the coming biennium, but the total expense item goes up 21.5 per cent in the Budget or four times as much. Most of this is for new and expended service.

III. *Summary of Recommendations*

More detailed findings and recommendations respecting appropriations for individual institutions are given in connection with an analysis of each appropriation item given below. For convenience, we summarize at this point our recommendations.

In addition to the over-all reductions which will apply to all departments of the State, we recommend the following:

(a) Capital Outlay

Reductions in capital outlay items for construction, improvement, repair, and equipment totaling $190,910 or 20.5 per cent of the total of items for this purpose in the appropriation bill. Details will be found for each institution under Part IV below.

(b) For Support

We recommend that the support items which total $29,101,351 be reduced by $1,581,029 or 5.4 per cent. The remaining amount, $27,520,322, still represents the substantial increase of $3,609,436 or 15 per cent over the estimated support of $23,910,886 expenditures of $23,910,886 for the 1943-45 Biennium. *This percentage increase of 15.0 per cent is still substantially above the rate of population increase of 4.9 per cent.*

The amount recommended for the State mental hospitals and the homes for mental defectives *would permit the same per capita expenditure for the two ensuing years as prevails during the current fiscal year of 1944-45.* The allowance for 1944-45, the second year of the current biennium, is liberal as it is in excess of what actually will be spent. In addition, it includes allowances for the following:

1. Additional personnel, consisting of hospital attendants and doctors to care for expected population increases.
2. An additional generous number of personnel to apply the uniform State holidays policy to the institutions.
3. A liberal allowance for normal salary increases.

4. Some extra positions that are justified on the basis of their individual merit. These include a dietician, and several doctors for medical work in the mental hospitals, and for Camarillo Hospital, 24 attendants for the first year and a cumulative total of 29 for the second year to more adequately use existing facilities. We recommend the appropriation required to hire the employees to do the job. We do not specify the exact positions.
5. An allowance for equipment representing the difference between the abnormally low expenditures for equipment for 1943-1945 and the amount recommended by the Governor's Budget for 1945-1947.

The recommended total amount for support also includes a generous expansion in the expenditure level of the Langley Porter Clinic to permit it to use its existing facilities and to demonstrate whether or not it will produce results commensurate with its cost.

The amount proposed for central administration is based on the actual expenditure for the current biennium, plus moderate amounts for a complete tuberculosis testing program, normal salary increases, population increases of institutions, one additional professional position for improved diet control, and a farming operations manager.

The specific adjustments to meet needed expansion and improved services are as follows:

The program for support recommended differs from that presented by the Department of Institutions in the following chief aspects:

1. It calls for an expenditure for Support totaling $27,520,320 instead of $29,101,351—a reduction of $1,581,029.
2. It provides for specific allowances for 281 additional positions by the second fiscal year, to balance the expected population increase and to apply the uniform State holiday policy, and to permit full use of the facilities of the Camarillo Hospital in place of the 754 new jobs specifically recommended by the Department of Institutions.
3. It recommends the deletion of the expenditure item of $179,500 for the five new outpatient mental clinics and mobile units proposed by the Department of Institutions.
4. The recommended program for support is based primarily upon the maintenance, during the 1945-47 Biennium, of 1944-45 per capita expenditures for institutional operations and for parole activities with additional allowances for normal salary increases, added personnel to apply the uniform State holidays policy, the additional salary expense of positions needed to match the expected population increase, and a few other positions which are justified on the basis of their individual merit and allowances for equipment. Anything beyond this must be considered as added services.

The following table summarizes our application of the foregoing to the appropriation items for support of the institutions. There follows, thereafter, discussion and recommendations for each appropriation item for institutions in the order listed in the appropriation bill.

Budget Request and Suggested Reductions

	Amounts in Budget	Reductions proposed		Net amounts proposed
		Amount	Per cent	
Departmental administration	$514,009	$78,526	10.2	$435,483
Transportation of inmates	103,800			103,800
Langley Porter Clinic	838,237	41,900	5.0	796,337
Outpatient clinics	179,500	179,500	Entire amount	None
Agnews State Hospital	3,155,192	126,840	4.0	3,028,352
Camarillo State Hospital	3,718,436	105,969	2.8	3,612,467
Mendocino State Hospital	2,583,257	142,002	5.4	2,411,255
Napa State Hospital	3,364,273	160,485	4.7	3,203,788
Norwalk State Hospital	2,326,733	113,320	4.8	2,213,413
Patton State Hospital	3,357,270	98,278	2.9	3,258,992
Stockton State Hospital	3,820,274	265,134	6.9	3,555,140
Pacific Colony	1,702,966	125,061	7.3	1,577,905
Sonoma State Home	2,983,275	124,541	4.2	2,858,734
Industrial Home for the Adult Blind	332,717	18,473	5.5	314,244
Industrial Workshop for the Blind	81,382			81,382
State Blind Shop	40,030	1,000	2.5	39,030
Totals	$29,101,351 —362	$1,581,029	5.4	$27,520,322

IV. Analysis of Individual Appropriation Items
For Support of Department of Institutions

Item 145 of Appropriation Bill, pages 405-408, inclusive, of the Budget; appropriation of $514,009; increase of $163,256 or 46.5 per cent over the estimated expenditure for the 1943-1945 Biennium.

Recommendation: Reduce Item 145 by $78,526 or 15.0 per cent to $435,483.

Among the items covered by the increase of $163,256 requested by the Budget are the following:

1. A proposed tuberculosis testing survey among inmates of the institutions, with three new positions and total budgeted expenditure for the biennium of $34,900.
2. Eight other proposed new positions with budgeted salaries aggregating $52,380.
3. A substantial increase of $57,880 in operating expenses.

While the expenditure proposed for equipment totals $13,535 for the 1945-47 Biennium as compared with $22,413 for the 1943-45 period, it includes an item of $8,000 for automobile equipment.

As indicated in the table above, we recommend that this appropriation for departmental administration be reduced by $78,526 to $435,483. The following represent the bases for our calculations:

1. Estimated expenditures for 1943-1945	$350,753
2. Tuberculosis survey	34,900
3. Normal salary adjustments	8,650
4. Additional allowance for population increases at the institutions	17,900
5. Salaries of positions justified on basis of their individual merit—A farm coordinator, clerical assistance and travel	18,000
An additional dietitian to the staff of the food administrator	5,280
Total	$435,483

This recommended amount is in excess of the estimated expenditure for the 1943-1945 Biennium and should be sufficient for the department's work, which will be basically the same during the coming biennium.

Our calculations above include provision for the addition of a dietitian to the Office of the Food Administrator of the department. We propose this in lieu of the department's recommendation for nine dietitians stationed in the several institutions by the second year of the biennium. Our recommendation would cost about $5,280 in salary expense, plus an additional amount for traveling expenses, as against the $31,220 in salary expense involved in the department's proposal. Through visits to the several institutions the additional dietitian on the central staff can effect at least a substantial part of the benefit of the department's proposal for more of this type of service for the institutions.

We further propose that a new position be added to the administrative staff for the purpose of coordinating all the farming and food preserving activities of the institutions. Such a position, properly administered, will produce and save more food values than several times its cost. This man should be a high caliber farm manager and administrator. He would lay out production plans for each of the institutions so as to coordinate the whole and get the most out of land, climate and inmate labor consistent with their treatment needs.

He must have the cooperation of the medical staff at each institution so as to have labor available when needed, and of the business manager at each so as to coordinate production and preservation of food with the local and Statewide needs of the mental hospitals.

None of this has been done consistently in the past. There is room for much improvement.

A qualified man will merit good pay. We suggest allocation of $18,000 a biennium for this service to cover his salary, necessary clerical assistance, and travel expense.

For Transportation of Patients

Item 146 Budget Bill, pages 405-407, inclusive, of the Budget; appropriation from the General Fund—$103,800 increase of $5,367 or 5.4 per cent over the estimated expenditure for the 1943-1945 Biennium.

We recommend that this sum for transportation of patients and other persons committed to the State institutions be approved without reduction, as it is in line with prior requests after allowances are made for expected population increases and the prevailing and anticipated extra traveling expenses and difficulties.

For Support of Langley Porter Clinic

Item 147 of the Appropriation Bill and pages 411 to 416 inclusive of the Budget; appropriation $838,237; increase of $420,217 or 100.5 per cent over the estimated expenditure of $418,020 for 1943-1945, and of $325,582 or 64.1 per cent over the amount appropriated by (Assembly Bill No. 1600) of the last regular session for the 1943-1945 Biennium. It is significant that revenues show an estimated increase of from $79,784 to $147,450 or up $67,665 or approximately 85 per cent.

Recommendation: Reduce Item 145 by $41,900 or approximately five per cent to $796,337. This still leaves an increase of 91 per cent.

The increase of the budgeted expenditures for 1945-1947 over the estimated expenditures for 1943-1945 is distributed as follows:

For support	Increase	
	Amount	Per cent
Administration	$32,972	51.9
Support and subsistence	104,514	75.2
Care and Welfare	254,531	143.9
Maintenance and operation of plant	16,955	73.6
Extramural care	11,245	71.9
Total Increase	$420,217	100.5

The budgeted expenditure for 1945-1947 as compared with the estimated for 1943-1945, by objects of expenditure, is as follows:

	Estimated 1943-1945	Budgeted 1945-1947	Increase	
			Amount	Per cent
Salaries and wages	247,593	$578,187	$330,594	133.5
Operating expenses	155,655	249,900	94,235	60.5
Equipment	14,761	10,150	— 4,611	— 31.2
Total	$418,020	$838,237	$420,217	100.5

Of the budgeted increase of $330,594 for salaries, $242,120 is to cover the expense of proposed new positions. There are 49 of these for the first year and a cumulative total of 68 for the second year. If all positions are filled, the Langley Porter Clinic would have 135 persons for the first year and 154 for the second year of the biennium.

The nature, purpose, and problems of the Langley Porter Clinic are briefly summarized by the following excerpts from an article in the "California Tax Digest" of August, 1944 by Dr. Karl M. Bowman, Medical Superintendent of the Clinic.

"The Langley Porter Clinic is a 100 bed, four-story neuropsychiatric hospital built by the Department of Institutions. It has a neurosurgical ward, a psychiatric ward for children, and four psychiatric wards for adults.

"The clinic contains the latest equipment for the diagnosis and treatment of mental disorders. Besides the well-equipped operating room for neurosurgery, there are special treatment wards for the use of insulin, electric shocks, fever therapy, and other methods of treatment. The clinic also has special diagnostic laboratories, an X-ray laboratory, and a special laboratory for electroencephalography. The electroencephalograph is a new type of machine, something like the electrocardiograph, which is able to take off electrical impulses from the brain. Under certain conditions, abnormal states of the brain can be diagnosed by this machine.

"The purpose of establishing the Langley Porter Clinic was to set up an institution where early and incipient cases of mental disease might receive thorough examination and treatment and where no legal procedures of commitment would be necessary. Hence, patients are encouraged to seek early treatment which we know is just as important in mental disease as it is in tuberculosis, cancer and other physical diseases. Many persons hesitate to seek help for a mental condition because of the feeling of stigma attached

to admission or commitment to one of the State hospitals. It is hoped that The Langley Porter Clinic will do away with this feeling.

"The Langley Porter Clinic is also set up under joint control of the Department of Institutions and The Regents of the University of California as a research and teaching hospital. The University of California is given exclusive use of the clinic for research and teaching purposes although the Department of Institutions may carry out any researches it wishes or set up classes for any group in the Department of Institutions. Such an arrangement makes available all the facilities of the University of California Medical School and Hospital, and members of branches of Medicine and Surgery are available as consultants for The Langley Porter Clinic.

"The general construction of The Langley Porter Clinic and its administration is primarily that of a general hospital rather than that of a State hospital for mental diseases. Since all cases come for intensive study and treatment, the cost of administering such a hospital is that of a well run general hospital, rather than that of a large State institution where many chronic cases receive largely custodial care and where many patients have recovered to the degree that they are able to help some about the institution and, therefore, cut down the general cost.

"The Director of The Langley Porter Clinic is also Professor of Psychiatry at the University of California Medical School, which makes the relationship still closer. The clinic may, therefore, be thought of as having three relationships—one to the State Hospital System, one to the University of California, and one to the community. As a part of the State Hospital System, it will receive special patients for diagnostic studies and treatment, will carry out research studies in conjunction with work in State hospitals, and will set up courses of instruction for State hospital personnel. By its relationship to the University of California it will carry out the special researches in the field of mental disease and will serve as a teaching center for psychiatry. Already special courses have been set up for the instruction of medical students, nurses, psychologists, and psychiatric social workers, and it is contemplated that, through the extension division of the University, students in occupational therapy will receive special instruction. Doctors receive training in the specialty of psychiatry, working as internes and residents.

"The Outpatient Department has been established and already more applications for patients to be treated have been received than can possibly be accepted. A special child guidance clinic is being arranged and The Commonwealth Fund of New York has given the University of California an annual grant of $20,000 to aid in the establishment of this psychiatric work with children. Because of the shortage of personnel, it has only been possible to open three of the six wards up to the present time. It is hoped that the children's ward will be opened soon. Already special research studies have been carried out under special contract between the University of

California and the United States Office of Scientific Research and Development.

"The Langley Porter Clinic should develop into a great teaching and research center of which the people of California can be justly proud. It will also serve as a place where early and incipient cases of mental disease can receive prompt and sympathetic care and treatment, so that many of these patients can be cured in the early stages of their disorders."

We recommend that all except approximately 5 per cent of the amount budgeted for support of The Langley Porter Clinic be appropriated for the following reasons:

1. The institution has been operating on a partial capacity basis. Additional money is needed to permit full use of its available facilities.
2. The institution is doing pioneer medical work in the treatment of the mentally ill. This is necessarily expensive and can yield large dividends for use by the other hospitals in treating their patients. In its pioneering stages, this activity justifies ample financial support to make a fair trial possible.

We propose a reduction of $41,900 or approximately 5 per cent in the appropriation item to encourage application of such desirable administrative economies as conservative use of automobiles, supplies, travel, etc.

We also recommend that such sums as represent vacant and new positions be set aside in a special fund only to be available on the terms previously described for controlling this item.

For Construction, etc., at The Langley Porter Clinic at San Francisco

Item 148 Budget Bill, page 415 of the Budget; appropriation from the General Fund $24,500; decrease of $14,400 or 37.1 per cent from the estimated expenditure of $38,900 for the 1943-1945 Biennium; and a decrease of $9,400 or 27.7 per cent from the $33,900 for the 1943-1945 Biennium appropriated by Item 108 of (Assembly Bill No. 1600) of the last regular session.

This item covers the following proposed improvement expenditures:

Conversion of dumbwaiter shaft to storage closets	$2,000
Installation of passenger elevator in existing shaft	18,000
Installation of locking screens in windows of seclusion rooms	2,500
Miscellaneous building alterations	2,000
Total	$24,500

We recommend that this item be approved without change.

Out Patient Clinics

Item 149 of the Budget Bill, pages 417-418 of the Budget, appropriates $179,500 from the General Fund for this new service.

This new service has never appeared in the Budget nor has it received any appropriation before. It has never been acted on by the Legislature.

It should be decided as a matter of policy and on the basis of facts. It is recommended both by the Director of Institutions, and the Governor in his Biennial Message on page ten.

The request for $179,500 for the biennium does not cover the costs for the two years, but only in fact for one year and that at a very limited coverage for the State. It is proposed to spend only $30,220 the first year and $149,280 the second year. A full two years' operation would cost $298,560 plus salary increases for the second year, or in excess of $300,000.

This, however, only covers Los Angeles, San Diego, Fresno, and Sacramento—and in a limited way.

This is only the start of a cost which will pyramid. It is the camel's head in the tent.

The outpatient fees are set at $40,200 for one year—which we believe is an over-optimistic guess—for Langley Porter Clinic with its fine equipment and large staff estimates $14,400 in outpatient fees for the biennium.

In short, costs are underestimated and fees overestimated.

Moreover, experts are required to do this job or they will do more harm than good. Such experts are not available now and probably will not be until a new group graduates after the war.

We recommend for the following reasons that the item be stricken from the Budget and the matter studied during the coming biennium.

1. It is a new service expanding our institutional work, when we should improve our established services.
2. It will be a call on manpower and the particular kind of specialists needed in our military hospitals.
3. Competent experts are not available.
4. The problem has not been studied and the whole matter placed before the Legislature for action.
5. The amount asked will not do the job but is just to get a start, when a real sizeable appropriation will be requested.
6. We can get more experience in this field and act more intelligently two years hence.
7. The almost doubled expenditure scheduled for the Langley Porter Clinic will permit it to expand and to intensify its outpatients services to mentally ill, and potentially mentally ill persons. This institution itself is young and its outpatient program is necessarily still in the experimental stage. It is wiser to watch how well its outpatient program works during the coming biennium on the proposed expanded basis than to take on another experiment. If results of its activities indicate that objectives will have been met in full or in large part and are worth their costs, then the State may more properly consider whether it should provide outpatient mental clinic service in other centers of the State. Is it wise to embark on a large new mental care program until further experience has been gained with the "test pilot" outpatient program represented by that given by the Langley Porter Clinic?
8. Serious harm can be done to the mental hygiene movement itself if the State embarks upon a "galloping off in all directions at

once mental care program." During the coming biennium it probably would be possible to start the proposed new clinics with only less qualified psychiatric workers than are necessary to give to patients the high quality of service needed to do more good than harm.

9. The amount of $179,500 for the establishment of five new clinics in the Budget represents a bare minimum expenditure for the contemplated program. As such, it amounts to an "entering wedge" expenditure that would be expanded very substantially in succeeding biennial periods. A rough forecast of such expanded expenditure is afforded by the fact that proposed support expenditures for the Langley Porter Clinic for the coming biennium are up 100 per cent over those for the current period. A further clue that the current suggested sum is a relatively small vanguard of larger items for succeeding budget periods is indicated by the fact that the proposed sum *does not allow for any capital outlay.* It does allow $30,000 for mobile units — which experience shows are costly to operate.

For Support of Agnews State Hospital

Item 150 Budget Bill, pages 419-425, inclusive of the Budget; appropriation from the General Fund, $3,155,192; increase of $492,514 or 18.5 per cent over the estimated expenditure of $2,662,678 for the 1943-1945 Biennium; and of $620,570 or 24.4 per cent over the $2,534,622 for the 1943-1945 Biennium appropriated by (Assembly Bill No. 1600) of the last regular session.

Our recommendation: Reduce Item 150 by $136,560 or 4.3 per cent to $3,018,632, leaving an increase of $355,954 or 13.3 per cent.

The increase of $492,514 in the budgeted expenditure for 1945-1947 over the estimated expenditure for 1943-1945 is distributed as follows:

	Estimated 1943-1945	Budgeted 1945-1947	Increase Amount	Per cent
Administration	$131,520	$181,867	$50,347	49.6
Support and subsistence	849,449	861,967	12,518	1.5
Care and welfare	1,303,778	1,634,631	330,853	25.4
Maintenance and operation of plant	261,684	291,801	30,117	11.5
Farming and processing	66,171	83,587	17,416	26.3
Totals, Institution's operation	$2,612,602	$3,053,853	$441,251	16.8
Extramural Care	50,076	101,339	51,263	102.3
Totals, Support	$2,662,678	$3,155,192	$492,514	18.5

The proposed expenditure of $3,155,192 for support of the Agnews State Hospital will permit the following increases in per capita expenditures for institutional operations and parole activities:

	Fiscal year	Institution operations: Average resident population	Cost per patient: Per year	Cost per patient: Per month	Parole operations: Average parole population	Cost per year per patient
Actual	1943-44	3622	$346.10	$28.84	888	$20.34
Estimated	1944-45	3664	370.91	30.91	900	35.74
Estimated	1945-46	3735	394.05	32.83	900	51.92
Estimated	1946-47	3810	415.24	34.61	900	60.68

The increase of $492,514 in the budgeted expenditure is distributed as follows, by object of expenditure:

Salaries and wages	Estimated 1943-45	Proposed 1945-47	Increase Amount	Per cent
Positions now authorized	$1,796,578	$1,935,260	$138,682	7.7
Estimated salary savings	— 96,270	— 74,133	+ 22,137	22.9
1945-47 normal salary adjustments		47,920	47,920	100.0
Proposed new positions		197,760	197,760	100.0
Totals, salaries and wages	$1,690,308	$2,106,807	$416,499	26.0
Operating expenses	1,061,033	1,111,250	50,217	4.7
Equipment	10,726	35,335	24,609	229.4
Totals	$2,762,069	$3,263,392	$501,323	18.2
Reimbursement for maintenance	— 72,862	— 84,200	— 11,338	15.6
Surplus products sales	— 26,529	— 24,000	— 2,529	9.5
Net totals	$2,662,678	$3,155,192	$492,514	18.5

Operating expenses are up by approximately $50,200 or 4.7 per cent. Equipment expenses are scheduled to advance by $24,600 or 229.4 per cent; and expenditures for salaries and wages are expected to expand by $416,499 or 26.0 per cent.

Of this latter increase of some $416,000 in salary expense, almost $200,000 is for the salaries of 40 new positions for the first year of the biennium and a cumulative number of 71 for the second year.

We recommend that appropriation item 150 be reduced by $161,560 or 4.0 per cent to $3,028,352. This still will represent an increase of $365,674 over the estimated expenditure for the 1943-45 Biennium. This increase will permit the same per capita expenditures for institutional operations and parole work as prevails for the current Fiscal Year, 1944-45, and also will allow additional amounts to cover normal salary increases, new hospital attendant positions to care for population increases, new positions to apply the uniform State holidays policy to this institution, and several other positions that are justified on an individual basis.

Statistical basis for our recommended sum of $3,028,352 follows:

1. *Per Capita Institutional Cost Basis:*			
A. Per capita, 1944-45	$370.91		
B. Predicted average population 1945-47	3,773		
C. Total institutional cost—Year		$1,399,443	
D. Total institutional cost—Biennium			$2,798,886
2. *Extramural Cost Item:*			
A. Per patient on parole 1944-45	$35.57		
B. Predicted average number on parole, 1944-45	900		
C. Total cost, year		32,013	
D. Total cost, biennium			64,026
3. Normal salary increases			47,920
4. Additional salary expense for uniform State holidays			37,980
5. Additional salary expense of positions needed to match expected population increase			41,580
6. Allowance for equipment			25,000
7. Salaries of positions justified on the basis of their individual merit			12,960
8. Total sum we recommend for support of Agnews State hospital			$3,028,352

While budgeted expenditures for farming and processing operations for the 1945-1947 Biennium show an increase of 16.2 per cent over the current period, the budgeted value of products produced for local consumption remains at the same figure of $141,000 per year and the value of surplus products sold decreases by $2,500 per year. This seems out of line as the inmate population is scheduled to increase by approximately 200 persons within the biennium.

We believe that the Coordinator of Farming Operations that was proposed for the central administrative staff and better use of inmate labor will improve this condition.

For Construction, etc. at Agnews State Hospital

Item 151 Budget Bill, page 426 of the Budget; appropriation $59,500; decrease of $127,300 or 68 per cent from the estimated expenditure of $186,800 for the 1943-45 Biennium.

We recommend that appropriation Item 151 be reduced by $12,600 to $46,900. This recommended reduction can be absorbed through careful management and greater use of the labor of patients as indicated in the table following:

	Amts. proposed by budget	Reductions we propose	Net amt. recommended
Repairs to roofs and drainage facilities	$2,500	$500	$2,000
Morgue refrigeration	3,700	700	3,000
Zone heating control	2,500	------	2,500
Addition to annex stable	4,700	1,000	3,700
Orchard pipe line	1,000	400	600
Hog ranch expansion	20,000	5,000	15,000
Food elevator replacement	6,000	------	6,000
Remodeling treatment building first floor	5,600	1,000	4,600
Annex landscape units and vegetable hot houses	8,750	3,000	5,750
Resurfacing laundry floors	4,750	1,000	3,750
	$59,500	$12,600	$46,900

For Support of Camarillo State Hospital

Item 152 Budget Bill, pages 427-434, inclusive of the Budget; appropriation from the General Fund, $3,718,436; increase of $945,821 or 34.1 per cent over the estimated expenditure of $2,772,614 for the 1943-1945 Biennium; and of $928,196 or 33.3 per cent over the $2,790,240 for the 1943-1945 Biennium appropriated by (Assembly Bill No. 1600) of the last regular session.

Our recommendation: Reduce Item 152 by $105,969 or 2.8 per cent to $3,612,467, leaving an increase of $839,853 or 30.2 per cent.

The increase of $945,821 in the budgeted expenditure for 1945-1947 over the estimated expenditure for 1943-1945 is distributed as follows:

	Estimated 1943-45	Budgeted 1945-47	Increase Amount	Increase Per cent
Administration	$ 171,244	$ 207,187	$ 35,943	20.9
Support and subsistence	846,454	1,085,102	238,648	28.2
Care and welfare	1,256,197	1,790,019	533,822	42.5
Maintenance and operation of plant	252,572	303,299	50,726	20.1
Farming and processing	169,948	224,367	54,418	32.0
Totals, institutions' operations	$2,696,415	$3,609,974	$913,558	33.9
Extramural care	76,198	108,462	32,263	42.3
Totals, support	$2,772,614	$3,718,436	$945,821	34.1

The proposed Budget expenditure of $3,718,436 for support of the Camarillo State Hospital will permit the following increases in per capita expenditures for institutional operations and parole activities:

	Fiscal year	Average resident population	Cost per patient in residence		Average parole population	Yearly parole cost per patient
			Yearly	Monthly		
Actual	1943-44	3,869	$330.37	$27.53	900	$39.81
Actual and est.	1944-45	4,123	343.98	28.66	900	44.86
Estimated	1945-46	4,375	392.45	32.71	900	57.69
Estimated	1946-47	4,650	407.10	33.92	900	62.83

The increase of $945,822 in the budgeted expenditures is distributed as follows, by object expenditure:

	Estimated 1943-45	Proposed 1945-47	Increase	
			Amount	Per cent
Salaries and Wages:				
Positions now authorized	$1,839,015	$2,036,530	$197,515	10.7
Estimated salary savings	−101,760	− 79,189	−22,571	−22.2
1945-47 normal salary adjustments		87,855	87,855	100.0
Proposed new positions		405,000	405,000	100.0
Totals, salaries and wages	$1,737,255	$2,450,186	$712,931	41.0
Operating expenses	1,160,911	1,348,720	187,809	41.0
Equipment	15,028	84,030	69,002	45.9
Totals	$2,913,193	$3,882,936	$969,743	33.3
Reimbursements for Maint.	109,971	134,500	24,529	22.3
Surplus Products Sales	30,608	30,000	— 608	— 2.0
Net totals	$2,772,614	$3,718,436	$945,822	34.1

Operating expenses are up by approximately $187,800 or 16.2 per cent. Equipment expenses are scheduled to advance by $69,000 or 45.9 per cent; and expenditures for salaries and wages are expected to expand by $712,000 or 41 per cent.

Of this latter increase of some $713,000 in salary expense, $405,000 is for the salaries of 97 new positions for the first year of the biennium and a cumulative number of 134 for the second year.

We recommend that appropriation Item 152 be reduced by $105,969 or 2.8 per cent to $3,612,467. This still will represent an increase of $839,853 or 30.2 per cent over the estimated expenditure for the 1943-1945 Biennium. *This increase will permit the same per capita expenditures for institutional operations and parole work as prevails for the current Fiscal Year (1944-1945), and also will allow additional amounts to cover normal salary increases, new hospital attendant positions to care for population increases, new positions to apply the uniform State holidays policy to this institution, several other positions that are justified on an individual basis,* an allowance for necessary equipment, and additional hospital attendants to permit greater use of facilities.*

* These total 24 for the first fiscal year and a cumulative total of 29 for the second year.

The statistical basis for our recommended sum of $3,612,467 follows:

1. *Per Capita Institutional Cost Basis:*			
A. Per capita, 1944-45	$343.98		
B. Predicted ave. population 1945-47	4,513		
C. Total institutional cost—year		$1,552,382	
D. Total institutional cost—biennium			$3,104,764
2. *Extramural Cost Item:*			
A. Per patient on parole, 1944-45	$44.86		
B. Predicted ave. No. on parole 1945-47	900		
C. Total cost—year		$40,374	
D. Total cost—biennium			80,748
3. Normal salary increases			87,855
4. Additional salary expense for uniform State holidays			38,860
5. Additional salary expense of positions needed to match expected population increase			108,060
6. Allowance for equipment			69,000
7. Salaries of positions justified on the basis of their individual merit			123,180
8. Total sum we recommend for support of Camarillo State Hospital			$3,612,467

While budgeted expenditures for farming and processing operations for the 1945-1947 Biennium show an increase of 26 per cent over the current period, the budgeted value of products produced increases only nominally by 3.2 per cent, while the budgeted value of surplus products sold remains about the same. This seems out of line when inmate population is scheduled to go up by approximately 527 patients during the coming biennium.

We believe that the Coordinator of Farming Operations we propose for the central administrative staff and better use of patient labor will improve this condition. This institution has the opportunity of producing practically every farm product it requires.

For Construction, etc., at Camarillo State Hospital

Item 153 Budget Bill, page 434 of the Budget; appropriation from the General Fund, $125,722; increase of $32,322 or 34.6 per cent over the estimated expenditure of $93,400 for the 1943-1945 Biennium.

We recommend that appropriation Item 153 be reduced by $55,040 or 44 per cent to $70,482. This recommended reduction can be absorbed as indicated in the table below through careful management and greater use of the labor of patients.

	Amounts proposed by Budget	Reductions we propose	Net amts. we recommend
Additional morgue boxes	$1,500	$22,000	$1,500
Correct existing drainage problem west of dairy	2,650		2,650
Construction of concrete manure bins	4,240	3,240	1,000
Replacement of cooling tower – main kitchen	1,000		1,000
Construct 14" storm drain in rear of commissary building	1,200		1,200
Drainage of farm land adjacent to booster plant	2,100		2,100
Irrigation lines for 90-acre tract	3,922	500	3,422
Resurface main entrance road	34,000	10,000	24,000
Enlarge vegetable preparation room—male kitchen	7,500	1,000	6,500
Alterations to existing superintendent's residence	4,800		4,800
Improvements to main intersection at junction of county road and main institution road	4,200		4,200
Employees' garage, southeast of laundry	6,300	3,300	3,000
Fence institution property	40,200	35,000	5,200
Mattress drying unit, male group	5,920	1,000	4,920
Concrete storm drain along south road together with parking area in rear of male Unit 11; capacity 30 cars	6,170	1,000	5,170
	$125,722	$55,040	$70,682

For Support of Mendocino State Hospital

Item 154 Budget Bill, pages 435-442, inclusive, of the Budget; appropriation from the General Fund $2,583,257; increase of $395,054 or 18.1 per cent over the estimated expenditure of $2,188,202 for the 1943-1945 Biennium; and of $530,807 or 25.9 per cent over the $2,052,450 for the 1943-45 Biennium appropriated by Assembly Bill No. 1600 of the last regular session.

Our recommendation: Reduce Item 154 by $142,002 or 5.4 per cent to $2,411,255, leaving an increase of $203,053 or 9.3 per cent.

The increase of $395,054 in the budgeted expenditure for 1945-1947 over the estimated expenditure for 1943-1945 is distributed as follows:

	Estimated 1943-45	Budgeted 1945-47	Increase Amount	Increase Per cent
Administration	$121,320	$150,775	$29,455	24.2
Support and subsistence	563,065	600,428	37,363	6.6
Care and welfare	1,009,376	1,234,305	224,929	22.3
Maintenance and operation of plant	245,393	271,607	26,214	10.7
Farming and processing	212,017	247,241	35,224	16.6
Totals, institution operations	$2,151,170	$2,504,356	$353,186	16.4
Extramural care	37,032	78,901	41,869	113.1
Totals, support	$2,188,202	$2,583,257	$395,054	18.1

The proposed expenditure of $2,583,257 for support of the Mendocino State Hospital would permit the following increases in per capita expenditures for institutional operations and parole activities:

	Fiscal year	Institution operations: Average resident population	Institution operations: Cost per patient Yearly	Institution operations: Cost per patient Monthly	Extramural care: Average parole population	Extramural care: Cost per patient
Actual	1943-44	2,903	$365 41	$30 45	289	$50 33
Estimated	1944-45	2,921	373 29	31 11	250	89 95
Estimated	1945-46	2,975	411 42	34 28	250	155 74
Estimated	1946-47	3,025	423 27	35 27	250	159 86

The increase of $395,054 in the budgeted expenditure is distributed as shown in the following, by object of expenditure:

	Estimated 1943-45	Proposed 1945-47	Increase Amount	Increase Per cent
Salaries and Wages:				
Positions now authorized	$1,457,146	$1,526,760	$69.614	4.8
Estimated salary savings	—75,332	58,548	16,784	22.2
1945-47 normal salary adjustments		40,000	40,000	100.0
Proposed new positions		170,820	170,820	100.0
Totals, salaries and wages	$1,381,814	$1,679,032	$297,218	21.5
Operating expenses	867,619	903,660	36,041	4.1
Equipment	16,814	66,065	49,251	292.9
Totals	$2,266,248	$2,648,757	$382,509	16.9
Reimbursements for maintenance	48,134	53,500	5,366	11.4
Surplus products sales	29,911	12,000	—17,911	—59.8
Net totals	$2,188,202	$2,583,257	$395,054	18.1

Operating expenses are up by approximately $36,041 or 4.1 per cent; equipment expenses are scheduled to advance by $49,251 or 292.9 per cent; and expenditures for salaries and wages are expected to expand by $297,218 or 21.5 per cent.

Of this latter increase of some $297,000 in salary expense, almost $171,000 is for the salaries of 38 new positions for the first year of the biennium and a cumulative number of 58 for the second year.

We recommend that appropriation Item 154 be reduced by $142,002 or 5.4 per cent to $2,441,255. This still will represent an increase of $142,002 or 5.4 per cent over the estimated expenditure for the 1943-1945 Biennium. This increase will permit the *same per capita expenditures for institutional operations and parole work as prevails for the current Fiscal Year (1944-45), and also will allow additional amounts to cover normal salary increases, new hospital attendant positions to care for population increases, new positions to apply the uniform State holidays policy to this institution, several positions that are justified on an individual basis, and an allowance for needed equipment.*

The statistical basis for our recommended sum of $2,441,255 is as follows:

1. *Per Capita Institutional Cost Basis:*			
A. Per capita, 1944-1945	$373 29		
B. Predicted average population 1945-47	3,000		
C. Total institutional cost—year		$1,119,870	
D. Total institutional cost—biennium			$2,239,740
2. *Extramural Cost Item:*			
A. Per patient on parole, 1944-1945	89 95		
B. Predicted average number on parole, 1945-47	250		
C. Total cost—year		22,487	
D. Total cost—Biennium			44,975
3. Normal Salary Increases			40,000
4. Additional salary expense for uniform State holidays			29,280
5. Additional salary expense for positions needed to match expected population increase			24,300
6. Allowance for equipment			50,000
7. Salaries of positions justified on the basis of their individual merit			12,960
8. Total sum we recommend for support of Mendocino State Hospital			$2,441,255

While budgeted expenditures for farming and processing operations for the 1945-1947 Biennium show an increase of 7.1 per cent over the current period, the budgeted value of products produced remains at practically the same level of $202,000 annually prevailing for the current year. The sale of surplus products decreases by $17,911 or 59.8 per cent. This seems out of line.

We believe that the Coordinator of Farming Operations we propose for the central administrative staff and better use of patient labor will improve this condition.

The business manager at this institution has planned better than some of the other institutions in producing what is needed. Here, however, as in most of the institutions, labor needs have not been fully met by classification and assignment of all patients able to work.

For Construction, etc., at Mendocino State Hospital

Item 155 Budget Bill, page 411 of the Budget; appropriation from the General Fund, $91,800; increase of $22,633 or 32.7 per cent over the estimated expenditure of $69,167 for the 1943-1945 Biennium.

We recommend that Appropriation Item 155 be reduced by $32,500 or 35.4 per cent to $59,300. This recommended reduction can be absorbed as indicated in the table below through careful management and greater use of the labor of patients.

	Amounts proposed by Budget	Reductions we propose	Net amt. we recommend
Blower system in carpenter shop	$3,500	$500	$3,000
Stable, barn and implement shed	8,875	2,000	6,875
Line and grass fences, new and replacement	5,625	3,000	2,625
Addition to milking barn, including two concrete silos	10,000	5,000	5,000
Road and court yard resurfacing, landscaping, curbs, repairs	10,000	5,000	5,000
Garage extension for *State equipment*	12,000	6,000	6,000
Raze old red hay barn and replace with new drive-through hay barn at new dairy	7,000	7,000	------
Lean-to shed addition to new hay barn (needed for grain storage)	2,000	2,000	------
Air conditioning at laundry	2,800	------	2,800
Dredging work at upper dam. Clear banks, clean out silt deposits and otherwise restore natural source of water supply	15,000	1,000	14,000
Electric, gas, steam and water line repairs	15,000	1,000	14,000
	$91,800	$32,500	$59,300

For Support of Napa State Hospital

Item 156 Budget Bill, pages 443-450 inclusive of the Budget; appropriation from the General Fund, $3,364,273; increase of $520,229 or 18.3 per cent over the estimated expenditure of $2,844,044 for the 1943-1945 Biennium; and of $683,229 or 25.5 per cent over the $2,681,281 for the 1943-1945 Biennium appropriated by (Assembly Bill No. 1600) at the last regular session.

Our Recommendation: Reduce Item 156 by $163,605 or 4.8 per cent to $3,200,668.

The increase of $520,229 in the budgeted expenditure for 1945-1947 over the estimated expenditure for 1943-1945 is distributed as follows:

	Estimated 1943-45	Budgeted 1945-47	Increase Amount	Increase Per cent
Administration	$160,029	$193,672	$33,643	21.0
Support and subsistence	667,558	768,905	101,347	15.1
Care and Welfare	1,475,044	1,752,750	298,706	20.5
Maintenance and operation of plant	239,682	274,116	34,434	14.4
Farming and processing	279,709	286,627	6,918	2.4
Totals, institutions operations	$2,801,022	$3,276,070	$475,048	16.9
Extramural care	43,022	88,203	45,181	105.0
Totals, support	$2,844,044	$3,364,273	$520,229	18.3

The proposed expenditure of $3,364,273 for support of the Napa State Hospital will permit the following increases in per capita expenditures for institutional operations and parole activities:

		Institution operations			Extramural care	
	Fiscal year	Average resident population	Cost per patient Yearly	Monthly	Average parole population	Cost per patient
Actual	1943-44	3,893	$351.50	$29.29	552	$33.17
Estimated	1944-45	3,945	363.15	30.26	600	41.19
Estimated	1945-46	4,050	393.76	32.81	600	66.18
Estimated	1946-47	4,150	405.14	33.76	600	80.83

The increase of $520,229 in the budgeted expenditure is distributed as follows, by object of expenditure:

	Estimated 1943-45	Budgeted 1945-47	Change Amount	Change Per cent
Positions now authorized	$2,002,860	$2,123,400	$120,540	6.0
Estimated salary savings	—104,240	—81,238	—23,002	—22.1
1945-1947 normal salary adjustments		47,590	47,590	100.0
Proposed new positions		224,160	224,160	100.0
Totals, salaries and wages	$1,898,620	$2,313,912	$415,292	21.9
Operating expenses	1,099,267	1,118,380	19,113	1.7
Totals	$3,017,325	$3,482,173	$464,848	15.4
Reimbursements for maintenance	90,421	101,900	11,479	12.6
Subsistence abatements from Navy	66,494		66,494	100.0
Surplus products sales	16,366	16,000	366	2.2
Net Totals	$2,844,043	$3,364,273	$520,230	18.3

Operating expenses are up by approximately $19,100 or 1.7 per cent. Equipment expenses are scheduled to advance by $30,443 or 156.6 per cent; and expenditures for salaries and wages are expected to expand by $415,292 or 21.9 per cent.

Of this latter increase of some $415,200 in salary expense, almost $225,000 is for the salaries of 47 new positions for the first year of the biennium and a cumulative number of 73 for the second year.

We recommend that Appropriation Item 156 be reduced by $163,605 or 4.8 per cent to $3,200,668. This still will represent an increase of $356,625 or 12.5 per cent over the estimated expenditure for the 1943-1945 Biennium. *This increase will permit the same per capita expenditures for institutional operations and parole work as prevails for the current fiscal year (1944-1945) and also will allow additional amounts to cover normal salary increases, new hospital attendant positions to care for population increases, new positions to apply the uniform State holidays policy to this institution, several other positions that are justified on an individual basis,* and an allowance for needed equipment. The statistical bases for our recommended sum of $3,200,668 is given by the following table:

1.	*Per Capita Institutional Cost Basis:*			
	A. Per capita, 1944-45	$363.15		
	B. Predicted ave. population 1945-47	4,100		
	C. Total institutional cost—year		$1,488,915	
	D. Total institutional cost—biennium			$2,977,830
2.	*Extramural Cost Items:*			
	A. Cost per patient on parole 1944-45	41.19		
	B. Predicted ave. no. on parole 1944-45	600		
	C. Total cost—year		24,714	
	D. Total cost—biennium			49,428
3.	Normal salary increases			47,590
4.	Additional salary expense for uniform State holidays			38,160
5.	Additional salary expense of positions needed to match population increase			44,940
6.	Allowance for equipment			30,000
7.	Salaries of positions justified individually			15,840
8.	Total sum recommended for support of Napa State Hospital			$3,203,288

For Construction, etc., at Napa State Hospital

Item 157 Budget Bill, page 450 of the Budget; appropriation from the General Fund, $2,600; decrease of $184,125.

This item is for fire alarm siren and signal equipment. We recommend that it be approved without reduction.

For Support of Norwalk State Hospital

Item 158 Budget Bill, pages 451-457, inclusive, of the Budget; appropriation from the General Fund, $2,326,733; increase of $319,860 or 13.7 per cent over the estimated expenditure of $2,006,873 for the 1943-1945 Biennium; and of $170,863 or 9.3 per cent over the $1,836,010 for the 1943-1945 Biennium appropriated by (Assembly Bill No. 1600) of the regular session of 1943.

Our Recommendations: Reduce Item 158 by $110,320 or 4.7 per cent to $2,216,413.

The increase of $319,860 in the budgeted expenditure for 1945-1947 over the estimated expenditure for 1943-1945 is distributed as follows:

	Estimated 1943-45	Budgeted 1945-47	Change Amount	Change Per cent
Administration	$122,289	$150,221	$27,931	22.8
Support and subsistence	446,481	509,514	63,033	14.1
Care and welfare	1,079,844	1,223,508	143,664	13.3
Maint. and operations of plant	155,959	177,607	21,648	13.9
Farming and processing	160,095	186,335	26,240	16.4
Totals, institution operations	$1,964,669	$2,247,185	$282,516	14.4
Extramural care	42,205	79,548	37,343	88.5
Totals, support	$2,006,873	$2,326,733	$319,860	15.9

The proposed expenditure of $2,326,733 for support of the Norwalk State Hospital will permit an increase in per capita costs for institution operation from an estimated $423.55 for 1944-45 to $454.10 for 1945-46 and to $471.53 for 1946-47. It would permit the cost per patient on parole to increase from an estimated $45.97 for 1944-45 to $76.35 for 1945-46 and to $82.75 for 1946-47.

The sending of senile aged to this institution by the counties solely for custodial care for the few remaining months of their life, or even days, increases the costs beyond what they otherwise would be. This practice represents an abuse which should be stopped.

An analysis of the proposed increase in expenditure over that for the current biennium, by object of expenditure, reveals that operating expenses are up by 12 per cent; equipment expenses by 254 per cent; and salaries and wages expenses by 15 per cent.

Of this latter increase of 15 per cent or some $215,000 in salary expense, almost $130,000 is for the salaries of 27 new positions for the first year of the biennium and a cumulative number of 43 for the second year.

We recommend that appropriation Item 158 be reduced by $113,320 or 4.8 per cent to $2,213,413. This still will represent an increase of $206,541 or 10.4 per cent over the estimated expenditure for the 1943-1945 Biennium. *This increase will permit the same per capita expenditures for institutional operations and parole work as prevails for the current fiscal year (1944-1945), and also will allow additional amounts to cover normal salary increases, new hospital attendant positions to*

care for population increases, new positions to apply the uniform State holidays policy to this institution, several other positions that are justified on an individual basis, and an allowance for necessary equipment. The statistical basis for our recommended sum of $2,213,413 is given in the table below.

1.	*Per Capita Institutional Cost Basis:*			
	A. Per capita, 1944-45	$423.55		
	B. Predicted ave. population 1945-47	2,428		
	C. Total institutional cost—year		$1,028,379	
	D. Total institutional cost—biennium			$2,056,758
2.	*Extramural Cost Items:*			
	A. Cost per patient on parole 1944-45	45.97		
	B. Predicted ave. no. on parole 1944-45	500		
	C. Total cost—year		22,985	
	D. Total cost—biennium			45,970
3.	Normal salary increases			29,145
4.	Additional salary expense for uniform State holidays			21,840
5.	Allowance for equipment			36,000
6.	Additional salary expense of positions needed to match population increase			10,740
7.	Salaries of positions justified indiv.			12,960
8.	Total sum recommended for support of Norwalk State Hospital			$2,213,413

This institution has reached its maximum size. It should now be fully planned as to physical plant and type of inmates to best fit into its limitations and serve at the minimum costs.

For example, the firehouse should be close as possible to the engine room—the work of some full-time employee who could operate the fire truck in case of a fire and get it onto the job in the shortest time.

Farm operations should be closely geared to the needs of the institution.

For Construction, etc., at Norwalk State Hospital

Item 159, Budget Bill, page 457 of the Budget; appropriation from the General Fund, $55,206; decrease of $20,492 from the estimated expenditure of $75,698 for the 1943-45 Biennium.

We recommend that appropriation Item 159 be reduced by $10,500 or 19 per cent to $44,706. This recommended reduction can be absorbed as indicated in the table below through careful management and greater use of the labor of patients.

	Amounts proposed in Budget	Reductions we propose	Net amounts we recommend
Addition to laundry building and equipment	$37,050	$5,500	$31,550
Alteration of dairy milk house and equipment	18,156	5,000	13,156
	$55,206	$10,500	$44,706

For Support of Patton State Hospital

Item 160, Budget Bill, pages 458-465, inclusive, of the Budget, appropriation from the General Fund, $3,357,270; increase of $476,302 or 16.5 per cent over the estimated expenditure of $2,880,968 for the 1943-1945 Biennium; and of $693,997 or 26.1 per cent over the $2,663,273 for the 1943-45 Biennium appropriated by Assembly Bill No. 1600 of the last Regular Session.

Our recommendation: Reduce Item 160 by $98,278 or 2.9 per cent to $3,258,992.

The increase of $476,302 in the budgeted expenditure for 1945-1947 over the estimated expenditure for 1943-1945 is distributed as follows:

	Estimated 1943-45	Budgeted 1945-47	Change Amount	Change Per cent
Administration	$155,649	$198,036	$42,387	27.2
Support and subsistence	656,023	712,922	56,899	8.7
Care and welfare	1,456,422	1,753,387	296,965	20.4
Maintenance and operation of plant	220,239	264,502	44,263	20.1
Farming and processing	312,118	330,620	18,502	5.9
Totals, institution operations	$2,800,450	$3,259,467	$459,020	16.4
Extramural care	80,518	97,803	17,285	21.4
Totals, support	$2,880,968	$3,357,270	$476,302	16.5

On the basis of current population estimates, the proposed expenditure of $3,357,220 for support of the Patton State Hospital would permit per capita expenditures for institutional operations to increase from an estimated $369.06 for the Fiscal Year 1944-45 to $398.14 for 1945-46 and to $411.36 for 1946-47. This proposed expenditure also would permit the cost per patient on parole to advance from $47.66 for 1944-45 to $52.93 for 1946-47, while the cost for 1945-46 would decline to $44.88 due to an expected increase in the number on parole.

An analysis of the proposed increase of $476,302, by object of expenditure, reveals that operating expenses are scheduled to expand by 2.4 per cent; equipment expenses by 220 per cent; and salaries and wages by 22.6 per cent.

Of this latter increase of some 22.6 per cent or some $432,000 in salary expense, almost $233,320 is for the salaries of proposed new positions totaling 50 for the first year of the biennium and a cumulative number of 78 for the second year of the two-year period.

We recommend that appropriation Item 160 be reduced by $98,278 or 2.9 per cent to $3,258,992. This still will represent an increase of $378,024 or 13.1 per cent over the estimated expenditure for the 1943-45 Biennium. *This increase will permit the same per capita expenditures for institutional operations and parole work as prevails for the current fiscal year (1944-1945), and also will allow additional amounts to cover normal salary increases, new hospital attendant positions to care for population increases, new positions to apply the uniform State holidays policy to this institution, several other positions that are justified on an individual basis, and an allowance for necessary equipment.* The statistical basis for our recommended sum of $3,258,992 is given in the table below:

1. *Per Capita Institutional Cost Basis:*			
A. Per capita, 1944-45	$369.06		
B. Predicted average population 1945-47	4,026		
C. Total institutional cost—year		$1,485,836	
D. Total institutional cost—biennium			$2,971,672
2. *Extramural Cost Item:*			
A. Cost per patient on parole, 1944-45	$47.66		
B. Predicted average number on parole, 1944-45	1,000		
C. Total cost—year		47,660	
D. Total cost—biennium			95,320
3. Normal salary increases			50,480
4. Allowance for equipment			30,000
5. Additional salary expense for uniform State holidays			39,580
6. Additional salary expense of positions needed to match population increase			58,980
7. Salaries of positions justified indiv.			12,960
8. Total sum recommended for support of Patton State Hospital			$3,258,992

With increase in population of the institution as estimated up from 3,850 inmates for 1944-45 to 4,088 for 1946-47 and added staff and more farm help, it is reasonable to expect farm production to be increased. The Budget shows $245,000 for each year of 1945-47.

The employment of a farm supervisor for the Department of Institutions recommended herein should certainly bring up the value of farm products produced. There should be ample inmate labor to do this.

For Construction, etc., at Patton State Hospital

Item 161 Budget Bill, page 465 of the Budget; appropriation from the General Fund, $99,900; increase of $77,700 over the estimated expenditure of $22,200 for the 1943-1945 Biennium.

We recommend that appropriation Item 159 be reduced by $15,000 or 27 per cent to $84,900. This recommended reduction can be absorbed as indicated in the table below through careful management and greater use of the labor of patients.

	Amount proposed by Budget	Reductions proposed	Net amount we recommend
Repair garage, equipment and fencing	$10,000	$4,000	$6,000
Tile drainage system, Taylor Ranch	6,000	1,000	5,000
Horse barn and hay shed, Taylor Ranch	4,500	1,000	3,500
Two additional water reservoirs	15,000	3,000	12,000
Addition to laundry building	25,000	3,000	22,000
Additional laundry equipment	20,000	----	20,000
Additional dry cleaning equipment for blankets, suits, etc., and extractor	2,400	----	2,400
Replacing pole line of street lighting system	17,000	3,000	14,000
Totals	$99,900	$15,000	$84,900

For Support of Stockton State Hospital

Item 162 Budget Bill, pages 466-473 inclusive of the Budget; appropriation from the General Fund, $3,820,274; increase of $655,027 or 20.7 per cent over the estimated expenditure of $3,165,247 for the 1943-1945 Biennium; and of $802,156 or 26.6 per cent over the $3,018,118 for the 1943-1945 Biennium appropriated by Item 120 of Assembly Bill No. 1600 of the last regular session.

Our Recommendation: Reduce Item 162 by $265,134 or 6.9 per cent to $3,555,140.

The increase of $655,027 in the budgeted expenditure for 1945-47 over the estimated expenditure for 1943-1945 is distributed as follows:

	Estimated 1943-45	Proposed 1945-47	Increase Amount	Increase Per cent
Administration	$181,394	$210,953	$29,559	16.3
Support and subsistence	765,956	861,969	96,013	12.5
Care and welfare	1,513,037	1,917,919	404,882	26.7
Maintenance and operation of plant	284,928	309,632	24,704	8.7
Farming and processing	384,457	426,538	42,081	10.9
Totals, institution operation	$3,129,771	$3,727,011	$597,240	19.1
Extramural care	35,476	93,263	57,787	16.3
Totals, support	$3,165,247	$3,820,274	$655,027	20.7

The proposed expenditure of $3,820,274 for support of the Stockton State Hospital would permit the following increases in per capita expenditures for institutional operations and parole activities:

	Institution operations				Extramural care	
	Fiscal year	Average resident population	Cost per patient Yearly	Cost per patient Monthly	Average parole population	Cost per patient
Actual	1943-44	4,224	$360.43	$30.03	886	$14.22
Estimated	1944-45	4,328	371.38	30.99	900	25.42
Estimated	1945-46	4,430	408.16	34.01	900	46.12
Estimated	1946-47	4,530	423.59	35.29	900	57.50

The increase of $655,027 in the budgeted expenditure is distributed as shown on the following page, by object of expenditure:

Salaries and wages	Estimated 1943-45	Proposed 1945-47	Increase Amount	Increase Per cent
Positions now authorized	$2,191,707	$2,391,940	$200,233	9.1
Estimated salary savings	—115,709	—91,171	—24,538	—21.2
1945-47 normal salary adjustments		46,040	46,040	100.0
Proposed new positions		256,120	256,120	100.0
Totals, salaries and wages	$2,075,998	$2,602,929	$526,931	25.4
Operating expenses	1,214,376	1,281,900	67,524	6.0
Equipment	15,539	60,345	44,806	283.3
Totals	$3,305,914	$3,945,174	$639,260	19.3
Reimbursement for maintenance	—80,459	—94,900	—14,441	
Surplus products sales	—60,207	—30,000	+30,207	
Net totals	$3,165,247	$3,820,274	$655,027	20.7

Operating expenses are up by approximately $67,524 or 6.0 per cent. Equipment expenses are scheduled to advance by $44,806 or 283.3 per cent; and expenditures for salaries and wages are expected to expand by well over half a million dollars, or by 25 per cent.

Of this latter increase of salary expense, more than $250,000 is for the salaries of 56 proposed new positions for the first year of the biennium and a cumulative number of 90 for the second year.

We recommend that appropriation Item 162 be reduced by $265,134 or 6.9 per cent to $3,555,140. This still will represent an increase of $389,893 or 12.3 per cent over the estimated expenditure for the 1943-1945 Biennium. *This increase will permit the same per capita expendi-*

tures for institutional operations and parole work as prevails for the current fiscal year (1944-1945), and also will allow additional amounts to cover normal salary increases, new hospital attendant positions to care for population increases, new positions to apply the uniform State holidays policy to this institution, and several other positions that are justified on an individual basis, and an allowance for necessary equipment.

The statistical basis for our recommended sum of $3,510,140 is given in the table below:

1.	*Per Capita Institutional Cost Basis:*		
	A. Per capita, 1944-45	$371.38	
	B. Predicted average population 1945-47	4,480	
	C. Total institutional cost—year	$1,663,782	
	D. Total institutional cost—biennium		$3,327,564
2.	*Extramural Cost Item:*		
	A. Cost per patient on parole, 1944-45	$ 25.42	
	B. Predicted average number on parole, 1944-45	900	
	C. Total cost—year	22,878	
	D. Total cost—biennium		45,756
3.	Normal salary increases		46,040
4.	Allowance for equipment		45,000
5.	Additional salary expense for uniform State holidays		41,040
6.	Additional salary expense of positions needed to match population increase		44,940
7.	Salaries of positions justified individually		4,800
8.	Total sum recommended for support of Stockton State Hospital		$3,555,140

The entire farming operations and use of patient labor at Stockton needs to be reviewed. Expenditure for farming and processing is increased by 11 per cent or up $42,081, but surplus sales show a drop of $30,207 and local products consumed remains the same, at $282,000 per year.

A considerable acreage of excellent gardenland is being used to grow grain. We question the economy of such a use.

Investment in farm buildings is excessive and costs in the future should be controlled.

For Construction, etc., at Stockton State Hospital

Item 163 Budget Bill, page 473 of the Budget; appropriation from the General Fund, $258,020; increase of $136,178 over the estimated expenditure of $121,842 for the 1943-1945 Biennium.

We recommend that appropriation Item 163 be reduced by $45,980 or 17.7 per cent to $212,040. This recommended reduction can be absorbed as indicated in the table below through careful management and greater use of the labor of patients.

	Amounts in Budget	Reductions proposed	Net amounts recommended
Purchase of modern laundry equipment	$68,840	------	$68,840
Completion of refrigeration plant and butcher shop	75,000	5,000	70,000
Link fence with steel posts, front boundary, ranch	6,000	1,000	5,000
Turbine pump, for irrigating lower end of ranch	1,500	------	1,500
Pump and well at N.E. corner ranch	3,000	------	3,000
Pump and well at west of horse barn, at ranch	3,000	------	3,000
Pump and well at twin-barns	3,000	------	3,000
Occupational therapy building at farm annex	10,000	2,000	8,000
Ground lights at farm annex	10,600	8,000	2,600
Completion of ground lighting, main institution	8,480	8,480	0
Lining drainage ditch from sewer settling basin, farm annex	11,600	1,500	10,100
Completion of hog shelter sheds, hog ranch	7,000	3,000	4,000
Completion of farrowing barn, hog ranch	14,500	5,000	9,500
Maternity and hospital barn, at dairy	16,000	8,000	8,000
Completion of road paving at hog ranch	9,000	4,000	5,000
Boiler room controls	4,000	------	4,000
Replace setting for boiler, farm annex	3,500	------	3,500
Replace feed water receiving tank, main institution	3,000	------	3,000
	$258,020	$45,980	$212,040

For Support of Pacific Colony

Item 164 Budget Bill, pages 474 to 479, inclusive, of the Budget; appropriation from the General Fund, $1,702,966; increase of $277,209 or 19.4 per cent over the estimated expenditure of $1,425,757 for the 1943-1945 Biennium; and of $327,805 or 23.8 per cent over the $1,375,161 for the 1943-1945 Biennium appropriated by Item 122 of (Assembly Bill No. 1600) the last regular session.

Our Recommendation: Reduce Item 164 by $125,061 or 7.3 per cent to $1,577,905.

The increase of $277,209 in the budgeted expenditure for 1945-1947 over the estimated expenditure for 1943-1945 is distributed as follows:

	Estimated 1943-45	Budgeted 1945-47	Increase Amount	Increase Per cent
Administration	$108,258	$135,394	$27,136	25.1
Support and subsistence	508,580	545,877	37,297	7.3
Care and welfare	611,357	786,060	174,703	28.6
Maint. and operation of plant	170,516	197,561	27,045	15.9
Farming and processing	27,046	38,074	11,028	40.7
Totals, support	$1,425,757	$1,702,966	$277,209	19.4

The proposed expenditure of $1,702,966 for support of Pacific Colony will permit the following increases in per capita expenditures for support:

	Fiscal year	Average patient population	Cost per patient Per year	Cost per patient Per month
Actual	1943-44	1533	$441.96	$36.83
Estimated	1944-45	1600	467.65	38.97
Estimated	1945-46	1600	517.81	43.15
Estimated	1946-47	1600	546.55	45.54

The increase of $277,209 in the budgeted expenditure is distributed as follows, by object of expenditure:

Salaries and wages:	Estimated 1943-45	Budgeted 1945-47	Increase Amount	Increase Per cent
Positions now authorized	$920,661	$1,023,540	$102,879	11.1
Estimated salary savings	49,464	—39,596	9,868	19.9
1945-47 normal salary adjustments		37,825	37,825	100.0
Proposed new positions		92,700	92,700	100.0
Totals, salaries and wages	$871,197	$1,114,469	$243,272	27.9
Operating expenses	594,668	603,970	9,302	1.6
Equipment	6,813	35,427	28,614	419.9
Totals	$1,472,678	$1,753,866	$281,188	19.1
Reimbursements for maintenance	43,398	48,300	4,902	11.3
Surplus products sale	3,523	2,600	923	26.2
Net totals	$1,425,756	$1,702,966	$277,209	19.4

Operating expenses are up by approximately $9,300 or 1.6 per cent. Equipment expenses are scheduled to advance by $28,614 or 419 per cent; and expenditures for salaries and wages are expected to expand by $243,000 or 27 per cent.

Of this latter increase in salary expense, almost $93,000 is for the salaries of 22 new positions for the first year of the biennium and 30 for the second year.

We recommend that appropriation Item 164 be reduced by $125,061 or 7.3 per cent to $1,577,905. This still will represent an increase of $152,149 or 10.6 per cent over the estimated expenditure for the 1943-1945 Biennium. *This increase will permit the same per capita expenditures for institutional operations as prevails for the current fiscal year (1944-1945), and also will allow additional amounts to cover normal salary increases, new hospital attendant positions to care for population increases, and new positions to apply the uniform State* holidays policy to this institution, and an allowance for necessary equipment.

The statistical basis for our recommended sum of $1,577,905 is given by the table below.

1.	*Per Capita Institutional Cost Basis:*	
	A. Per capita, 1944-45	$467.65
	B. Predicted average population, 1945-47	1,600
	C. Total institutional cost—year	$748,240
	D. Total institutional cost—biennium	$1,496,480
2.	Normal salary increases	37,825
3.	Additional salary expense—uniform State holidays	15,600
4.	Additional salary expense of positions needed to match population increase	0
5.	Allowance for equipment	28,000
6.	Salaries of positions justified individually	0
7.	Total sum recommended for support of Pacific Colony	$1,577,905

For Construction, etc., at Pacific Colony

Item 165 Budget Bill, page 480 of the Budget; appropriation from the General Fund, $60,900; increase of $49,900 over the estimated expenditure of $11,000 for the 1943-1945 Biennium.

Expenditure items proposed by the Budget include the following:

Farm irrigation system	$6,000
Additional plumbing fixtures on male wards	1,500
Increased vegetable storage space	3,000
Fuel oil pumping equipment	2,400
Repairs and paving of streets and roads	4,000
Concrete incinerator	4,000
Installation of lawn irrigation system at cottages 1, 2, 3, 4, and 6	1,000
Additional refrigeration space	7,000
Pro rata cost sewage plant	12,500
Sewage disposal plant comminator	7,000
Annex to school	12,500
	$60,900

In view of greater difficulties in the use of labor of inmates of a home for mental defectives as compared with the mental hospitals, a lesser degree of reduction is indicated for this institution's construction expenditures. We recommend a 10 per cent cut in the foregoing, or $6,090. This brings the recommended sum for Item 164 to $54,810.

For Support of Sonoma State Home

Item 166 Budget Bill, pages 481-486, inclusive of the Budget; appropriation from the General Fund, $2,983,275, increase of $357,824 or 13.6 per cent over the estimated expenditure of $2,625,450 for the 1943-45 Biennium; and of $595,378 or 24.9 per cent over the $2,387,897 for the 1943-45 Biennium appropriated by Item 123 of (Assembly Bill No. 1600) of the last regular session.

Our Recommendation: Reduce Item 166 by $124,541 or 4.2 per cent to $2,858,734, leaving an increase of $233,284 or 8.9 per cent over the expenditure for 1943-1945.

The increase of $357,824 in the proposed expenditure for 1945-47 over the estimated expenditure for 1943-45 is distributed as follows:

	Estimated 1943-45	Budgeted 1945-47	Increase Amount	Increase Per cent
Administration	$140,026	$169,853	$29,827	21.3
Support and subsistence	635,756	686,498	50,741	8.0
Care and welfare	1,292,148	1,522,980	230,832	17.9
Maintenance and operation of plant	272,865	297,551	24,686	9.0
Farming and processing	284,655	306,393	21,738	7.6
Totals, support	$2,625,450	$2,983,275	$357,825	13.6

The proposed expenditure of $2,983,275 for support of the Sonoma State Home would permit the following increases in per capita expenditures for support:

	Fiscal year	Average patient population	Cost per patient Per year	Cost per patient Per month
Actual	1943-44	3,249	$396.49	$33.04
Estimated	1944-45	3,350	399.19	33.26
Estimated	1945-46	3,350	433.29	36.10
Estimated	1946-47	3,350	457.24	38.10

Of the budgeted increase, operating expenses are up by some $33,000 or 3.5 per cent; equipment expenditures are up by approximately $30,600 or 216 per cent; and salaries and wages are up by $305,154 or 17.6 per cent.

We recommend that Appropriation Item 166 be reduced by $124,541 or 4.2 per cent to $2,858,734. This still will represent an increase of $233,284 or 8.9 per cent over the estimated expenditure for the 1943-45

Biennium of $2,625,450. *This increase will permit the same per capita expenditure for institutional operations as prevails for the current fiscal year (1944-45), and also will allow additional amounts to cover normal salary increases, new hospital attendant positions to care for recent population increases, new positions to apply the uniform State holidays policy to this institution, and an allowance for necessary equipment.*

The statistical basis for our recommended sum of $2,858,734 is given by the table below:

1. *Per Capita Institutional Cost Basis*			
A. Per capita, 1944-45	$399.19		
B. Predicted average population, 1945-47	3,350		
C. Total institutional population cost—year		$1,337,287	
D. Total institutional population cost—biennium			$2,674,574
2. Normal salary increase			58,100
3. Additional salary expense for uniform State holidays			36,000
4. Additional salary expense of positions needed to match population increase			60,060
5. Allowance for equipment			30,000
Total sum recommended for support of Sonoma State Home			$2,858,734

For Construction, Etc., at Sonoma State Home

Item 167 Budget Bill, page 487 of the Budget; appropriation from the General Fund, $132,000; increase of $104,020 over the estimated expenditure of $27,980 for the 1943-1945 Biennium.

Expenditure items proposed by the Budget include the following:

Purchase of modern laundry equipment	$75,000
Incinerator	10,000
Underground power line	7,000
Occupational therapy room at Paxton Hall	40,000
	$132,000

We recommend a 10 per cent cut in the foregoing, or $13,200. This brings the recommended sum for Item 167 to $118,800.

For Support of Industrial Home for the Adult Blind

Item 168 Budget Bill, pages 489-494, inclusive, of the Budget; appropriation from the General Fund, $332,717; increase of $32,979 or 11 per cent over the estimated expenditure of $299,737 for the 1943-45 Biennium; and of $47,915 or 16.8 per cent over the $284,802 for the 1943-45 Biennium appropriated by Item 130 of (Assembly Bill No. 1600) of the last regular session.

Our Recommendation: Reduce Item 168 by $18,473 or 5.6 per cent to $314,244, leaving an increase of $14,507 or 5 per cent over the 1943-45 expenditure.

This institution is both a residence for the blind with an average member population of about 110 persons and an industrial workshop. Its estimated per capita cost of $1,233 for 1944-45 covers both residential and industrial activities. The proposed expenditure of $332,717 for support would permit the per capita cost to advance to $1,258 for 1945-46

and to $1,265 for 1946-47. The institution employs 45 persons, which represents a ratio of 2.4 residents per employee.

We recommend that appropriation Item 168 be reduced by $18,473 or by 5.6 per cent to $314,244. This figure represents continuance during the coming biennium of expenditures for institutional operations at the 1944-45 per capita rate of $1,237.07, and the same biennial amount ($42,970) for the Field Rehabilitation Service of this institution.

The Legislature should seriously consider the advisability of closing the custodial feature of this institution and operating a workshop for all the blind in the area. Note that it costs the State over $103 per month for each person resident at this home.

It would be cheaper to pay each one $100 per month cash and sell this property and set up a proper workshop for the blind similar to those in Los Angeles or San Diego. Those who can earn would help pay for a workshop. More blind persons could be served.

There is now one employee for each 2.4 resident blind or a total of 45 as compared with seven employees at San Diego and 14 at Los Angeles.

For Construction, Etc., at Industrial Home for Adult Blind

Item 169 Budget Bill, pages 493-494 of the Budget; appropriation from the General Fund, $22,600; decrease of $1,700 from the estimated expenditure of $24,300 for the 1943-1945 Biennium.

Expenditure items proposed by the Budget include the following:

Relocation of and repairs to roads	$2,500
Replacement of water tank and general improvements to water and drainage system	11,600
Sprinkler system for broom and garment factories	8,500
	$22,600

We recommend that Item 169 be approved without change.

For Support of Industrial Workshop for the Blind at Los Angeles

Item 170 Budget Bill, pages 495-496, inclusive, of the Budget; appropriation from the General Fund, $81,382; increase of $7,130 or 9.6 per cent over the estimated expenditure of $74,251 for the 1943-1945 Biennium; and a decline of $565 or .5 per cent from the $81,947 for the 1943-1945 Biennium appropriated by Item 132 of (Assembly Bill No. 1600) of the last regular session.

Recommendation: Approval without change.

The moderate increase proposed over expenditures for the current biennium is due largely to budgeting for certain industrial equipment in the sum of about $5,300. This equipment is needed to make effective use of a building the State has purchased for this establishment. We recommend that no reduction be made in this item.

For Support of State Blind Shop at San Diego

Item 171 Budget Bill, page 497 of the Budget; appropriation from the General Fund, $40,030; increase of $2,167 or 5.7 per cent over the estimated expenditure of $37,862 for the 1943-45 Biennium; and of $3,469 or 9.5 per cent over the $36,561 for the 1943-45 Biennium appropriated by Item 133 of (Assembly Bill No. 1600) of the last regular session.

We recommend appropriation Item 171 at $40,030 as set up in the Budget.

Analysis of Proposed Expenditures for the Department of Insurance 1945-1947 Biennium

Item 172 Budget Bill, pages 498-502 of the Budget; appropriation from the Insurance Fund $826,918; increase of $148,797 or 21.9 per cent over the estimated expenditure of $678,121 for 1943-1945.

Proposed expenditures and estimated revenues for the 1945-1947 Biennium, compared with the 1943-45 period, are summarized as follows:

Expenditures	Estimated expenditure 1943-45	Proposed expenditure 1945-47	Increase Amount	Increase Per cent
Support				
Administration	$559,059	$677,453	$118,394	21.2
Statement analysis	55,764	73,590	17,826	32.0
Examination	22,175	21,865	—310	—1.4
Workmen's compensation investigation	34,988	46,510	11,522	32.9
Liquidation	6,134	7,500	1,365	22.2
Totals, support	$678,121	$826,918	$148,797	21.9
Contributions to State Employees' Retirement fund	$21,383	$25,431	$4,048	18.9
Total expenditures	$699,504	$852,349	$152,845	21.8
Revenues				
License, examination and special fees	$876,981	$908,780	$31,799	3.7

Significant facts revealed by the foregoing table:

1. While proposed expenditures are up by 21.8 per cent, revenues for the coming biennium are expected to increase by only 3.7 per cent.

2. All types of expenditure except one—that for examinations—are scheduled to increase by more than 18 per cent, with the percentage rate of increase being over 30 per cent for statement analysis work and for the Workmen's Compensation Investigation.

The proposed expenditures for 1945-47 as compared with the estimated expenditures for 1943-45, by objects of expenditure, are as follows:

	Estimated 1943-45	Proposed 1945-47	Increase Amount	Increase Per cent
Salaries and wages	$570,236	$678,163	$107,927	18.9
Operating expenses	189,347	203,984	14,637	7.7
Equipment	583	5,279	4,696	805.5
Totals	$760,166	$887,426	$127,260	16.7
Less abatements for service to insurance companies in liquidation	$82,045	$60,508	—$21,537	—26.2
Net totals	$678,121	$826,918	$148,797	21.9

Of the budgeted increased salary expense of $107,927, $73,500 is for eight proposed new positions for the first year, a cumulative total of 15 new positions for the second fiscal year, and reclassification of six positions. Fourteen of the new positions are for individuals on leave for service with the armed forces.

Proposed new positions and the budgeted salary expense resulting are as follows:

No of positions fiscal years 45-46 Cumulative total	46-47 Cumulative total		Proposed 1945-46	1946-47
1	3	Senior Insurance License Investigator (ML)	$3,420	$10,260
1	2	Senior Insurance Document Examiner (ML)	3,780	7,560
3	6	Junior Insurance License Investigator (ML)	7,740	15,480
1	1	Intermediate Typist-Clerk (ML)	1,980	1,980
		Senior Insurance License Investigator (Reclassification of six Junior Insurance License Investigators upon return from military leave)	360	1,440
1	2	Accountant-Auditor, Grade 1 (ML)	2,820	5,640
1	1	Assistant Supervisory Insurance Examiner	5,520	5,520
8	15	Totals, years	$25,620	$47,880
		Total biennium	$73,500	

Much of the $14,637 budgeted increase for operating expenses is due to an allowance of $20,000 for auditing work for the liquidation activity as compared with an estimated $12,000 for the fiscal year 1944-45. An additional $2,419 of the $14,637 increased operating expenses is for traveling which is budgeted for $24,035 as compared with the $21,616 estimated for the current biennium.

Increased automobile expense is responsible for $700 more of the expended operating expense with the total for automobile expense being budgeted at $2,700 for the 1945-1947 Biennium as contrasted with the $1,999 estimated expenditure for the 1943-45 period.

Of the $4,696 scheduled increase for equipment, $2,000 is for automobile equipment during the first year of the biennium with the remainder being for office equipment.

The Department of Insurance is a self-supporting activity financed by appropriation from the Insurance Fund which is built up by the payment of fees by insurance companies and licenses of insurance agents. As of July 1, 1945, there was an unbudgeted surplus in the Insurance Fund of $698,069. The Budget estimates that this will increase to $754,500 by June 30, 1947, a net increase of approximately $56,000.

Our recommendations are as follows:

1. In line with over-all cuts that we are recommending for all agencies—we recommend that
   (a) The sum budgeted for printing be reduced from $18,000 to $15,000;
   (b) Budgeted automobile operating expense be cut by 10 per cent or $270.
2. We recommend that the amount of $2,000 for the purchase of an automobile be reduced to $1,500.
3. We recommend that the budgeted traveling expense items which total $22,355 be reduced by 10 per cent or $2,235.

We also raise a serious question as to the justification for the continuance of the workmen's compensation investigation and pay roll test audit in relation to the compensation carriers out of the insurance fund. Insofar as this study is an examination of the operations of a carrier it should be financed on an assessment basis in the same manner as other special services benefiting particular carriers are financed. If this particular study is justified to protect the public then its objective should either be to reduce compensation rates or to require proper premiums,

which if the rates are increased would yield additional revenues to the general funds.

We also wish to point out that the workmen's compensation investigation started out as a one time special study. It now appears to be a permanent part of the budget. It involves a significantly large expenditure of money, totaling approximately $35,000 for 1943-45 and $46,500 for 1945-1947.

Analysis of Proposed Expenditures for the Division of Banking Department of Investment—1945-1947 Biennium

Item 173 of Budget Bill, pages 503-505 of the Budget; appropriation from the Banking Fund, $345,662; increase of $79,867 or 30 per cent over the estimated expenditure of $265,795 for 1943-1945.

The Budget increase for 1945-1947 of $79,867 is distributed among classes of expenditure as follows:

Support	Estimated expenditure 1943-45	Proposed expenditure 1945-47	Increase Amount	Increase Per cent
Administration	$101,068	$111,636	$10,567	10.46
Enforcement of banking laws	147,847	213,986	66,138	44.74
Certification of bond issues	16,880	20,040	3,160	18.72
Total support	$265,795	$345,662	$79,866	30.0

The proposed expenditure for 1945-1947 as compared with the estimated expenditure for 1943-1945, by objects of expenditure, is as follows:

	Estimated 1943-45	Proposed 1945-47	Increase Amount	Increase Per cent
Salaries	$204,227	$267,326	$63,099	30.9
Operating expense	60,581	77,236	16,655	27.5
Equipment	987	1,100	113	1.15
Net Totals	$265,795	$345,662	$79,867	30.0

(See comment on proposed increased personnel and traveling.)

Of the Budget increase, salary expense of $63,099, $27,960 is for five proposed new positions, which are as follows:

No. of new positions fiscal years 1945-46	1946-47 Cumulative total		Proposed 1945-46	Proposed 1946-47
1	1	Intermediate typist-clerk	$1,620	$1,740
2	2	Semi-senior bank examiners	6,840	7,200
2	2	Junior bank examiners	5,160	5,400
		Total years	$13,620	$14,340
				13,620
		Total for biennium		$27,960

This is 44.31 per cent of the total salary increase of $63,099.

Additional personnel is requested to make independent examinations of several large banks which are now jointly examined with the Federal examiners and for examination of various financial institutions which desire to be converted into banks.

This appears very logical and the number of new examiners requested appears to be in line.

A review of operating expenses, as itemized below, will show a proposed increase of $16,655 or 27.5 per cent over the estimated expenditure for 1943-1945.

OPERATING EXPENSES

	Estimated 1943-45	Proposed 1945-47	Increase	Per cent
Office	$2,830	$3,000	$170	6.0
Printing	4,242	4,600	358	8.4
Traveling	18,702	32,200	13,498	72.2
Telephone and telegraph	2,572	2,800	228	8.9
Postage	1,716	2,000	284	16.6
Automobile	2,188	3,000	812	37.1
Freight, cartage and express	85	100	15	17.6
Rent	25,224	25,224	----	--
Pro rate general fiscal administration	1,965	2,574	609	31.0
Pro rate personnel board services	1,057	1,738	681	64.4
Total biennium	$60,581	$77,236	$16,655	27.5

The increase of $13,498 or 72.2 per cent for traveling expense does not appear to be in line. The large proposed increase is in the Enforcement of Laws Department.

Following is a comparative schedule showing gradual increase in this expenditure:

Biennium	Number of examiners	Actually spent	Average biennium
1939-1941	15	$11,851	$790
1941-1943	16	14,292	894
1943-1945	13 Filled	17,115	1,320
Proposed:			
1945-1947	20	30,000	1,500

We do not know of any logical reason for this large proposed increase as they have the same number of banks to examine and except for the examination of the various financial institutions that they expect to be converted into banks, their expense should be the same except for the additional proposed examiners, and with more staff the individual travel should be less.

An examination of the allowances made by this division for traveling expense shows that their schedule for meals has been $3.50 per day while the Board of Control rules allow for a higher amount. Since the price for meals has increased, the travel request appears to be in line.

We recommend that the proposed percentage reduction applied to the General Fund to produce an over-all saving of $10,000,000 in the General Fund be applied to this Budget.

An examination of the use of automobiles indicates a very conservative policy which includes garaging automobiles in San Francisco when not in use. Although this costs $12.50 per month per car, there is a reduction in mileage costs. We recommend, therefore, that the over-all reduction for automobiles be *not* applied to this division.

The increase in printing costs arises primarily from increased costs for the annual report.

Money for the salaries of all vacant and new positions for 1945-47 should be placed in a separate fund only to be spent if filled as previously recommended.

Expenditure for equipment really needs no comment as they are requesting only nominal office equipment and asking for the replacement of an automobile that has travelled in excess of 82,000 miles.

The Division of Banking is a self-upporting activity financed by appropriation from the Banking Fund, which is built up by payment of assessments and fees from banks.

As of July 1, 1945, there was an unbudgeted surplus of $211,494 in the Banking Fund. The Budget indicates that this will increase to $266,227 by June 30, 1947 or a net increase of $55,733.

The anticipated unbudgeted surplus as of June 30, 1947 ($266,227) is about the same as the amount estimated for support for the 1943-1945 Biennium, which was $265,795. It is not an overly large amount to carry for emergency needs.

Analysis of Proposed Expenditures for the Department of Investment Division of Building and Loan—1945-47 Biennium

Item 174, page 14, Budget Bill, pages 506-9 of the Budget. Total appropriation *requested from the Building and Loan Inspection Fund, $176,352, an increase of $46,775 or 36.0 per cent over the 1943-45 expenditure of $129,577* for support.

This represents an increase of $14,436 or 8.91 per cent over the appropriation for the 1943-45 Biennium (Assembly Bill No. 1600) of $161,916.

Proposed expenditures and estimated revenue for the 1945-47 Biennium compared with the 1943-45 period are summarized as follows:

Expenditures—Support	Actual and estimated 1943-45	Proposed 1945-47	Increase 1945-47 over 1943-45 Amount	Per cent
Administration	47,296	$65,560	$18,264	+ 38.61
Examination	82,281	110,792	28,511	+ 34.65
Totals, support	$129,577	$176,352	$46,775	+ 36.09
Contributions to State Employees Retirement Fund	4,720	5,334	614	+ 13.
Totals, expenditures	$134,297	$181,686	$47,389	+ 35.28
Revenues:				
License fees	$134,467	$184,080	$49,613	+ 36.89

Significant facts revealed by foregoing table:

1. Estimated revenue is expected to increase in the ensuing biennium by $49,613 or 36.89 per cent.
2. Proposed expenditures for support for the 1945-47 Biennium are up $46,775 or 36.09 per cent—almost exactly offsetting the increase in revenue.

THE PROPOSED EXPENDITURES FOR 1945-47 AS COMPARED WITH THE ESTIMATED EXPENDITURES FOR 1943-45, BY OBJECTS OF EXPENDITURE

	Estimated 1943-45	Proposed 1945-47	Change Amount	Per cent
Salaries and wages:				
Positions now authorized	$133,252	$136,992	$3,740	2.8
Estimated salary savings	— 7,380	— 3,340	4,040	54.7
1945-47 normal salary adjustments		2,340	2,340	new
Proposed new positions		6,240	6,240	new
Totals, salaries and wages	$125,872	$142,232	$16,360	13.0
Operating expenses	40,923	43,120	2,197	5.4
Equipment	481	1,000	519	107.9
Totals	$167,276	$186,352	$19,076	11.4
Less: Reimbursements for services rendered to associations in liquidation	37,699	10,000	27,699	73.5
Net total	$129,577	$176,352	$46,775	36.1

It will be noticed from the above that a very substantial part of the increased total expenditure for the coming biennium *arises from the expected lesser amount of reimbursement for services rendered to associations in liquidation.*

The Budget proposes one new position. It is for an accountant-auditor, Grade 1, for work in connection with the division's examination function. The position is set up as for a worker currently on military leave. In 1941-42, the division had a total of 21 positions—the same number as proposed for the coming biennium.

Of the $2,197 budgeted increase in operating expenses for the 1945-47 Biennium as compared with 1943-45, $1,447 is increased traveling expense which is budgeted at $23,400 as compared with an estimated $21,953 for the 1943-45 period.

Our recommendations include the following:

1. We recommend that no reduction be made in the appropriation for printing on the over-all reduction schedule previously presented, for the reason that the amount for printing as given on page 506 of the Budget should be $583 in place of $270.
2. We recommend that traveling expenses be reduced by $1,450—which will cut expenditures for this purpose to the level for the 1943-45 period.
3. We recommend that the proposed new position be granted in order to take care of the employee on military leave, but the salary for this position be set up in a salary savings fund as recommended for all vacant positions.
4. The budgeted expenditures are almost the same as anticipated revenue for the Building and Loan Inspection Fund for the ensuing biennium for the reason that annual assessments are made on the building and loan companies on the basis of their assets to support the budget which they estimate.

The estimated unbudgeted surplus as of June 30, 1947, is $32,943. This is not a large reserve but is adequate for the reason that additional assessments can be made by the Building and Loan Commissioner whenever this is required to cover a special examination.

Analysis of Proposed Expenditures for the Division of Corporations Department of Investment

Item 175, Budget Bill, page 14. Budget, pages 509-511, inclusive. Appropriation requested, $589,658, an increase of $69,491 over expenditures of $520,167 for 1943-45, or plus 13.35 per cent.

Compared with the 1943-45 appropriation (Assembly Bill No. 1600) of $625,191 the *1945-47* Budget requested of *$589,658 represents a decrease of $35,533 or 5.68 per cent under the amount appropriated for the preceding biennium.*

The budgeted increase, $69,491 for 1945-47 over actual and estimated expenditures for 1943-45 is distributed among classes of expenditures as follows:

TABLE I

Support	Actual and estimated 1943-45	Proposed 1945-47	Increase 1945-47 over 1943-45 Amount	Per cent
Administration	$147,798	$184,868	$37,070	+ 25.08
Applications, permits and orders	241,256	250,130	8,874	+ 3.67
Audits and investigation	131,113	154,660	23,547	+ 17.95

The proposed expenditures for 1945-47 as compared with actual and estimated expenditures for 1943-45 by object of expenditure is as follows:

TABLE II

Object	Actual and estimated 1943-45	Proposed 1945-47	Increase 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	$477,864	$532,058	$54,194	+ 11.34
Operating expenses	41,742	54,250	12,508	+ 30.00
Equipment	560	3,350	2,790	+498.00
	$520,166	$589,658	$69,492	+ 13.35

Of the proposed salary increase of $54,194 or 11+ per cent over the preceding biennium, all but $1,000 (normal salary increases) is attributable to 13 proposed new positions. All but three of the proposed new positions arise as a result of military leaves of absence. Proposed expenditures for the three *strictly new positions* amount to $4,320 for the Fiscal Year 1945-46, and $7,140 for the Fiscal Year 1946-47 or a total of $11,460 for the biennium or 21.5 per cent of the total proposed increase for new positions.

Proposed new positions and budgeted expense resulting therefrom are indicated in the following table:

TABLE III

SCHEDULE OF PROPOSED NEW POSITIONS

DIVISION OF CORPORATIONS, 1945-1947 BIENNIUM

Number of positions Fiscal Year 45-46	46-47 Cumulative total	Classification	Salary range	Total amount 1945-46	1946-47
1	1	Intermediate Stenographer-Clerk	110-150	$ 1,620	$ 1,740
1	1	Senior Clerk*	140-180	2,460	2,460
	1	Intermediate File Clerk*	100-140		1,980
	1	Junior Stenographer-Clerk	90-115		1,680
	1	Junior Deputy Commissioner*	170-210		2,820
	3	Deputy Commissioner*	300-380		14,400
1	2	Accountant Auditor, Grade 1	160-200	2,700	5,400
	1	Chief Investigator*	380-460		5,760
1	2	Investigator*	200-260	3,420	6,840
4	13			$10,200	$43,080

* On military leave.

Table II preceding indicates that proposed operating expenses for the 1945-47 are budgeted at $54,250, an increase of $12,508 or 30 per cent over the 1943-45 expenditure of $41,742. Of this amount, it is proposed that allowance for traveling expense be increased from $17,776 to $23,300, up $15,524 or 31.07 per cent. The budgeted figure for printing expense is increased from $4,340 to $6,500, up $2160 or $49.76 per cent. Automobile expenditures are up $755 or 24 per cent over 1943-45; and the item for telephone and telegraph is budgeted at $7,750 vs. $6,704, an increase of $1,046 or 15.60 per cent.

A detailed breakdown of operating expenditures is given in Table IV below:

TABLE IV

OPERATING EXPENSES BY OBJECT, 1945-1947 BIENNIUM, COMPARED WITH EXPENDITURES FOR 1943-1945

Object	Actual and estimated 1943-45	Proposed 1945-47	Increase Amount	Increase Per cent
Travel	$17,776	$23,300	$5,524	31.07
Printing	4,340	6,500	2,160	49.76
Automobile	3,045	3,800	755	24.79
Telephone and telegraph	6,704	7,750	1,046	15.60
Postage	4,257	6,300	2,043	47.99
Office	5,097	5,700	603	11.83
Freight and cartage	523	900	377	72.08
	$41,742	$54,250	$12,508	

Proposed expenditures for *equipment* include one new item—automobile—$2,100 for the biennium. Expenditures for office equipment are budgeted at $1,250 vs. $560 expended in the 1943-45 Biennium, or an increase of 55.20 per cent.

Revenues for the General Fund are estimated to increase from $580,272 in the 1943-45 Biennium to $620,600 in the ensuing biennium, an increase of $40,328 or 6.94 per cent.

With proposed expenditures up 13 per cent to $589,658, the excess revenue over expenditures will be only $30,942. This follows the general principal established when this agency became largely a General Fund supported agency that revenues would be equal to costs. This surplus over costs does not add much to the State general surplus available when revenues go off and when costs of operating this division will undoubtedly go up.

Recommendations

1. We recommend that the over-all reduction necessary to produce the $10,000,000 savings for the General Fund be applied to this division.
2. It is also recommended that the salary saving item as previously described be applied.
3. We recommend reduction in the appropriation for printing based on the over-all schedule previously presented but no additional reduction.
4. While automobile travel costs have gone up somewhat, this division adopted an economy policy of routing employees on travel so as to cover all business that is possible on one trip. Therefore, no further reduction is recommended.
5. The item for telephone and telegraph expense shows a material increase. We believe that the division, by further organization of its work, can transact a larger part of its business by mail rather than by telephone. We do not recommend a specific reduction for the reason that the up-swing in the corporate securities business, which has occurred since the Governor's Budget was prepared, indicates that the volume of the business may be materially more than has been anticipated.

Analysis of Proposed Expenditure 1945-1947 Biennium
Division of Real Estate, Department of Investment

Item 176 Budget Bill, pages 513-516 of the Budget. Appropriation from the Real Estate Fund $428,147; increase of $69,649 or 19.4 per cent over the estimated expenditure of $358,498 for 1943-1945.

Proposed expenditures and estimated revenues for the 1945-1947 biennium compared with the 1943-1945 period, are summarized as follows:

Expenditures	Estimated expenditure 1943-1945	Proposed expenditure 1945-1947	Increase Amount	Increase Per cent
Support				
Administration	$252,990	$286,127	$33,137	13.1
Inspections and Hearings	98,353	135,020	36,667	37.2
Directory	7,154	7,000	— 155	— 2.2
Totals, Support	$358,489	$428,147	$60,649	19.4
Contributions to State Employees' Retirement Fund	$9,261	$11,628	$2,367	24.5
Total Expenditures	$367,759	$439,775	$72,016	19.5
Revenues				
Fees	$413,763	$470,850	$57,087	13.8

Principal classes of expenditure that are shown to be up by the above table are for administration and for inspections and hearings. The table also shows that while total proposed expenditures are up by 19.5 per cent revenues are expected to increase by only 13.8 per cent.

The proposed expenditures for 1945-1947 as compared with estimated expenditures, by object of expenditure, is as follows:

	Estimated expenditure 1943-1945	Proposed expenditure 1945-1947	Increase Amount	Increase Per cent
Salaries and Wages				
Positions now authorized	$254,471	$268,240	$13,769	5.5
Estimated salary savings	— 7,500	— 7,500	---	---
1945-1947 normal salary adjust's	---	3,435	3,435	100.0
Proposed new positions	---	45,900	45,900	100.0
Totals, salaries and wages	$246,971	$310,075	$63,104	25.6
Operating expenses	$111,164	$114,242	$3,078	2.8
Equipment	363	3,830	3,467	955.1
Totals	$358,498	$428,147	$69,649	19.4

Of the total increase of $69,649 for the 1945-1947 Biennium over the 1943-45 period, $45,900 is for the salaries of nine proposed new positions for the first year of the biennium and a cumulative total of 12 for the second year of the period. This sum represents 63.7 per cent of the total scheduled increase for the coming biennium.

These proposed new positions and budgeted expense resulting therefrom are indicated in the resulting table:

No. of positions Fiscal Year 1945-46	Cumulative total 1946-47	Classification	Salary range	Total amount 1945-46	Total amount 1946-47
2	2	Intermediate Typist Clerk		$3,000	$3,000
2	2	Intermediate Stenographer-Clerk		3,240	3,240
1	1	Telephone Operator and Information Clerk		1,500	1,500
4	7	Deputy	$200(15)260	10,800	19,620
9	12	Totals, year		$18,540	$27,360
		Total Biennium		$45,900	

The changes of operating expense items between 1945-47 and 1943-45 are indicated in the table following:

Items	Estimated 1943-45	Proposed 1945-47	Change Amount	Change Per cent
Office	$8,716	$9,750	$1,034	
Printing	19,822	17,540	— 2,282	
Traveling	12,030	13,500	1,470	
Telephone and telegraph	5,549	5,500	— 49	
Postage	8,681	8,750	61	
Automobile	6,920	7,000	80	
Rent	38,167	42,000	3,833	
Pro Rata General Fiscal Administration	2,860	3,187	327	
Pro Rata Attorney General Expenditures	6,767	5,000	— 1,767	
Pro Rata Personnel Board Services	1,650	2,015	365	
Totals, operating expense	$111,164	$114,242	$3,078	2.8

It will be noticed from above that the proposed expenditure for printing is an exception to the general rule of an expanded amount. It is down by $2,282 or 11.5 per cent from the expenditure level for the current biennium.

Rent expense is up by over $3,800 per year. This increase appears to be unavoidable.

Recommendations:

1. It is recommended that two of the four proposed new jobs of Deputy for Inspections and Hearings for the first fiscal year and four of the seven for the second fiscal year be not granted. This will effect a biennial saving in salary expense of $13,380. We do not believe that these two oppositions in 1945-46 or the four in 1946-47 are needed. The denial of this request will still permit the division to add a total of two new Deputies during the first year and three during the second year. The division already has a total of 14 positions for the inspections and hearings activity with a budgeted salary expense aggregating $92,160.

We recommend that traveling expenses be reduced by $750; and that office operating expenses be cut by $500.

The unbudgeted balance in this fund at the end of the next biennium is estimated to be $192,894. Since this estimate was made, there has been a marked upturn in revenues so that this amount will be exceeded. Section 10455 of the Business and Professions Code provides that any surplus over $100,000 shall revert to the General Fund. We recommend that expenditures be kept down so that this surplus will be maintained. We do not believe that expenses should be incurred in an endeavor to reduce reversions to the General Fund. The over-all savings and salary savings previously recommended should be applied to this division.

The additions requested in a subsequent communication over and above the Governor's Budget for personnel should be denied until it is demonstrated that the work load of necessary correspondence and other clerical work is in line. The request for $5,000 to publish the reference book and guide previously published by the Bureau of Documents, and which will produce profit, is justified; also the $300 for the additional

travel of the Advisory Board. Additional clerical help for the purpose of issuing a monthly bulletin does not seem to be essential.

If the work load increases and eventualities develop, a deficiency can be allowed under the provisions of Section 661 of the Political Code.

Analysis of Proposed Expenditures for California District Securities Commission for the 1945-1947 Biennium

Item 177 of the Budget Bill, page 517 of the Budget. Appropriation $31,354 from the General Fund; an increase of $932 or of 3 per cent over the estimated expenditure of $30,421 for the 1943-45 Biennium.

There is one new item that does not appear in the current biennium 1943-45. This is $827 for each fiscal year of the 1945-47 Biennium to cover rent.

If the function of this agency is to be continued, it will be necessary to grant this appropriation request as no material reduction is possible in view of its relatively small staff and scale of expenditures.

The Legislature might well consider transferring all of these functions to the office of the Corporation Commissioner at a material saving.

Department of Justice

Items 178 to 180 of the Budget Bill, pages 518 to 525, inclusive, of the Budget. Item 178 appropriates $1,538,504 from the General Fund, an increase of $186,995 over 1943-45 or 13.8 per cent. The allocations otherwise from the General Fund brings the total expenditures up to $1,563,504 for 1945-47 or an increase of $174,655 or 12.6 per cent. The total budget increase is 16.4 per cent.

There are only two special items for 1945-47. One is a continuation of $20,000 for services rendered the Colorado River Board re Mexico Water Treaty in same amount as the current biennium. This is only a round estimate and as much should be saved as possible.

The other item is entirely new—$5,000 for fees for special counsel employed pursuant to Section 472 of the Political Code providing for employment of special counsel for the counties where it is necessary.

Two special items in the Budget for 1943-45 do not again appear in 1945-47. These are $15,915 for prosecution of Indian claims. This matter has happily been concluded. The other is emergency maintenance of $1,425.

Item 178 appropriating for support of the Department of Justice calls for $1,538,504 from the General Fund. This is an increase of $186,995 or only 13.8 per cent as compared with a 16.4 per cent increase for the entire Budget.

This comparison is not valid without some explanation.

The Department of Justice was established by an act of the Special Session of the 1943 Legislature at the time the Department of Corrections was formed and the Department of Penology abolished. The Department of Justice was formed by taking the Division of Criminal Identification and Investigation and the Division of Narcotic Enforcement formerly in the Department of Penology and adding it to the Attorney General's Office and giving it the new name of Department of Justice. This department will not be found in the 1943-45 Budget. The comparisons of the 1945-47 Budget with the current biennium are made by adding these transferred activities to the Attorney General's office which existed in 1943-45.

It is significant to note that in the Budget for 1945-47 all of the divisions which previously existed before forming the Department of Justice show a material increase. The Division of Criminal Identification and Investigation alone shows a decrease. Narcotic Enforcement and the Bureau of Investigation likewise show an increase. The amounts allocated for each division, together with the increase or decrease from the current biennium, together with the respective percentages, are shown in the following table:

DEPARTMENT OF JUSTICE — SUMMARY

General Fund	Actual and estimated 1943-45 Bien. 95-96 Fisc. Yr.	Estimated and proposed 1945-47 Bien. 97-98 Fisc. Yr.	Inc. (+) or dec. (—) from 1943-45	Per cent Inc. (+) or dec. (—) 1943-45
Expenditures				
Support:				
Division of General Administration	$560,419 44	$613,032 00	+ $52,612 56	+ 9.39
Division of Civil Law	406,940 47	503,030 00	+ 96,089 53	+23.61
Division of Criminal Law	94,404 70	113,810 00	+ 19,405 30	+20.56
Division of Criminal Identification and Investigation: Bureau of Criminal Identification	297,932 67	259,712 00	— 38,220 67	—12.83
Division of Narcotic Enforcement	173,601 10	205,115 00	+ 31,513 90	+18.15
Bureau of Investigation	174,382 16	199,195 00	+ 24,812 84	+14.23
Totals, Division of Criminal Identification and Investigation	$645,915 93	$664,022 00	+ $18,106 07	+ 2.80
Totals, Support	$1,707,680 54	$1,893,894 00	+$186,213 46	+10.90
Deduct:				
Reimbursements from special fund agencies for legal services	286,171 48	285,390 00	— 781 48	— .27
Appropriation from Motor Vehicle Fund for teletype service	70,000 00	70,000 00	-------	----
Total deductions	$356,171 48	$355,390 00	— $781 48	— .22
Net totals, support	$1,351,509 06	$1,538,504 00	+$186,994 94	13.8

A large percentage of the net total increase for support of $186,995 arises from the establishment of 15 new positions for 1945-46, continuing them into 1946-47, and adding six more in that year. It is estimated that these new positions and reclassifications will cost $83,520 for the biennium. Estimated salary adjustments will require $35,905 more. Equipment calls for $9,811 additional. The remaining balance of the increase which should be calculated to include $38,221 of decrease in the expenditure for Criminal Identification is made up in other costs for operation.

The 21 new positions are as follows:

			No. of positions Fiscal Year 45-46	46-47	Proposed cost 1945-46	1946-47
		Division of General Administration				
1	2	Intermediate Stenographer-Clerks	$1,620		$3,360	
1	1	Research Librarian	3,900		4,080	
3	3	Junior Clerks	4,680		4,680	
6	6	Teletype Operators	12,100		12,620	
1	1	Intermediate Typist-Clerk	1,980		1,980	
		Division of Civil Law				
	1	Law Clerk			1,980	
	4	Deputy Attorney General Gr. 2			14,400	
		Division of Criminal Law				
1	1	Deputy Attorney General Gr. 2	3,600		3,780	
1	1	Law Clerk	1,980		2,100	
		Division of Narcotic Enforcement				
1	1	Intermediate Stenographer-Clerk	1,620		1,740	
15	21	Totals	$31,480		$50,720	

A careful examination and analysis of the Budget of the Department of Justice will show that unless expenditures for 1943-45 Biennium are out of line the additional request made for 1945-47 are not out of line, for on the whole the requests are in line with the added services that must be rendered and the increasing legal problems of the State. Since the actual expenditures made for the Fiscal Year 1943-44 are somewhat lower in most instances than for the estimated expenditures for the Fiscal Year 1944-45 and these are carried forward into the coming Biennium 1945-47, we believe that the over-all percentage reduction previously recommended for application to the entire Budget can be applied to this department.

The only place where a material savings can be accomplished is in the matter of salary savings for the 21 proposed new positions and positions now in existence continued into the coming biennium which may be vacant. To accomplish this saving, we recommend that the appropriation for salaries and wages to cover positions now vacant extended into the 1945-47 Biennium and the funds for all new positions be placed in the special salary savings fund for allocation back to the department on the terms therein provided.

We believe that an analysis of the Department of Justice will show that there are one or two positions that are not strictly of the nature required in the services expected to be rendered by the Department of Justice of the State of California and that moreover such services can be provided to the Attorney General by specialists already employed by the State on the same kind of basis as the Attorney General provides legal services for State departments. It is just as logical for certain of the departments to employ attorneys to render legal services as it is for the Attorney General to employ an economic consultant.

The Bureau of Criminal Identification, page 522 of the Budget, shows a material decrease in the staff from 104 in 1943-44 to 63 in each year of the 1945-47 Biennium. An examination of the tabulation of salaries on the above page cited will show that this primary decrease has been

in war emergency positions in two principal classifications—fingerprint technicians and intermediate typist-clerks. The decrease is based upon the belief that the flood of fingerprint identification and filing caused by the growth of the war industries in California has passed its peak and this staff will not be required. An examination of the situation leads us to concur in this estimate. We further recommend that the Department of Justice make a comprehensive study of the matter of coordinating fingerprinting and the maintenance of fingerprint files and the classification thereof with the Federal Bureau of Criminal Identification and to include the fingerprint service required by county and local law enforcement offices.

We have no other specific recommendations concerning the budget of this department. It is pleasing to note the improvement in the budget for this department and the evidence of careful consideration in formulating requests. While it is not strictly an economy budget, it is nearer to such than many other departments provided for in the Budget for 1945-47.

Item 178.5 of the Budget Bill, page 518 of Budget—Support of the Department of Justice from the Motor Vehicle Fund—$70,000. This is for the support of the teletype system and is exactly the same amount as for the 1943-45. This is an equitable distribution of the costs, no comment re adjustments are needed.

Item 179 of the Budget Bill, pages 518 and 524 of the Budget. Appropriates $5,000 from the General Fund at rate of $2,500 for each year of the biennium pursuant to Section 472 of the Political Code.

This is a new item. It is for the purpose of hiring special prosecutors in counties where the district attorney can not act for reasons of disqualification or otherwise failing.

The money, we believe, is adequate. None of it may be used.

Item 180 of the Budget Bill, pages 518 and 524 of the Budget. Appropriates $20,000 or $10,000 each year from the General Fund to serve the Colorado River Board in litigation over Colorado River water with Mexico.

It may not be spent at all, or again it may not be enough.

Military and Veterans Affairs

Item 181 of the Budget Bill, pages 526 to 533, inclusive, of the Budget.

This item appropriates $2,224,272 from the General Fund for the support of the Adjutant General, the State Guard and rental of armories and the maintenance of the High School Cadets.

This is an increase of $783,807 or 54.25 per cent over 1943-45 expenditure.

The following schedule of expenditures by purposes shows the increases, their percentages and the several segregations:

DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS—ADJUTANT GENERAL AND STATE GUARD—SUMMARY

General Fund	Actual and estimated 1943-45	Estimated and proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Expenditures				
Support:				
Adjutant General:				
Administration	$47,854.24	$55,373	+ $7,518.76	+15.71
Headquarters staff	174,160.25*	245,294	+ 71,133.75	+40.84
Armories and arsenals	150,422.24	186,380	+ 35,957.76	+23.90
Rifle ranges and target practice	11,202.79	17,900	+ 6,697.21	+59.77
National Guard	12,340.71	12,520	+ 179.29	+ 1.45
High School Cadets	99,029.69	175,744	+ 76,714.31	+77.46
Totals, Adjutant General	$495,009.92	$693,211	+$198,201.08	+40.03
State Guard:				
Field duty	$872,759.27	$968,420	+ $95,660.73	+10.96
State Guard school	72,696.14	112,770	+ 40,073.86	+55.12
Training encampment	------	449,871	+ 449,871.00	new
Totals, State Guard	$945,455.41	$1,531,061	+$585,605.59	+61.93
Total expenditures	$1,440,465.33	$2,224,272	+$783,806.67	+54.25
Revenues				
Miscellaneous	$11,157	$10,200	— $957	— 8.57

* Paid in 1943-1945 from appropriation for support of State Guard, Chapter 737, Statutes of 1943.

The largest single increase is caused by a new item for a training encampment at $449,871. Allowance to organizations goes up $50,000; $14,000 more is found in normal salary adjustment. The remainder is scattered throughout the Budget.

The actual number of employees is decreased from 160 positions allowed in 1943-45 to 144 in each year of the biennium. Since the property records and accounts are not up to what they should be, possibly some additional employees will be necessary to bring these up to date and keep them current. For detail on this see earlier section of our report on the Budget.

Operating expense of the State Guard, page 531 of the Budget, increased from actual of $161,223 in 1943-45 to $307,708 for 1946 and it has been predicted at approximately this figure for 1945-46 and 1946-47. It includes several new items of large amounts. One, $5,000 each year for a State Guard magazine,* reinforcing strong rooms at $3,000 for each year and other items lead us to believe that $30,000 can readily be cut from this category.

This is true of operating expense in other divisions of the department. It is therefore recommended that the percentage over-all saving be applied here and also the scheduled savings on automobiles, printing, and the salary savings plan for all departments. This will produce material savings.

We recommend Item 181 be specifically reduced by $30,000 to $2,194,272. The over-all reduction should bring down the total increase more in line with the average budget increase of 16.4 per cent.

* It was intended to reestablish the magazine published to promote the National Guard for the purpose of promoting the State Guard. This is not an ammunition magazine.

For Support of Veterans' Home of California

Item 182 Budget Bill, pages 534-541, inclusive, of the Budget, appropriation from the General Fund, $1,299,171; increase of $235,685 or 22.2 per cent over estimated expenditure of $1,063,486 for the 1943-1945 Biennium. Our recommendation: Reduce Item 182 of the Appropriation Bill by $15,603 or 1.2 per cent to $1,283,568.

The Veterans' Home of California, under the management of a board of directors, is maintained for the care of disabled veterans of all wars in which the United States has participated, who have been bona fide residents of the State for 10 years immediately preceding their applications for membership in the home.

The member-population of the home is low now—933 members. It is expected to increase from an estimated average of 1,000 for the 1944-45 Fiscal Year to an average of 1,100 for the Fiscal Year 1945-46 and to 1,200 for the 1946-1947, as a result of the entry of returning World War II veterans into the home.

The increase of $235,685 in the State's share of the budgeted expenditure for this institution is divided up as follows by class of expenditure:

	Estimated 1943-45	Proposed 1945-47	Change Amount	Change Per cent
Expenditures:				
Support:				
Administration	$141,403	$149,779	+ $8,376	+ 5.9
Support and subsistence	600,214	781,961	+ 181,747	+30.3
Care and welfare	524,847	674,420	149,573	+28.5
Maintenance and operation of plant	237,751	270,442	+ 32,691	+13.8
Farming and processing	78,238	82,569	4,331	+ 5.5
Totals, support	$1,582,452	$1,959,171	+$376,719	+23.8
Less estimated amounts payable from Federal contribution	—518,966	—660,000	+ 141,034	+27.1
Net totals, support	$1,063,486	$1,299,171	+$235,685	+22.2

The Budget calls for 28 proposed new positions for civilians for the first year and a cumulative total of 32 for the second year, including several positions designed to provide more extensive medical services for members of the home.

The proposed expenditure of $1,299,171 of State funds and the expected amount of $660,000 from the Federal Government will permit the following increases in expenditures per member:

Fiscal Year	Average member population	Cost per member Per year	Cost per member Per month
Actual 1943-44	933	$800.30	$66.69
Actual and estimated 1944-45	1,000	835.77	69.64
Estimated 1945-46	1,100	860.00	71.66
Estimated 1946-47	1,200	844.31	70.35

The estimated per member yearly cost for the current biennium is $818.73.

Findings and Recommendations

1. We recommend that Item 182 of the Appropriation Bill be reduced by $15,603 or 1.2 per cent to $1,283,568. This still will represent an increase of $220,082 or 20.7 per cent over the estimated expenditure of $1,063,486 for the 1943-1945 Biennium. This increase will permit the same per capita expenditures for support of the institution as prevails for the current biennium (1943-1945), and also will allow additional amounts to cover normal salary increases new positions to apply

the uniform State holidays policy to this institution, and the budgeted increase for expenditures for equipment.

The following represents the statistical basis for our recommended amount of $1,283,568:

1. *Per Capita Institutional Cost Factor*			
A. Average cost per capita per year, 1943-45 Biennium	$818 73		
B. Predicted average population, 1945-47	1,150		
C. Total institutional cost—year		$941,539	
D. Total institutional cost—biennium			$1,883,078
2. Normal salary increases			39,716
3. Additional salary increases for uniform State holidays			10,320
4. Additional amount budgeted for equipment for 1945-1947 over the estimated amount for 1943-1945			10,454
5. Proposed total expenditure			$1,943,568
6. Less estimated amounts payable from Federal contributions			660,000
7. State support			$1,283,568

2. We recommend that the over-all savings to produce $10,000,000 savings in the General Fund be applied to this institution; also the scheduled savings on automobiles and printing and the salary savings procedure all be applied.
3. We also recommend that in the event that general additional salary increases are granted to State employees generally, that such increases *not* be granted to the 90-odd member employees at the home, as most of the increased cost of living already has been cared for in the form of increased cost of the food, lodging, and medical care that the State provides at this home for the member-residents.
4. We further recommend that a study be made of the part that the State should play in the whole problem of aid to veterans; and that if such a study reveals that the Federal Government will be in a better position to extend better care, at relatively less expense, to veterans because of special facilities and experience, then efforts should be made to secure the transfer of the Veterans' Home of California to the Federal Government.

For Construction, Etc., Veterans' Home of California

Item 183 Budget Bill, page 542 of the Budget, appropriation from the Athletic Commission Fund, $107,880.

Of this proposed expenditure of $107,880, $1,880 would be for the construction of a four-strand wire fence around the reservation, and $106,000 would be for the construction and equipment of one unit of the recreation center.

We recommend that appropriation Item 183 in the amount of $107,880 be approved without reduction.

We again urge that these special fund set-ups such as this be eliminated so better control and budgeting for the whole State need be secured.

For Support of Woman's Relief Corps Home

Item 184 of the Budget Bill, page 543 of the Budget, appropriates $106,263 from the General Fund for the support of the Woman's Relief Corps Home. This home, located near San Jose, is for the care of widows and sisters of veterans of the Federal forces of the Civil War and for Civil War nurses. It has a very small population—actual for 1943-44 being 43—and it is estimated to be 50 for each of the following years of the current and succeeding bienniums. This budget shows an increase of $11,372. Most of this, or $8,114, is in support and subsistence. Care and welfare costs are increased by $2,698. There are 19 employees and the same number is continued for the coming biennium.

There is no opportunity to reduce this item of expenditure if this institution is to be continued.

For Veterans' Claims and Rights Services

Item 185 of the Budget Bill, page 549 of the Budget, an appropriation of $150,000 from the General Fund for veterans' claims and rights services, under the provisions of Chapter 1058, Statutes of 1943, to be expended under the supervision of the Veterans' Welfare Board.

This is the same amount as was previously appropriated in 1943. From this sum for the current biennium it is estimated that only $89,915 will be expended. This is for the reason that operations have covered only approximately one year of the biennium. There is only one employee and the same number is continued through the coming biennium. The largest expenditures are made to veterans' organizations on contract payments. These organizations operate in behalf of the veterans. The proposed payments for each year of the 1945-47 Biennium are as follows:

	1945-46	1946-47
American Legion	$41,413	$41,304
Disabled American Veterans	10,655	10,641
Veterans of Foreign Wars	16,587	16,530

If this service is to be continued the appropriation will be required. Since this provides for the expenditure of State money by contract with organizations not controlled by the State, it is suggested that periodic audits be made and the report filed with the Legislature, copy to the Legislative Auditor, accounting for all of the expenditures and a verification of the Department of Finance that they are satisfied that they have been made for the purposes as provided for in the statutes establishing it.

For Support of Division of Athletics

Item 186 of the Budget Bill, page 551 of the Budget, appropriates $141,260 from the Athletic Commission Fund for the support of the Division of Athletics in the Department of Military and Veterans Affairs. This is a special fund activity. This appropriation is $3,537 greater than for the current biennium. The increase is almost entirely in salaries and wages. No new employees will be added. The present staff of nine is continued.

It is expected that revenues will be increased by $6,424 or to a bienninal figure of $350,000. This organization licenses and polices the athletic events held under the Military and Veterans Code. It is not expected that their work will be decreased and, therefore, their budget should be maintained.

Memorandum: We have already in a previous part of this budget called attention to the fact that on page 548 of the Budget, Veterans Education Institute have expended $158,794, which is not carried forward into 1946-47, although there is a remaining balance in the fund. This has been eliminated by the Governor from the Budget for 1945-47.

The Veterans Dependent Education Fund found on page 550 of the Budget is a fixed charge, which sets aside $50,000 a year from the school and oil royalties under Section 898 of the Military and Veterans Code. Only $76,000 was spent for 1943-45. The Budget shows a contemplated expenditure for 1945-47 of $98,700 or an increase of $22,700.

Department of Motor Vehicles

Analysis of Assembly Bill No. 500 (Budget Bill) as It Applies to the Department of Motor Vehicles

Item 187—Budget Bill, page 15, pages 554-569 inclusive of the Budget —Appropriation $15,861,793 for support of the Department of Motor Vehicles, up $2,297,145.65 or 16.93 per cent.

Item 187.5 of the Budget Bill, pages 554-569 inclusive of the Budget, provides that the Director of Finance may authorize transfer of $2,428,658 from the Motor Vehicle Fund to Motor Vehicle Support Fund when necessary to meet claims against the appropriation made by Item 187. (Anticipated revenues as provided by law are not enough to finance Item 187, therefore transfers provided in Item 187.5 will be necessary to meet a deficit if the amount shown in Item 187 is allowed. This transfer would reduce the amount of money going to the counties for highways.)

Item 188 of the Budget Bill, pages 554-569 of the Budget—Appropriation $1,316,872, from the Motor Vehicle License Fee Fund to the License Fee Division—up $112,514.19 or 9.34 per cent.

Recommendation: That Item 187 be allowed for $14,860,660, up $91,654.84 over 1943-45, or .62 per cent; a decrease in the total Budget appropriation request of $2,318,005.

For detail see Exhibit A, Summary of Amounts shown in Printed Budget for the 1943-45 Biennium compared to Legislative Audit Estimate for the 1945-47 Biennium, and Exhibit B sheets 1 and 2, Estimate of Budget Required for the 1945-47 Biennium.

That Item 187.5 be changed to provide for a temporary loan of $120,000, to be made only when and if revenues to the Motor Vehicle Support Fund as now allocated by law are not sufficient to meet current operating expenses.

Item 188—Appropriate $1,316,872 from the Motor Vehicle License Fee Fund to be a *revenue* to the Motor Vehicle Support Fund and all to be budgeted from one source.

The way the Budget Bill as introduced reads, Item 188 no doubt would be handled as an abatement. By appropriating Item 188 as a revenue to the Motor Vehicle Support Fund, it will to some extent facilitate the bookkeeping of the department.

Basis of Recommendation: Estimates were prepared so as to provide ample funds to handle an estimated vehicle registration of 3,041,000 in each fiscal year of the 1945-47 Biennium.

Increases have been allowed in the estimates for salaries and wages ample to pay normal increases to all permanent employees now employed.

Additional funds have been allowed for the purchase of license plates for each fiscal year of the biennium at the rate of approximately 9½ cents per vehicle which when compared with 8.8 for 1940 plates, 9.2 cents for 1941 plates, when two plates per vehicle were purchased, and 8.48 for 1945 with only one plate per vehicle purchased, should provide ample for this expense.

The total cost of operating the Department of Motor Vehicles is definitely reflected by the number of vehicles registered each year. A study of Exhibit C, which shows the cost of operating the department for an eight-year period, brings out the importance of a unit cost analysis.

The following is a tabulation showing the increase in unit cost as shown in the printed Budget compared to actual figures for the 1943-44 Fiscal Year, the last year for which actual figures are available:

TABULATION I

	Registered vehicles	Expenditure	Unit cost	Increase in unit cost over 1943-44
Actual for 1943-44	3,041,925	$7,133,552	$2.345	----
Estimated for 1944-45	3,041,000	7,572,787	2.490	+$.155
Proposed for 1945-46	3,041,000	8,354,620	2.747	+ .402
Proposed for 1946-47	3,041,000	8,824,045	2.902	+ .557

The following is a tabulation showing Legislative Auditor's estimated increases for the Fiscal Years 1945-46 and 1946-47 compared to the actual figures for 1943-44 Fiscal Year and estimated amount for the 1944-45 Fiscal Year:

TABULATION II

	Registered vehicles	Expenditure	Unit cost	Increase in unit cost over 1943-44
Actual for 1943-44	3,041,925	$7,133,552	$2.345	----
Estimated for 1944-45	3,041,000	7,572,787	2,490	+$.155
Legislative Auditor's estimate for 1945-46	3,041,000	7,370,947	2,424	+ .079
Legislative Auditor's estimate for 1946-47	3,041,000	7,489,713	2,463	+ .118

A study of Exhibit C shows an average unit cost per vehicle registered of $2.262 for the five years 1939-44 where actual figures are available. Add to the five-year average unit cost of $2.262 an increase of $.152, the unit increase in cost of salaries made necessary by the war, makes a total unit cost of $2.414, which compares favorably with a unit cost of $2.424 as shown in Tabulation II for the year 1945-46.

Bases Used for Computing Budget Estimate for the Department of Motor Vehicles

(Estimates are computed on the basis of 3,041,000 registered vehicles in each fiscal year of the 1945-47 Biennium. Recent information indicates that no new vehicles will be available until after the end of the war.)

Salaries and Wages

The February, 1945, pay roll of permanent employees was used as the basis for computing salaries and wages. No provision was made for permanent positions that were vacant in February. To this was added amounts necessary for normal salary increases for the balance of the current fiscal year ending June 30, 1945, and for each fiscal year of the 1945-47 Biennium.

The amount requested in the Budget was allowed for temporary help, as there were no better figures available.

Added to the above are provisions for 19 radio telephone operators as requested in the printed Budget. This will release 19 patrolmen to actually work on the highways. An allowance is also made of $5,000 for a departmental accountant. This amount was included in the operating expense in making payment to the Department of Finance for Mr. Larabee's services during the last two fiscal years and including February of the current fiscal year.

For salary savings, the percentages allowed in the printed Budget were used, this being a departmental percentage of 3.94 per cent. This figure was conservative for the Budget, but inasmuch as the computations used for permanent employees is much closer than the figure appearing in the Budget, it is nearer actual experience. However, if too strict, it is possible the excess amount included for temporary employees may offset the extra amount computed for salary savings of permanent employees.

A study of the salary savings of permanent employees was made for the period beginning July 1, 1944, and ending February 28, 1945, and it was found that the difference between the total amount which might have been paid and the amount that was actually paid produced a savings of $71,181.81. This represents 2.07 per cent of the maximum possible earnings of permanent employees for this period. Inasmuch as we have a savings of 2.07 per cent on permanent employees' salaries which is caused by employees being docked, a total savings for the department of 3.94 per cent appears to be conservative.

Operating Expense

The expenditures shown in the Budget for the 1943-44 Fiscal Year were used as the basis in estimating operating expenses for each of the fiscal years of the 1945-47 Biennium. The total amount shown in the Budget is $1,330,061. To this amount has been added $190,000 which represents the difference in the cost of stickers which were used by the Division of Registration in 1944 and the cost of license plates for 1945. Also, an additional $6,000 was added to the Budget of the California Highway Patrol to bring it up to a more comparable figure as shown for past years. There was a deduction of $5,000 which was transferred to salaries and wages to cover the salary of a departmental accounting officer. The accounting officer's salary was on contract during the past fiscal year and was charged to operating expense. This leaves a grand total of $1,521,061 for operating expense—which, according to past experience, should be ample.

Equipment

Equipment expenditures for the Fiscal Year 1943-44 shown in the Budget for the department is $252,308. Inasmuch as the California Highway Patrol spent considerably more money for automotive equipment than a normal year, a deduction of $125,000 has been made to bring the estimate for equipment down to $127,308 for the department. Consideration was given to allowing an additional amount for equipment for the men who are now working in offices who should be on the road when 19 radio men are employed.

Upon inquiry, it was found that men in the field generally already have equipment which they use to go back and forth to work and additional equipment would have to be supplied only to those who are working in headquarters.

The amount of $127,308 is ample for equipment providing it is properly used.

Total Budget

After making the above adjustments, the estimates are:

For the Fiscal Year 1945-46	$7,370,947
For the Fiscal Year 1946-47	7,489,713
Total estimate for 1945-47 Biennium	$14,860,660

On the basis of present estimates for income for the Biennium 1945-47, this will leave a deficit of approximately $220,000. Therefore, in the memo on "Changes in the Budget Bill" there is included under "Recommendations" that provisions be made for $120,000 to be transferred as a loan to the Motor Vehicle Support Fund.

Additional Savings Possible

An additional savings can be made in the Division of Administration, Bureau of Accounting, Apportionment Section, by having most of the work of this apportionment section done in the field at the various certificate issuing offices.

This has been discussed quite thoroughly both with Dr. Davis, Deputy Director of the Department, and Mr. Marceron, the Traveling Auditor, besides making our own independent survey in the Sacramento office. The following conclusion has been reached:

There are at the present time approximately 23 permanent employees in the apportionment section. Also, there was a sizeable allocation for temporary help, which makes the expenditure for the section in the neighborhood of $70,000 for each fiscal year or $140,000 for the biennium. After various consultations with staff of the department, we have come to the agreement that a *minimum of 12 additional permanent employees in the field and four permanent employees at headquarters* (a total of 16 permanent employees altogether) should handle the work of the 23 employees mentioned above, with the addition of approximately 10 temporary employees during the renewal period. This would make a total of approximately 26 employees at the peak and possibly would involve an expenditure of $35,000 each fiscal year or $70,000 each biennium. This would produce a savings of $70,000 for the biennium if the change is made.

Another thing to consider, is that when the survey is definitely made in the field, it might be determined that several less permanent employees would be needed, thereby making an additional savings.

Employees

The records of the department show the following as being the number of permanent employees:

July 1944 pay roll	2225 paid
February 1945 pay roll	2255 paid
Budget shows	2433 positions—some vacant

The above shows there were 30 more permanent employees employed in February, 1945, than in July, 1944. The Budget shows 2,433 employees, or 178 more employees than were employed in February, and 208 more employees than were employed in July, 1944.

On the following page is a schedule of the personnel of the California Highway Patrol on the various dates shown. The following shows a

comparison of the personnel allowed in the Budget for 1943-45 with the personnel on the February, 1945, pay roll.

	Allowed by Budget	Personnel on February, 1945, pay roll	Increase or decrease
Chief	1	1	
Assistant chief	1	1	
Supervising inspectors	4	7	+ 3
Assistant supervising inspectors	2	1	— 1
District inspectors	14	11	— 3
Sergeants	80	78	— 2
Captains	50	49	— 1
Traffic officers	624	604	—20
	776	752 actual	—24 Vacancies

CALIFORNIA HIGHWAY PATROL

RECAPITULATION OF POSITIONS FILLED AS OF DATES INDICATED BELOW

	Supervising Inspector	Asst. Sup. Inspector	District Inspector	Captains	Sergeants	Traffic Officers	Total
4- 1-39	5	3	17	57	63	575	720
1- 1-40	6	3	16	57	65	572	719
7-17-40	6	3	16	56	65	575	721
4-11-41	6	3	16	55	63	600	743
9- 8-41	6	3	15	56	69	596	745
2-16-42	6	3	15	53	71	633	766
6-21-42	6	3	17	50	67	907	1050
1- 5-43	4	2	14	48	78	754	900
6-14-43	3	3	14	47	77	639	783
12-31-43	7	1	11	49	77	610	755
6-30-44	8	1	11	50	78	609	757
12-31-44	7	1	11	50	77	606	752
2-28-44	7	1	11	49	78	604	750

Cooperation with Sheriffs

In order to place as many traffic officers on the highways as possible, the Patrol should be required to cooperate more closely with the sheriffs' offices in receiving messages after the regular hours for the Highway Patrol office.

It has come to our attention during our survey that many of the counties maintain a swing shift in the local Highway Patrol office, and in a few instances they are open on a 24-hour basis. Some of these offices use highway patrolmen in order to keep the office open. This means that on Saturday afternoons, Sundays and holidays, able-bodied patrolmen are sitting in the Highway Patrol office awaiting messages, instead of being out on the road regulating traffic and doing the job for which they were hired. By having proper cooperation with the sheriffs' offices, it will be possible to close most of these Highway Patrol offices at 5 o'clock when the clerical help goes off duty, and for the patrolmen on patrol duty to receive their messages through the sheriffs' facilities.

This cooperative program will make it possible to place an undeterminable amount of men on the road which will be no doubt somewhere between 20 and 35 men. This will give the added service which the Chief of the Patrol thinks should be rendered.

There are many other places where better management will yield values to the public equivalent to a large increase in manpower—larger in fact than is provided in the Governor's Budget.

We recommend this internal improvement be made before more personnel is added.

EXHIBIT "A"—DEPARTMENT OF MOTOR VEHICLES

SUMMARY OF AMOUNT SHOWN IN PRINTED BUDGET FOR THE 1943-45 BIENNIUM COMPARED WITH LEGISLATIVE AUDIT ESTIMATED FOR THE 1945-47 BIENNIUM

Expenditures	Per printed Budget: Actual and estimated, 1943-45	Estimated and proposed, 1945-47	Increase (+) or decrease (—) 1943-45	Legislative audit, estimated, 1945-47	Increase (+) or decrease (—) 1943-45
Motor Vehicle Support Fund					
Support					
Division of Administration	$1,231,615 83	$1,407,599	+ $175,983 17	$1,189,610	—$42,005 83
Division of Registration	4,900,529 82	5,927,318	+ 1,026,788 18	5,023,465	+122,935 18
Division of Enforcement	6,856,832 22	7,805,328	+ 948,495 78	6,891,529	+ 34,696 78
Division of Driver's License	1,575,814 60	1,842,650	+ 266,935 40	1,557,630	— 18,184 60
Land and buildings	204,212 69	195,770	— 8,442 69	198,426	— 5,786 69
Totals—Support	$14,769,005 16	$17,178,665	+$2,409,659 84	$14,860,660	$91,654 84
Less Expenditures Payable from Motor Vehicle License Fee Fund	1,204,357 81	1,316,872	+ 112,514 19	1,316,872	+112,514 19
Net total—Support	$13,564,647 35	$15,861,793	+$2,297,145 65	$13,543,788	—$20,859 35
Contributions to State Employees' Retirement Fund	874,637 36	956,997	+ 82,359 64	876,256	1,618 64
Total expenditures	$14,439,284 71	$16,818,790	+$2,379,505 29	$14,400,044	—$19,240 71

EXHIBIT "B"—DEPARTMENT OF MOTOR VEHICLES

ESTIMATE OF BUDGET REQUIRED FOR THE NINETY-SEVENTH AND NINETY-EIGHTH FISCAL YEARS

(1945-1947 BIENNIUM)

Based On 3,041,000 Registered Vehicles Each Fiscal Year

Sheet I—Ninety-seventh Fiscal Year—1945-46

	Total	Administration	Registration	Highway Patrol	Driver's licenses	Land and buildings
Salaries and Wages—						
February, 1945, permanent salaries adjusted to the period 7/1/45 to 6/30/46	$5,269,129	$385,010	$1,434,747	$2,735,927	$713,445	----------
Personnel Board increase effective 3/1/45 for intermediate stenographer clerks	14,520	720	3,240	9,720	840	----------
Personnel Board increase for district inspectors, assistant supervising inspectors and captains, effective 7/1/45	22,320	----------	----------	22,320	----------	----------
Amount required for permanent employees on February, 1945, pay roll for period 7/1/45 to 6/30/46	$5,305,969	$385,730	$1,437,987	$2,767,967	$714,285	----------
Normal salary increase, ninety-seventh fiscal year	101,215	8,635	40,995	34,415	17,170	----------
Temporary help request per printed budget	506,800	54,800	450,000	----------	2,000	----------
Positions needed not on February, 1945, pay roll:						
1 Radiotelephone Engineer	2,820	----------	----------	2,820	----------	----------
18 Radiotelephone dispatchers	34,560	----------	----------	34,560	----------	----------
1 Departmental Accountant (Cost for 1943-44 included in Operating Expenses due to contract for services with Dept. of Finance)	5,000	5,000	----------	----------	----------	----------
Maximum required for Salaries	$5,956,364	$454,165	$1,928,982	$2,839,762	$733,455	----------
Deduct: Salary savings per Budget net estimated for salaries and wages (Forward Sheet 2, Exhibit 'B')	—233,786	—26,950	—96,450	—61,906	—48,480	----------
Deduct: salary savings per Budget	—233,786	—26,950	—96,450	—61,906	—48,480	----------
Net estimate for salaries and wages (Forward Sheet 2, Exhibit 'B')	$5,722,578	$427,215	$1,832,532	$2,777,856	$684,975	----------

Sheet II—Exhibit "B"

	Total	Administration	Registration	Highway Patrol	Driver's licenses	Land and buildings
Net estimate for salaries and wages	$5,722,578	$427,215	$1,832,532	$2,777,856	$684,975	----------
Operating Expenditures for 1943-44 (ninety-fifth fiscal year) per Budget	1,336,061	160,953	453,577	553,768	82,950	$84,813
Add: Difference in cost of license plates and cost of stickers, etc., used in 1943-44 so as to provide license plates for 1945-46	190,000	----------	190,000	----------	----------	----------
Deduct: Cost of departmental accountant service contract included in operating expenses in 1943-44	—5,000	—5,000	----------	----------	----------	----------
Total operating expense estimate	$1,521,061	$155,953	$643,577	$553,768	$82,950	$84,813
Equipment expenditure for 1943-44 (ninety-fifth fiscal year), per Budget	252,308	4,242	11,136	221,345	1,185	14,400
Deduct: Excess purchases of automobiles and motorcycles made in 1943-44	—125,000	----------	----------	—125,000	----------	----------
Total equipment estimate	$127,308	$4,242	$11,136	$96,345	$1,185	$14,400
Total, 1945-46 (ninety-seventh fiscal year) Estimate	$7,370,947	$587,410	$2,487,245	$3,427,969	$769,110	$99,213

EXHIBIT "B"—DEPARTMENT OF MOTOR VEHICLES

ESTIMATE OF BUDGET REQUIRED FOR THE NINETY-SEVENTH AND NINETY-EIGHTH FISCAL YEARS

(1945-1947 BIENNIUM)

BASED ON 3,041,000 REGISTERED VEHICLES EACH FISCAL YEAR

SHEET III—NINETY-EIGHTH FISCAL YEAR—1946-47

	Total	Administration	Registration	Highway patrol	Driver's licenses	Land and buildings
Salaries and Wages—						
February, 1945, permanent salaries adjusted to the period 7/1/45 to 6/30/46	$5,269,129	$385,010	$1,434,747	$2,735,927	$713,445	
Personnel Board increase effective 3/1/45 for intermediate stenographer clerks	14,520	720	3,240	9,720	840	
Personnel Board increase effective 7/1/45 for district inspectors, assistant supervising inspectors and captains	22,320			22,320		
Amount required for permanent employees on February, 1945, pay roll for period 7/1/46 to 6/30/47	$5,305,969	$385,730	$1,437,987	$2,767,967	$714,285	
Normal salary increase ninety-seventh and ninety-eight fiscal years	218,880	19,865	92,545	68,520	37,950	
Temporary help request per printed budget	511,300	59,300	450,000		2,000	
Positions needed not on February, 1945, pay roll:						
1 Radiotelephone engineer	2,940			2,940		
18 Radiotelephone dispatcher	36,720			36,720		
1 Departmental accountant (cost for 1943-44 included in operating expense due to contract for services with Dept. of Finance)	5,000	5,000				
Maximum required for salaries	$6,080,809	$469,895	$1,980,532	$2,876,147	$754,235	
Deduct: salary savings per Budget	—239,465	—27,890	—99,025	—62,700	—49,850	
Net estimate for salaries and wages	$5,841,344	$442,005	$1,881,507	$2,813,447	$704,385	

SHEET IV—EXHIBIT "B"

	Total	Administration	Registration	Highway patrol	Driver's licenses	Land and buildings
Net estimate for salaries and wages	$5,841,344	$442,005	$1,881,507	$2,813,447	$704,385	
Operating expenditures for 1943-44 (ninety-fifth fiscal year), per Budget	1,336,061	160,953	453,577	553,768	82,950	$84,813
Add: Difference in cost of license plates for 1944-45 and cost of stickers, etc., used in 1943-44, so as to provide license plates for 1946-47	190,000		190,000			
Deduct: Cost of departmental accountant service contract included in operating expense in 1943-44	—5,000	—5,000				
Total operating expense estimate	$1,521,061	$155,953	$643,577	$553,768	$82,950	$84,813
Equipment Expenditure for 1943-44 (ninety-fifth fiscal year), per Budget	252,308	4,242	11,136	221,345	1,185	14,400
Deduct: Excess purchases of automobiles and motorcycles made in 1943-44	—125,000			—125,000		
Total Equipment Estimate	$127,308	$4,242	$11,136	$96,345	$1,185	$14,400
Total 1946-47 (ninety-eighth fiscal year) estimate	$7,489,713	$602,200	$2,536,220	$3,463,560	$788,520	$99,213
Total Estimate for 1945-47 Biennium	$14,860,660	$1,189,610	$5,023,465	$6,891,529	$1,557,630	$198,426

EXHIBIT "C"—DEPARTMENT OF MOTOR VEHICLES

TABULATION SHOWING TREND OF EXPENDITURES AND UNIT COST PER REGISTERED VEHICLE FOR EIGHT FISCAL YEARS BEGINNING WITH 1939-1940 AND ENDING WITH PROPOSED EXPENDITURES FOR 1946-1947

	Expenditures taken from Bureau of Accounting Statements					As per printed Budget			Legislative auditor's estimate	
	91st F. Y., 1939-40	92nd F. Y. 1940-41	93rd F. Y. 1941-42	94th F. Y. 1942-43	95th F. Y. 1943-44	96th F. Y. 1944-45	97th F. Y. 1945-46	98th F. Y. 1946-47	97th F. Y. 1945-46	98th F. Y. 1946-47
Administration, Accounting Personnel and Registration—										
Salaries and wages	$1,689,982	$1,737,723	$1,911,594	$2,175,904	$2,220,836	$2,400,752	$2,513,682	$2,695,333	$2,259,747	$2,323,512
Unit cost per registered vehicle	(.56516)	(.54326)	(.62056)	(.72875)	(.73008)	(.78946)	(.82660)	(.88633)	(.74309)	(.76406
Operating expenses	735,363	776,313	723,669	538,909	557,678	844,844	1,024,295	1,030,952	799,530	799,530
Unit cost per registered vehicle	(.24592)	(.24270)	(.23492)	(.18049)	(.18333)	(.27782)	(.33683)	(.33902)	(.26292)	(.26292)
Equipment	10,568	25,204	24,044	16,277	15,252	9,472	37,640	33,015	15,378	15,378
Unit cost per registered vehicle	(.00353)	(.00788)	(.00781)	(.00545)	(.00501)	(.00311)	(.01238)	(.01086)	(.00506)	(.00506)
Total	$2,435,914	$2,539,241	$2,659,308	$2,731,092	$2,793,768	$3,265,068	$3,575,617	$3,759,300	$3,074,655	$3,138,420
Unit cost per registered vehicle	(.81462)	(.79384)	(.86329)	(.91469)	(.91842)	(1.07368)	(1.17580)	(1.23621)	(1.01107)	(1.03204)
Drivers Licenses—										
Salaries and wages	$576,613	$604,834	$616,223	$640,222	$668,433	$715,835	$773,990	$830,505	$684,975	$704,385
Unit cost per registered vehicle	(.19283)	(.18909)	(.20004)	(.21442)	(.21974)	(.23539)	(.25452)	(.27310)	(.22525)	(.23163)
Operating expenses	99,514	95,344	97,155	96,157	83,158	104,700	105,755	106,255	82,950	82,950
Unit cost per registered vehicle	(.03328)	(.02981)	(.03154)	(.03220)	(.02734)	(.03443)	(.03478)	(.03494)	(.02728)	(.02728)
Equipment	5,640	123,114	6,692	460	1,232	1,800	15,600	10,545	1,185	1,185
Unit cost per registered vehicle	(.00189)	(.03849)	(.00217)	(.00015)	(.00041)	(.00059)	(.00513)	(.00347)	(.00039)	(.00039)
Totals	$681,767	$823,292	$720,072	$736,839	$752,823	$822,335	$895,345	$947,305	$769,110	$788,520
Unit cost per registered vehicle	(.22800)	(.25738)	(.23376)	(.24678)	(.24748)	(.27041)	(.29443)	(.31151)	(.25292)	(.25930)
Highway Patrol—										
Salaries and wages	$2,217,497	$2,308,377	$2,687,795	$3,052,206	$2,724,412	$2,701,096	$2,852,015	$3,016,972	$2,777,856	$2,813,447
Unit cost per registered vehicle	(.74157)	(.72166)	(.87254)	(1.02224)	(.89562)	(.88823)	(.93785)	(.99210)	(.91347)	(.92517)
Operating expenses	555,954	586,575	710,954	657,623	553,411	603,775	741,450	765,450	553,768	553,768
Unit cost per registered vehicle	(.18592)	(.18338)	(.23080)	(.22025)	(.18193)	(.19854)	(.24382)	(.25171)	(.18213)	(.18213)

EXHIBIT "C"—DEPARTMENT OF MOTOR VEHICLES

TABULATION SHOWING TREND OF EXPENDITURES AND UNIT COST PER REGISTERED VEHICLE FOR EIGHT FISCAL YEARS BEGINNING WITH 1939-1940 AND ENDING WITH PROPOSED EXPENDITURES FOR 1946-1947—Continued

	Expenditures taken from Bureau of Accounting Statements					As per printed Budget			Legislative auditor's estimate	
	91st F. Y., 1939-40	92nd F. Y. 1940-41	93rd F. Y. 1941-42	94th F. Y. 1942-43	95th F. Y. 1943-44	96th F. Y. 1944-45	97th F. Y. 1945-46	98th F. Y. 1946-47	97th F. Y. 1945-46	98th F. Y. 1946-47
Equipment	80,838	286,279	583,663	36,395	210,183	75,513	191,173	238,268	96,345	96,345
Unit cost per registered vehicle	(02703)	(08950)	(18947)	(.01219)	(06910)	(02483)	(06287)	(07835)	(.03168)	(03168)
Totals	$2,854,290	$3,181,232	$3,982,414	$3,746,225	$3,488,006	$3,380,384	$3,784,638	$4,020,690	$3,427,969	$3,463,560
Unit cost per registered vehicle	(.95453)	(99454)	(1.29281)	(1.25468)	(1 14664)	(1.11160)	(1.24454)	(1.32216)	(1.12728)	(1.13898)
Land and Buildings—										
Operating expenses	63,968	67,327	73,551	80,896	84,584	90,000	94,745	95,750	84,813	84,813
Unit cost per registered vehicle	(.02139)	(02105)	(.02388)	(02709)	(.02781)	(02960)	(03115)	(03149)	(02789)	(.02789)
Equipment	8,214	56,804	10,468	1,521	14,369	15,000	4,275	1,000	14,400	14,400
Unit cost per registered vehicle	(.00275)	(01776)	(00340)	(.00051)	(00472)	(00493)	(.00141)	(00033)	(00474)	(00474)
Totals	$72,183	$124,131	$84,020	$82,417	$98,953	$105,000	$99,020	$96,750	$99,213	$99,213
Unit cost per registered vehicle	(.02414)	(03881)	(02728)	(02760)	(03253)	(03453)	(.03256)	(03182)	(03263)	(03263)
Departmental Total—										
Salaries and wages	$4,484,093	$4,650,935	$5,215,613	$5,868,333	$5,613,682	$5,817,683	$6,139,687	$6,542,810	$5,722,578	$5,841,344
Unit cost per registered vehicle	(1 49957)	(1.45401)	(1 69314)	(1 96542)	(1 84544)	(1.91308)	(2 01897)	(2.15153)	(1 88181)	(1.92086)
Operating expenses	$1,454,800	$1,525,560	$1,605,331	$1,373,586	$1,278,832	$1,643,319	$1,966,245	$1,998,407	$1,515,061	$1,515,061
Unit cost per registered vehicle	(.48651)	(47693)	(52114)	(.46004)	(42040)	(54038)	(64658)	(65715)	(.49821)	(49821)
Equipment	105,261	491,402	624,869	54,654	241,037	111,785	248,688	282,828	127308	127,308
Unit cost per registered vehicle	(.23520)	(15363)	(20285)	(01830)	(07924)	(03676)	(08178)	(.09300)	(04186)	(.04186)
Totals	$6,044,156	$6,667,898	$7,445,815	$7,296,574	$7,133,552	$7,572,787	$8,354,620	$8,824,045	$7,370,947	$7,489,713
Unit cost per registered vehicle	(2 02128)	(2.08457)	(2 41712)	(2.44376)	(2 34508)	(2 49023)	(2.74733)	(2 90169)	(2 42388)	(2 46294)
Number of registered vehicles	2,990,262	3,198,699	3,080,444	2,985,796	3,041,925	3,041,000	3,041,000	3,041,000	3,041,000	$3,041,00

Department of Natural Resources

For Support of Departmental Administration

Item 189 Budget Bill, pages 572-573, inclusive, of the Budget; appropriation from the General Fund, $163,975; increase of $33,668 or 25.8 per cent over the estimated expenditure of $130,307 for the 1943-1945 Biennium.

Recommendation: Approval of Item 189 in the amount of $163,975 without reduction.

General Fund proposed expenditures for 1945-1947 are up by $33,668 or 25.8 per cent as is shown by the table below. However, $18,080 is in effect a transfer of positions from another division in the department. The net increase is only $15,588.

	Estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Support	$223,394	$268,175	+$44,781	+20.0
Less: Prorate costs of Departmental administration included in Budget of special fund divisions:				
Division of Beaches and Parks	26,225	27,200	+ 975	+ 3.7
Division of Fish and Game	58,357	69,000	+ 10,642	+18.2
Division of Oil and Gas	8,505	8,000	— 505	— 5.9
Totals, special funds' pro rata cost	$93,087	$104,200	+$11,112	+11.9
Net total expenditure—General Fund	$130,306	$163,975	+$33,668	+25.8

The table below summarizes proposed expenditures for administration allocated to different divisions and charged to the General Fund, by object of expenditure:

Object	Budget page No.	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and wages	572	$199,550	$242,360	+$42,810	+21.5
Operating expense	572	21,038	23,100	+ 2,062	+ 9.8
Equipment	572	2,805	2,715	— 90	+ 3.2
Totals		$223,393	$268,175	+$44,782	+20.0
Less: pro rata cost to divisions	572	93,087	104,200	+ 11,112	+11.9
Net total expenditures—General Fund	572	$130,306	$163,975	+$33,668	+25.8

The foregoing table shows that operating expenses are up by 9.8 per cent and equipment expenditures are down by 3.2 per cent. Proposed salary expense is up by $42,810 or 21.5 per cent. Of this increased salary expense, $18,080 is for five positions classified as new positions but which are in effect transfers from the Division of Forestry. These transferred positions are as follows:

No. positions Fiscal Year 1945-46	Cumulative total 1946-47	Classification	Total amount 1945-46	1946-47
3	3	Intermediate typist-clerk	$5,030	$5,390
1	1	Intermediate account clerk	2,100	2,100
1	1	Clerk-typist	1,670	1,790
5	5	Total new position—Fiscal years	8,800	9,280
		Total—For biennium		$18,080

These five transferred positions would bring the number of authorized positions for Departmental Administration to 52.

The Budget subitems for departmental administration are in line and we recommend that Item 189 in the amount of $163,975 be approved without change.

For Support of Division of Beaches and Parks, Department of Natural Resources

Item 190 Budget Bill, pages 574-578, inclusive, of the Budget, appropriation from the State Park Maintenance Fund, $852,286; increase of $297,756 or 53.6 per cent over estimated expenditure of $554,530 for the 1943-45 Biennium.

This is technically a special fund item but not self-supporting. The money comes from oil royalties.

The proposed increase of $297,756 or 53.6 per cent by object and type of expenditure follows:

	Estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and Wages:				
Administration	$50,973	$68,360	+ $17,387	+ 34.1
Maintenance	328,760	441,016	+ 112,256	+ 34.1
Beach and erosion control (1944-1945 only)	6,280	32,610	+ 26,330	+ 419.2
Total—Salaries and wages	$386,013	$541,986	+$155,973	+ 40.4
Operating Expense				
Administration	$69,094	$92,090	+ $22,996	+ 33.2
Maintenance	107,444	161,000	+ 53,556	+ 49.8
Beach and erosion control (1944-1945 only)	4,650	13,150	+ 8,500	+ 182.7
Total—Operating expense	$181,188	$266,240	+ $85,052	+ 46.9
Equipment				
Administration	$272	$5,380	+ $5,108	+1877.0
Maintenance	4,943	60,320	+ 55,377	+1120.0
Beach and erosion control (1944-1945 only)	2,150	3,360	+ 1,120	+ 56.2
Total—Equipment	$7,365	$69,060	+ $61,695	+ 837.6
Totals	$574,566	$877,286	+$302,720	+ 52.7
Less: Reimbursement for maintenance	16,536	18,000	----------	-------
Abatement from Santa Barbara City for La Purissima mission maintenance	3,500	7,000	----------	-------
Total deductions	$20,036	$25,000	— $4,964	— 24.7
Total net expenditure	$554,530	$852,286	+$297,756	+ 53.6

It will be noticed that operating expenses are up by $85,052 or 46.9 per cent; that equipment expenses are scheduled to advance from some $7,000 for 1943-45 to almost $70,000 for 1945-47. Salaries and wages are up by $155,973, or 40.4 per cent.

Concerning the scheduled increase for Item 190 of $297,756 or 53.6 per cent, the Division of Parks and Beaches reports as follows:

"The major items in this increase are brought about by the following conditions:

(1) During the present biennium, we have acquired six new properties involving an area of 4,234 acres and valued at $824,000. These new properties must be manned, operated, and maintained.

(2) We are requesting replacement of such of our automotive equipment which has traveled more than 100,000 miles.

(3) (There is provision for) normal increase in salary adjustments predicated upon rules and regulations of the State Personnel Board.

(4) Throughout the duration, we have not been able to properly maintain the 1,500 or more structures that are located throughout the system because of shortage in materials and manpower.

(5) During this coming biennium, we will hire an erosion control engineer and a staff of four people in order to comply with a legislative mandate.

(6) The Budget reveals an increase in the operating personnel of 32 positions above the erosion control engineer and his staff; however, 19 of these positions were called war emergency positions which have now been made a part of our permanent organization in order to take care of the former services rendered this Division by such agencies as the Civilian Conservation Corps, Works Progress Administration, and State Emergency Relief Administration, from which organizations we derived a considerable volume of manpower toward maintenance of our parks from 1934 to 1942. The above-referred to agencies contributed $7,000,000 toward the development of our State Park System in that they built many of our present structures, financing even the material costs of same plus the labor. The structures erected by them vary in age from four to ten years and are now beginning to require an extensive amount of maintenance and repair, which, if not provided, will cause a very considerable loss in the way of capital investment.

(7) This division must also, in this Budget, make allowance for the fact that the moment the restrictions are removed from travel, our facilities will be taxed to the utmost. All park and recreation authorities agree that recreational activities will be greatly expanded immediately after V-Day due to two main causes:

(a) That people have been denied their normal recreational desires due to wartime restrictions, and

(b) That at the beginning of the war the normal work week was considered to be 44 hours; now, the general normal work week has been reduced to 40 hours, thus permitting people two full days per week for recreational purposes.

(8) During the past biennium, we, on several occasions, have had to ask for deficiency appropriations to take care of major emergencies in order to protect our utilities and structures from disintegrating beyond the point of usefulness.

Despite some validity that attaches to the above explanations for the very substantial increase in proposed expenditures, we believe that the amount requested is considerably above the amount needed and, in fact, substantially above the amount that will be spent. In this connection, we wish to point out that the Division of Parks and Beaches is not a self-supporting enterprise. The money from the State Park Maintenance Fund is from State oil lands royalties. These funds in our opinion should be allocated to the General Fund for general State uses and should be budgeted and appropriated where needed. There are special inducements for the exercise of less economy in connection with the acquisition and administration of State Parks and Beaches on the general assumption that this is a special fund agency.

While we recommend that this item be approved without specific reduction, we further recommend that the Legislature specifically declare its intent that the Department of Finance shall exercise particularly strict and complete application of the general over-all salary savings, and over-all recommended reductions for the operating expense items of printing, automobile, and traveling.

In the interest of desirable simplification of the State's accounting and auditing procedures and the elimination of unnecessary duplication of record-keeping, we recommend that the three special funds of the State Park Maintenance Fund, the State Park Fund, and the State Beach Fund be abolished, and that the receipts go to the General Fund and appropriations be made for these facilities on the basis of need.

Items 191 and 192 omitted in Appropriation Bill.

For Acquisition of Additional Redwood Park Areas by Division of Beaches and Parks

Item 193 Budget Bill, page 578 of the Budget, appropriation from the State Park Fund, $104,445.

Recommendation: Approval without change.

This proposed appropriation item would provide $104,445 for the acquisition of additional redwood park areas in Humboldt and Del Norte Counties by the Division of Beaches and Parks to implement Chapter 62, Statutes of 1943. Purchases would be subject to the approval of the Department of Finance. There is the further proviso that any amount withdrawn from this appropriation item must be matched by like amounts in money, property or lands from private or other sources.

As this proposed expenditure would be for a good investment in the recreational and scenic resources of the State, and is hedged in by appropriate fiscal control safeguards, we recommend approval of Item 193 of the Appropriation Bill in the amount of $104,445 without reduction.

For Construction, Etc., of State Parks, Division of Beaches and Parks, Department of Natural Resources

Item 194 Budget Bill, pages 578-581 inclusive of the Budget; appropriation from the State Park Fund, $155,950.

This appropriation item covers a number of construction, repair, and maintenance projects for the several State parks as detailed on pages 578-581 of the Budget. Practically all of these proposed projects are for the second year of the biennium. These projects appear to be in line insofar as amounts are concerned. We accordingly recommend

that Item 194 of the Budget Bill in the amount of $155,950 be approved without reduction but that a new provision be inserted into Item 194 stating that in the event that the war is not over by the end of the first fiscal year of the biennium and wartime Federal controls over manpower and materials have not been lifted by that time, none of the budgeted construction, maintenance, and improvement items shall be undertaken except upon specific approval of the Department of Finance on the grounds that serious property loss to the State would occur through further postponement.

For Construction, Etc., of State Beaches, Division of Beaches and Parks, Department of Natural Resources

Item 195 Budget Bill, pages 581-582 of the Budget; appropriation from State Beach Fund, $26,500.

This appropriation item covers a number of construction, repair, and maintenance projects at State beaches as detailed on pages 581 and 582 of the Budget. Insofar as amounts proposed are concerned these projects are in line. Accordingly, we recommend that Item 195 of the Budget Bill be approved without reduction, but that a new provision be inserted into Item 195 of the Appropriation Bill to the effect that in the event that the war is not over by the end of the first fiscal year of the biennium and wartime Federal controls over manpower and materials have not been lifted by that time, none of the budgeted construction, maintenance, and improvement items shall be undertaken except upon specific approval of the Department of Finance on the grounds that serious property loss to the State would accrue through further postponement.

For Support of Division of Fish and Game, Department of Natural Resources

Item 196 Budget Bill, pages 584-595, inclusive, of the Budget, appropriation from the Fish and Game Preservation Fund, $4,728,569; increase of $1,506,644 or 46.7 per cent over the estimated expenditure of $3,221,925 for the 1943-45 Biennium.

This is a special fund entirely self-supporting agency.

The proposed increase of $1,506,643 is divided among the following nine activities covered by this appropriation item:

FISH AND GAME PRESERVATION FUND

Expenditures Support	Actual and estimated 1943-45	Estimated and proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Administration	$284,981	$359,320	+ $74,338	+26.0
Patrol and law enforcement	1,068,501	1,591,479	+ 522,977	+48.9
Marine fisheries	237,402	453,449	+ 216,046	+91.0
Fish conservation	809,325	1,044,041	+ 234,715	+29.0
Engineering	54,857	76,909	+ 22,051	+40.1
Game conservation	321,953	525,692	+ 203,738	+63.2
Game farms	159,163	195,654	+ 36,490	+22.9
Licenses	285,175	332,595	+ 47,419	+16.6
Construction of fish screens and stream improve.	565	149,430	+ 148,865	
Totals, support	$3,221,925	$4,728,569	+$1,506,643	+46.7

The proposed expenditure of $4,728,569 is almost as much as the estimated revenue for the Fish and Game Preservation Fund for the 1945-47 Biennium. This proposed expenditure for support, plus other budgeted

expenditures for other items, bring the total proposed expenditures from the Fish and Game Preservation Fund to $5,798,109, which is over a million dollars in excess of estimated revenue for this fund. The following statement summarizes the predicted status of this unbudgeted surplus.

STATEMENT OF UNBUDGETED SURPLUS—FISH AND GAME PRESERVATION FUND

Estimated unbudgeted surplus, July 1, 1945		$3,868,043
Estimated revenue for Biennium 1945-1947		4,751,710
Total		$8,619,753
Less proposed expenditures for Biennium 1945-47:		
Support	$4,728,569	
Contributions to State Employees Retirement Fund	99,540	
Other current expenses	50,000	
Capital outlay	920,000	
Total proposed expenditures		5,798,109
Estimated unbudgeted surplus, June 30, 1947 (a decrease of $1,046,399)		$2,821,644

The proposed increase of $1,506,644 or 46.7 per cent is summarized by object of expenditure as follows:

Object	Estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salary and wages:				
Positions now authorized	$1,943,117	$2,231,100	+ $287,983	+14.8
Estimated salary savings	—36,305	—60,000	— 23,695	—65.2
1945-47 normal salary adjustments		24,315	+ 24,315	-----
Proposed new positions		459,020	+ 459,020	-----
Total—Salaries and wages	$1,906,812	$2,654,435	+ 747,623	+39.2
Operating expense	1,308,825	1,853,735	+ 544,910	+41.6
Equipment	27,078	271,885	+ 244,807	+904.0
Totals	$3,242,715	$4,780,055	+$1,537,340	+47.4
Less:				
Reimbursement for maintenance	—20,790	—20,790	-------	---
Abatements for expenditure chargeable to Pittman-Robertson Act projects		—30,696	—30,696	---
Net totals for support	$3,221,925	$4,728,569	+$1,506,644	+46.7

Operating expenses are budgeted at an increase of over half a million dollars or 41 per cent; while the budgeted amount for equipment is up by almost a quarter of a million dollars. The total increase for salaries and wages exceeds $740,000 or 39.2 per cent. Of this increase for salaries, almost $460,000 is for the salaries of 66 new positions for the first year of the biennium and a cumulative total of 116 for the second year.

We are convinced that this Budget is out of line with even the expanded needs of a postwar period. We propose reduction of $400,000 or 8.5 per cent to $4,380,055. This proposed reduction would be divided up among objects of expenditure as follows:

Proposed new positions	$200,000
Operating expenses	150,000
Equipment	50,000

We would leave the specific allocation to the division.

We do not believe that conditions will be such that the increase asked for can be economically spent. If they are and more money is needed it can be secured through deficiency allotments or in January,

1947, at the next regular session of the Legislature for the last six months of the biennium.

In addition, there would be the over-all reductions recommended earlier in this report for salary savings, and the operating expenses of printing, automobile, and traveling. In this connection, it is recommended that the Legislature declare its intent that the Department of Finance shall exercise particularly strict and complete application of these general savings items in connection with its administration of the appropriation for the Division of Fish and Game.

For Cooperation with the Federal Government

Item 197 Budget Bill, pages 584 and 594 of the Budget, appropriation from the Fish and Game Preservation Fund, $50,000; increase of $37,252 or 292.2 per cent over estimated expenditure of $12,748 for the 1943-1945 Biennium.

Recommendation: Acceptance without reduction.

This proposed expenditure represents the State's cooperation with the Federal Government in the purchase of land for game protection, improvement of waterfowl areas and research in game management under provisions of the Pittman-Robertson Act. It represents an increase of almost three times the State's expenditure for the current biennium because more Federal Funds are available.

We recommend that this Item 197 in the sum of $50,000 be approved without reduction.

For Public Shooting Grounds

Item 198 Budget Bill, page 594 of the Budget, appropriation from the Fish and Game Preservation Fund, $674,000; increase of $667,500 over estimated expenditure of $6,500 for the 1943-45 Biennium.

Recommendation: Approval of Item 198 in the sum of $674,000 without reduction.

This proposed expenditure of $674,000 is for the purchase of land for public shooting grounds, subject to the approval of the Department of Finance. Of the $674,000, $174,000 is for public shooting grounds in the San Joaquin Valley for expenditure during the first fiscal year; and the remaining $500,000 is for public shooting grounds, unallocated, divided equally between the two years of the biennium.

We recommend approval of Item 198 in the amount of $674,000 without reduction, as the expenditure will represent an investment for the State and for the use of its citizens, the money is available in the Fish and Game Preservation Fund, and all purchases must have the prior approval of the Department of Finance.

It is expected that fees from this new activity will support it. We do not concur in this in its entirety. It is true fees should go a long way toward paying expense, but we doubt if they will be sufficient.

The purchase of property for public shooting ground is a matter of policy for the Legislature to decide.

For Construction, Etc., Division of Fish and Game, Department of Natural Resources

Item 199 Budget Bill, page 594 of the Budget; appropriation from Fish and Game Preservation Fund, $246,000; increase of $133,500 over the estimated expenditure of $112,500 for the 1943-1945 Biennium.

This proposed expenditure of $246,000 is for construction, improvements, and equipment in connection with a number of projects as detailed on page 594 of the Budget. We recommend approval of appropriation Item 199 in the amount of $246,000 without reduction; with, however, a specific reservation being added to the appropriation item to the effect that none of these projects shall be undertaken until the end of the war and until Federal controls over manpower and materials are lifted except upon the written approval of the Department of Finance which shall grant such approval only on the grounds that serious property loss would accrue to the State through further postponement of given projects.

For Division of Forestry, Department of Natural Resources

There are five appropriation items relating to the Division of Forestry as follows:

Item 200.	For support of Division of Forestry	$5,958,687
Item 201.	For direct allotment to cooperating counties for prevention and suppression of forest fires on timber and watershed lands, Division of Forestry	$434,000
Item 202.	For direct allotment to the United States Department of Agriculture, for prevention and suppression of forest fires on private and State owned lands located inside the boundaries of United States Forest Reserves within this State, Division of Forestry	$500,000
Item 203.	For white pine blister rust control protection, Division of Forestry—provided that any amount withdrawn from this item must be matched by an expenditure of a like amount by the Federal Government in this State for the same purpose.	
Item 204.	For emergency fire suppression, Division of Forestry, to be transferred to Item 200 upon executive order of the Director of Finance	$250,000
Item 205.	For the purchase of real property, Division of Forestry, subject to the approval of the Department of Finance	$55,200

For Support of Division of Forestry

Item 200 Budget Bill, pages 596, 604, inclusive, of the Budget, appropriation from the General Fund, $5,958,678, increase of $903,652 or 17.9 per cent over estimated expenditure of $5,055,035 for the 1943-1945 Biennium.

Our recommendation: Reduce Item 200 by $607,502 or 10.2 per cent to $5,351,176.

Also apply the over-all General Fund saving to produce an over-all $10,000,000 for General Fund and the salary saving previously described.

Also adjust expenditures so as to include the operation of the mobile pool units assigned to local agencies for the Fiscal Year 1945-46 at an estimated cost of $79,023.50.

We believe that by proper allocation of forces, use of radio, better and more equipment, and better organization, better results should be secured for less cost per acre than in the past.

I. Statistical Summary

The increase of $903,653 or 17.9 per cent in State expenditure for 1945-1947 proposed by Item 200 over the estimated expenditure for 1943-1945 is given by the table following by object of expenditure:

DIVISION OF FORESTRY

EXPENDITURES FOR SUPPORT—1945-1947
(Assembly Bill No. 500—Item 200)

Recapitulation by object	Budget page No.	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease from 1943-45 Amount	Per cent
Salaries and Wages:					
Positions now authorized	597	$4,617,927	$4,897,399 +	$279,472	6.0
Estimated salary savings	597	—54,359	—280,389 +	226,030	415.8
1945-47 normal salary adjustments			27,030 +	27,030	--------
Proposed new positions			636,446 +	636,446	--------
Totals, salaries and wages	597	$4,563,568	$5,280,486 +	$716,918	15.7
Operating expenses	597	1,337,520	1,495,050 +	157,530	11.8
Equipment	597	185,726	563,787 +	378,061	203.5
Totals	597	$6,086,814	$7,339,323 +	$1,252,509	20.6
Rent and utility deductions	597	— 13,000	— 13,000	----------	
Subsistence deductions	597	—328,980	—572,396 —	243,416	74.0
Reimbursements from United States Government: For protection of public domain lands in timber and watershed area	597	—178,000	—204,000 —	36,000	21.4
For protection of public domain lands for range development service	597	— 27,035	— 54,072 —	27,037	100.0
For protection of Indian lands	597	— 1,776	— 7,040 —	5,264	296.3
Reimbursements from county cooperative agreements:					
Agricultural fire protection	597	—462,889	—500,128 —	37,239	8.0
Administrative overhead	597	— 30,098	— 30,000 +	98	--------
Totals for biennium for support	597	$5,055,034	$5,958,687	$903,653	17.9

The Budget provides for a net increase in the number of regular year-round positions from 310 for 1944-1945 to 352 for 1945-1946 and to 355 for 1946-1947. Included in this increase is allowance for the extension of 90 wartime positions to permanent jobs. The Budget also provides that the labor reported on a seasonal basis shall increase from 10,554 man months in 1943-1944 and 11,113 in 1944-1945 to 10,656 for each year of the coming biennium.

II. Findings and Recommendations

1. The increase of $903,653 or 17.9 per cent in proposed expenditures for 1945-1947 over the 1943-1945 level is out of line as *expenditures for the current Biennium (1943-1945) are high by virtue of special wartime activities* and general expansion of activities. A substantial beginning should be made during the 1945-1947 Biennium to return to a more moderate peacetime expenditure program for this division.

2. To this end and to effect necessary and desirable economy, we recommend that Item 200 be reduced by $607,502 or 10.2 per cent to $5,351,176, which would still permit an increase of $296,141 or 5.9 per cent over the estimated amount for 1943-1945. We propose that this recommended reduction of $607,502 would be divided among different activities as follows:

(a) Eliminate 90 war emergency positions from the Budget for the second year of the biennium. This results in a saving of $200,250. This procedure has been followed in connection with other sectors of the Governor's Budget and is clearly needed for the Forestry Division because of mushroom expansion during the war period. The need for extra precautions against fires being set by enemy aliens will have diminished very materially by the beginning of the second year of the biennium.

(b) Reduce the Budget by $232,500 to $150,000 for the salaries of certain standby employees during the winter months. The Budget provides 10,406 man months work or salary expenditures of $382,500 for the employment of foremen, bulldozer operators, and cooks throughout the winter months for work on the maintenance of roads, trails, fire breaks, telephone lines, and other improvements. Before the war the Division of Forestry had no authorization to employ such key fire fighting personnel on a year-round basis. We believe that the Budget allows the Division of Forestry to expand in this particular sector much more than is necessary and desirable. The sum of $150,000, a reduction of $232,500, represents a more realistic and reasonable amount for such winter employment.

(c) Reduce operating expenses by about 5 per cent or $75,000. This reduction approximately reflects the decreased need for operating expenditures as a result of the recommended reductions in the budgeted allowances for full time and winter standby personnel discussed above.

(d) Reduce the budgeted amount of expenditures for equipment by $100,000 or 17.7 per cent to $463,787. The Budget provides $563,787 for equipment during the 1945-1947 Biennium,

an increase of $378,061 or 203.5 per cent over the estimated amount for 1943-1945. Of this increase, $131,052 is the expanded expense for automobile and truck equipment. From information available to us we are convinced that a cut of $100,000 in automobile equipment is clearly indicated and we recommend such a reduction.

Item 201 Budget Bill, pages 596-597. Appropriates $434,000 out of the General Fund to the Division of Forestry for direct allotment to cooperating counties for prevention and suppression of fires on timber and watershed lands.

This allocation is made to five counties to reimburse them for fire protection and suppression wherein the State would otherwise carry on this work.

The State also proposes to allocate from the receipts from the Federal Government from Clarke-McNary Funds, the sum of $170,000 for 1945-47. This is shown on page 597 of the Budget but it is not shown in the Appropriation Bill. So in effect the allocation to these five counties by the State for 1945-47 will be $604,000, an increase of *$416,356 or 222 per cent* over 1943-45 total allocation.

While Los Angeles County in particular has not previously received adequate assistance in this matter, the pendulum now swings to the other end of the arc. Moreover the continuing of the practice of allowing the Division of Forestry to allocate money for expenditures without legislative approval should be stopped.

Likewise we have recommended that the Budget of the Division of Forestry be curtailed materially which has the effect of reducing Item 201 or what the State would spend in these five counties with a reduced Budget.

We, therefore, recommend that the amount of Item 201 be reduced and it be combined to include all Clarke-McNary Funds and be amended accordingly. The combined amount to be $523,000 or still an increase of $335,356 or 178.7 per cent to be allocated under the following conditions. Item 201 to be amended as follows:

"Which shall not be augmented by funds received from the Federal Government as grants under the Clarke-McNary Act" (June 7, 1924, Chapter 348—43 Statutes 653).

Out of this sum $353,000 shall be allocated to the several counties concerned as follows:

	Fiscal Year 1945-46	1946-47
1. Los Angeles County	$83,777	$83,777
2. Ventura County	25,214	25,214
3. Santa Barbara County	25,214	25,214
4. San Mateo County	25,214	25,214
5. Marin County	17,081	17,081
Total	$176,500	$176,500

The remaining $170,000 shall be allocated to these counties in direct proportion one-half annually as they qualify in the State qualifications for Clarke-McNary Funds, any amount not qualified for shall revert to the General Fund of the State.

The result would be to actually increase Item 201 by $89,000,000 but to eliminate the $170,000 Clarke-McNary item of appropriation

made by the Division of Forestry and the cause of so much friction in past years.

This would eliminate another special fund and simplify accounting, all around and give the Legislature definite control by specific appropriation and limits on expenditures.

All Clarke-McNary receipts would go at once into the General Fund and no special account for this one item would have to be preserved as will be required under the procedure proposed on page 597 of the Budget.

Item 202 Budget Bill, page 596 of the Budget. Appropriates $500,000 to the Division of Forestry for direct allocation to the United States Department of Agriculture for prevention and suppression of forest fires on private and State owned lands located inside boundaries of United States Forest Reserves within the State.

This is an increase of $281,676.63 or 129 per cent over the appropriation of $218,323.27 for 1943-45. This sum does not yet equal the per acre expenditure of the Federal Forest Service in protecting such forest lands but it approximates the per acre expenditure of the State. Since it is proposed to reduce the appropriation request of the division it is recommended this item also be reduced accordingly to $418,000 thus allowing approximately $200,000 increase for the biennium.

Item 203 of the Budget Bill, page 596 of the Budget. Appropriates $100,000 to the Division of Forestry to be matched by expenditure of like sum by the Federal Government for the same purpose.

This expenditure is for the purpose of controlling the blister rust hosts and thus the fungi which threatens destruction to our most valuable pine species. We recommend this appropriation and if the Federal Government will spend more we should match it.

Item 204 of the Budget Bill, page 596 of the Budget. Appropriates $250,000 to the Division of Forestry for emergency fire suppression, to be transferred to item 200 upon executive order of the Director of Finance.

This can be spent only under above conditions when other funds are not available. If the regular fire prevention and suppression crews are highly effective little of this need be spent.

In 1943-45 there was spent and estimated to June 30, 1945 the sum of $221,553. This is an increase of $28,447. We recommend the full appropriation.

Item 205 of the Budget Bill, pages 596, 607 and 608 of the Budget. Appropriates $55,200 from the General Fund for purchase of Real Property for the Division of Forestry on approval of the Director of Finance.

The detail is shown on pages 607 and 608 of the Budget. There are some 21 objects and all for land where there is a considerable investment in buildings and other improvements.

Recommend appropriation be approved for $55,200 as requested.

Division of Mines

For support of the Division of Mines, Department of Natural Resources.

Item 206 Budget Bill, pages 610 to 613 inclusive of the Budget, appropriation from the General Fund, $304,899; increase of $122,429 or 67.1 per cent over the estimated expenditure of $182,470 for the 1943-1945 Biennium.

Recommendation:

Reduce Item 206 by $16,380 or 5.3 per cent to $288,519.

Bookkeeping transactions bring the proposed increase for support for 1945-1947 up ti $124,199, an increase of 65.1 per cent over the estimated expenditures for the 1943-1945 Biennium. Of this increase, $55,526 or 44.7 per cent is for operating expenses and $8,466 or 6.8 per cent is for equipment expenditures. Salaries and wages account for $40,207 or 32.3 per cent of the total increase. The table below presents further details of the proposed increase by objects of expenditure.

Object	Actual and estimated 1943-45	Proposed 1945-47	Increase Amount	Increase Per cent	Per cent of net total increase
Salaries and Wages					
Positions now authorized	$144,723	$150,340	$5,617	3.9	4.5
Estimated salary savings	—1,500	—1,500			
1945-47 normal salary adjustments		2,685	2,685		2.1
Proposed new positions		31,905	31,905		25.6
Total—Salaries and Wages	$143,223	$183,430	$40,207	28.0	32.3
Operating Expense	65,744	121,370	55,526	84.4	44.7
Equipment	1,733	10,199	8,466	488.5	6.8
Totals	$210,700	$314,899	$104,199	49.4	83.8
Less Abatements from Reconstruction and Reemployment Commission for Survey of Mineral Resources	—20,000		20,000		16.1
Net total for Support	$190,700	$314,899	$124,199	65.0	99.9

In addition to application of the overall deductions for salary savings, and traveling automobile, and printing operating expense items, we recommend the following:

I. *Operating expenses: A reduction of $13,500 or 11.1 per cent in budgeted expenditures for this purpose is recommended.* We further recommend that this reduction be divided among individual operating expense items as follows:

Operating Expense Items	Estimated 1943-45	Proposed 1945-47	Reductions recommended for 1945-47	Amounts resulting for 1945-47
Office	$3,095	$3,400	$------	$3,400
Printing, forms, and stationery	1,573	3,000	500	2,500
Printing, bulletins and maps	14,762	70,000	10,000	60,000
Traveling	6,517	10,000	1,000	9,000
Telephone and telegraph	1,394	1,500	------	1,500
Postage	3,491	3,600	------	3,600
Automobile	3,646	10,000	2,000	8,000
Freight, cartage and express	701	900	------	900
Light, heat and power	1,202	1,200	------	1,200
Rent	9,560	12,120	------	12,120
Assays	315	2,000	------	2,000
Blue printing	141	300	------	300
Laboratory	419	400	------	400
Economic survey in cooperation with R. R. Commission	18,315	------	------	------
Library	145	200	------	200
Photography	117	150	------	150
Technical reports	350	2,500	------	2,500
Totals, Operating Equipment	$65,774	$121,270	$13,500	$107,770

2. *Salaries and Wages:* We also recommend a reduction of $2,880 which represents the first year budgeted salary expense for the proposed new position of Assistant Mining Engineer which we recommend not to be established until the second year of the biennium as the other proposed new positions will be sufficient to bring this division's staff up to the needed level under existing conditions.

3. *Total Recommended Reduction:* The foregoing recommendations would reduce appropriation Item 206 by $16,380 or 5.4 per cent to $288,519.

For Geological Exploration

Item 207 Budget Bill, pages 610 and 612 of the Budget, appropriation from the General Fund, $100,000.

This proposed appropriation of $100,000 for geological explorations in cooperation with the United States Geological Survey for development of additional mineral resources; to be matched by like amounts contributed or expended by the Federal Government. This proposed expenditure may be expected to yield sufficient values to the State to justify it. We recommend that Item 207 in the amount of $100,000 be approved without reduction.

Division of Oil and Gas

For Support of Division of Oil and Gas, Department of Natural Resources.

Item 208 Budget Bill, pages 614-616, inclusive, of the Budget; appropriation from the Petroleum and Gas Fund, $449,838; increase of $20,837 or 4.8 per cent over the estimated expenditure of $429,001 for the 1943-1945 Biennium.

Recommendation: Approve Item 208 without reduction.

This is an entirely self-supporting agency. The relatively small proposed increase of $20,837 results from the expectation that existing positions will be kept pretty well occupied during the coming biennium, from normal salary increases, and from minor and desirable upward adjustments in operating expenditure items. This division is closely budgeted. We recommend that Item 208 in the amount of $449,838 be approved without reduction.

Department of Professional and Vocational Standards

Items 209-227, inclusive, of the Budget Bill, pages 617-659 of the Budget amounts to $1,699,155. This is an over-all increase of $288,820 or 20.47 per cent over estimated expenditures of $1,410,695 for the 1943-45 Biennium. These are all special fund self-supporting agencies and should appropriations not be sufficient and an emergency exist, a deficiency can be allowed by the Director of Finance under the provisions of Political Code Section 661.

An item by item analysis of the respective appropriations for the Department follows.

Table I gives a comparative analysis of Expenditures and Revenues by administrative division 1943-45 compared with the 1945-47 Biennium.

DEPARTMENT OF PROFESSIONAL AND VOCATIONAL STANDARDS—OVER-ALL ANALYSIS OF PROPOSED EXPENDITURES, APPROPRIATION AND REVENUES 1945-47 BIENNIUM COMPARED WITH ACTUAL AND ESTIMATED FIGURES FOR THE 1943-45 BIENNIUM

	Item No.	Expenditures: Actual and estimated, 1943-45	Expenditures: Proposed 1945-47 (AB 500)	Expenditures: Increase or decrease — Amount	Expenditures: Increase or decrease — Per cent	Revenues: Actual and estimated, 1943-45	Revenues: Proposed 1945-47	Revenues: Increase or decrease — Amount	Revenues: Increase or decrease — Per cent
Board of Accountancy	209	$26,507	$28,996	+ $2,489	+ 9.38	$33,983	$33,225	— $758	— 2.2
Board of Architectural Examiners	210	19,811	24,958	+ 5,147	+25.98	19,749	21,800	+ 2,051	+10.38
Board Barbers Examiners	211	98,363	107,614	+ 9,251	+ 9.40	94,413	98,500	+ 4,087	4.32
Board of Registered Civil Engineers	212	63,329	66,057	+ 2,728	+ 4.30	69,319	71,820	+ 2,501	3.60
Contractors Licenses	213	301,450	406,954	+105,504	+34.99	340,806	423,500	+82,693	+24.26
Board of Cosmetology	214	162,334	181,694	+ 19,360	+11.92	182,454	176,100	— 6,354	— 3.48
Board of Dental Examiners	215	65,042	72,152	+ 7,110	+10.93	62,730	62,225	— 505	— 8.05
Detective License Bureau	216	30,780	15,352	— 15,428	—49.87	43,150	44,000	+ 850	+ 1.96
Board of Funeral Directors	217	37,989	41,835	+ 3,846	+ 10.12	40,228	39,000	— 1,228	- 3.05
Bureau of Furniture and Bedding	218	152,846	208,808	+ 55,962	+36.61	207,616	207,776	+ 160	+ 8.7
Board of Medical Examiners	219	147,351	161,009	+ 13,658	+ 9.26	181,033	156,260	- 24,773	—13.69
Board of Nurse Examiners	220	92,261	126,392	+ 34,131	+36.99	133,846	125,100	— 8,746	- 6.53
Board of Optometry	221	17,769	19,308	+ 1,539	+ 8.66	14,154	14,200	+ 46	-------
Board of Pharmacy	222	94,785	121,071	+ 26,286	+27.73	107,048	107,500	+ 452	.004
Structural Pest Control Board	223	20,394	28,868	+ 8,474	+41.55	18,614	18,000	— 614	— 3.29
Examiner, Veterinary Medicine	224	11,541	13,010	+ 1,470	+12.73	13,190	12,400	— 790	— 5.98
Yacht Brokers Commission	225	9,971	10,939	+ 968	+ 9.70	9,275	10,500	+ 1,225	+13.20
Board of Chiropractic Examiners	226	31,579	33,703	+ 2,124	+ 6.72	30,177	35,330	+ 5,153	+17.07
Board of Osteopathic Examiners	227	26,593	30,795	+ 4,202	+15.80	22,986	23,200	+ 714	+ 3.10
Totals		$1,410,695	$1,699,515	$288,820	+20.47	$1,624,771	$1,680,936	+$56,164	+34.56

For Support of Board of Accountancy

Item 209 Budget Bill, pages 619-620 inclusive of the Budget, appropriation from the Accountancy Fund, $28,996: increase of $2,489 or 9.38 per cent over estimated expenditures of $26,507 for the 1943-45 Biennium.

Increased operating expenses contribute largely to the proposed increased expenditures. Very substantial increases are requested for both printing and travel. Revenues are expected to decline from $33,983 in the 1943-45 Biennium to $33,225 in the 1945-47 Biennium, a decrease of $758.

We recommend that travel and printing expense be reduced $500 and $200 respectively, thus effecting a saving for the biennium of $750.

For Support of Architectural Examiners

Item 210 Budget Bill, pages 621-622 inclusive of the Budget, appropriation from the Board of Architectural Examiners Fund, $25,958; increase of $5,147 or 25.98 per cent over estimated expenditures of $19,811 for the 1943-45 Biennium.

Our examination of the proposed expenditures for this board reveals normal increased costs only. Automobile equipment accounts for $1,300 of the proposed expense; and automobile operating expense amounts to $700 for the biennium. Increased traveling expense from $4,518 in the 1943-45 Biennium to $5,400 in the ensuing biennium requires an additional $800.

We recommend acceptance of the Board of Architectural Examiners Budget as submitted.

For Support of Barber Examiners

Item 211 Budget Bill, pages 263-264 inclusive of the Budget, appropriation from the Barber Examiner Fund, $107,614; increase of $9,251 or 9.40 per cent over estimated expenditure of $98,363 for the 1943-45 Biennium. While proposed expenditures are up $9,251 or 9.40 per cent over the current biennium; estimated revenues in the 1945-1947 Biennium are expected to increase by $4,087 or 4.32 per cent. No new positions are requested and the bulk of the increase arises from increased miscellaneous operating expenses, none of which are unduly out of line.

We recommend the requested appropriation be granted.

For Support of Board of Registration for Civil Engineers

Item 212 Budget Bill, pages 625-626 inclusive of the Budget, appropriation from the Civil Engineers Fund, $66,057; increase of $2,728 or 4.3 per cent estimated expenditure of $63,329 for the 1943-1945 Biennium.

It is estimated the cost of support will increase by 4 per cent with a comparable increase in revenues. The principal increase in expenses for the 1945-47 Biennium results from the proposed purchase of a new car, plus a $700 allowance for its operation. We believe this budget is in line and recommend that expenditures be approved.

For Support of Contractors' License Board

Item 213 Budget Bill, pages 627-629 inclusive of the Budget, appropriation from the Contractors' License Fund, $406,954; increase of $105,504 or 34.99 per cent over estimated expenditure of $301,450 for the 1943-45 Biennium.

1. We believe that the Contractors' License Board has overestimated its requirements, particularly during the first year of the ensuing biennium.

2. We recommend that proposed new positions be reduced by 50 per cent to a total cost of $13,290 in the first fiscal year of the biennium thus effecting a saving of $13,295. We further recommend that expense for automobile equipment be reduced in the first fiscal year of the biennium from $6,300 to $3,600, making possible a saving of $2,700.

3. Travel expense should also be reduced. We recommend this item be cut from $24,300 for the biennium to $18,225, a saving of $6,075.

4. These recommended reductions will result in total savings for the biennium amounting to $22,065. The revenues are estimated to increase only 24 per cent.

For Support of Board of Cosmetology

Item 214 Budget Bill, pages 630-631 inclusive of the Budget, appropriation from the Board of Cosmetology Contingent Fund, $181,694; increase of $162,334 or 11.92 per cent over estimated expenditure of $162,334 for the 1943-45 Biennium.

Total for support shows a 12 per cent increase while anticipated revenues are expected to decline from $182,454 in the 1943-45 Biennium to $176,100 in the 1945-1947 period, a decrease of 3.48 per cent.

Request for one new position appears to be in order.

Operating expenses show a substantial increase—$63,282 in the 1943-45 Biennium to $69,464 in the 1945-47 Biennium, an increase of $6,182.

Our analysis does not indicate unduly out-of-line proposed expenditures. We recommend the budget be accepted as submitted.

For Support of Board of Dental Examiners

Item 215 Budget Bill, pages 632-633 inclusive of the Budget, appropriation from the Dentistry Fund, $72,152; increase of $7,110 or 10.93 per cent over estimated expenditure of $65,042 for the 1943-45 Biennium.

Expenditures for support are scheduled to increase by 10.93 per cent while anticipated revenues are estimated to decline from $62,730, $62,225, a decrease of $505 or 8.05 per cent.

The $7,110 increase in expenditures for the biennium is due to the proposed employment of an additional inspector. This position already exists but has been vacant due to a resignation and inability of the board to find another qualified employee. We recommend this budget be approved.

For Support of Detective License Bureau

Item 216 Budget Bill, pages 634-635 inclusive of the Budget, appropriation from the Detective Agency Contingent Fund, $15,352; decrease of $15,428 or 49.87 per cent over estimated expenditure of $30,780 for the 1943-45 Biennium.

The bureau was originally under the Board of Prison Directors in the former Department of Penology setup. When the new Department of Corrections was established the functions of the bureau were transferred to the Department of Professional and Vocational Standards and costs of administration have been reduced materially.

We recommend the Budget be approved.

For Support of Board of Funeral Directors and Embalmers

Item 217 Budget Bill, pages 636-637 inclusive of the Budget, appropriation from the Funeral Directors and Embalmers Fund, $41,835; increase of $3,846 or 10.12 per cent over estimated expenditure of $37,989 for the 1943-45 Biennium.

Support will increase by $3,846 or 10 per cent compared with an estimated decline in revenue from $40,228 in the 1943-45 Biennium to $39,000 in the 1945-47 Biennium, a decrease of $1,228 or 3.05 per cent.

Our examination of this Budget indicates that proposed expenditures for this bureau are not excessive and we recommend the requested appropriation be approved.

For Support of Bureau of Furniture and Bedding Inspection

Item 218 Budget Bill, pages 638-640 inclusive of the Budget, appropriation from the Bureau of Bedding and Inspection Fund, $208,808: increase of $55,962 or 36.61 per cent over estimated expenditures of $152,846 for the 1943-45 Biennium.

In spite of the fact that estimated expenditures are to increase by 36.61 per cent and estimated revenues are to increase from $207,616 to $207,776 or 7.7 per cent, we believe this bureau's total appropriation request is justifiable. Our conclusions are based on the following information.

1. California is the second largest furniture and bedding manufacturing center in the Nation and the industry is expanding rapidly.
2. The present complement of 12 inspectors is inadequate to effectively cover California's large area.
3. Problems of the field force will increase in the ensuing biennium when an ever increasing amount of Government second-hand and surplus materials arrive on the market.
4. New and additional equipment appears necessary if the Bureau's program is to be effective. We believe the requested sum of $6,450 for the biennium is not out of line.

We recommend the requested appropriation be granted without reduction.

For Support of Board of Medical Examiners

Item 219 Budget Bill, pages 641-642 inclusive of the Budget, appropriation from the Medical Examiners Contingent Fund, $161,009: increase of $13,658 or 9.26 per cent over estimated expenditure of $147,351 for the 1943-45 Biennium.

While estimated expenditures are up 9.26 per cent and anticipated revenues are expected to decline from $181,033 in the 1943-45 to $156,260 a decrease of $24,773 or 13.69 per cent, we believe this Budget is not out of line and should be approved.

For Support of Board of Nurses Examiners

Item 220 Budget Bill, pages 643-644, inclusive, of the Budget, appropriation from the Board of Nurses Examiners Fund, $126,392; increase of $34,131 or 36.99 per cent over estimated expenditures of $92,261 for the 1943-45 Biennium.

Revenues for this board are estimated to decline from $133,846 to $125,100 in the ensuing biennium, a reduction of $8,746 or 6.53 per cent. We believe the requested appropriation for this board is excessive. This is particularly true in view of the fact that many of the board's present wartime activities can be expected to diminish appreciably in the ensuing biennium or be curtailed entirely.

We recommend that the proposed new portion for "Educational Consultant" be eliminated, thus effecting a saving of $5,500 for the biennium. Printing and traveling expenses are out of line. We recommend a combined reduction for these two items of $10,500. We recommend that the Budget for this board be reduced from the proposed $126,392 to $110,392, a reduction of $15,000. This still permits an increase of $18,131 over the current biennium expenditure of $92,261.

For Support of Board of Optometry

Item 221 Budget Bill, pages 645-646, inclusive, of the Budget, appropriation from the Optometry Fund, $19,308; increase of $1,539 or 8.66 per cent over estimated expenditure of $17,769 for the 1943-45 Biennium.

As the board's appropriation request now stands there will be a deficiency in the unbudgeted surplus on June 30, 1947, amounting to $2,383. The deficit has arisen principally as the result of fewer examination fees and the large number of optometrists in the military service who do not pay fees while so engaged.

The board proposes to eliminate this deficit by increasing fees. This, however, will require legislative action.

We recommend the proposed Budget be approved as presented.

For Support of Board of Pharmacy

Item 222 Budget Bill, pages 647-648 inclusive of the Budget, appropriation from the Pharmacy Board Contingent Fund, $121,071 increase of $26,286 or 27.73 per cent over estimated expenditure of $94,785 for the 1943-45 Biennium.

Revenues are estimated to increase from $107,048 to $107,500 an increase of $452, while proposed expenditures are to increase by 27.73. The estimated unbudgeted surplus, June 30, 1947 is $43,472.

The proposed increased expenditures for new positions and resultant traveling expense are reasonable requests. We recommend the budget be approved without reduction.

For Support of Structural Pest Control Board

Item 223 Budget Bill, pages 649-650 inclusive of the Budget, appropriation from the Structural Pest Control Fund, $28,868 increase of $8,474 or 41.55 per cent over estimated expenditure of $20,394 for the 1943-45 Biennium.

The principal items comprising the additional proposed expenditures for the ensuing biennium are: proposed new inspector positions ($4,800 for the biennium) and increased traveling and automobile expense connected therewith.

It is estimated that the unbudgeted surplus as of June 30, 1947 will be $259. We believe, however, the estimate for revenues accruing during the biennium is conservative and that the unbudgeted surplus as of June 30, 1947 will be larger than anticipated. We recommend approval of this Budget.

For Support of Board of Examiners in Veterinarian Medicine

Item 224 Budget Bill, pages 651-652, inclusive, of the Budget, appropriation from the Veterinary Medicine Examiners Contingent Fund, $13,010; increase of $1,470 or 12.73 per cent over estimated expenditure of $11,541 for the 1943-45 Biennium.

No new positions are requested. Other items of expense appear to be in line. We recommend this budget be approved.

For Support of Yacht and Ship Brokers Commission

Item 225 Budget Bill, pages 653-654, inclusive, of the Budget, appropriation from the Yacht and Ship Brokers Fund, $10,939; increase of $968 or 9.70 per cent over estimated expenditures of $9,971 for the 1943-45 Biennium.

We recommend that this commission, which serves no useful purpose, be abolished.

For Support of Board of Chiropractic Examners

Item 226 Budget Bill, pages 655-656, inclusive, of the Budget, appropriation from the Chiropractic Examiners Fund, $33,703; increase of $2,124 or 6.72 per cent over estimated expenditure of $31,579 for the 1943-45 Biennium.

Revenues for this board are estimated to increase from $30,177 in the 1943-45 Biennium to $35,330 in the 1945-47 Biennium, an increase of $5,153.

Our analysis indicates that the budget request for this board is in line and should be approved.

For Support of Board of Osteopathic Examiners

Item 227 Budget Bill, pages 657-658, inclusive, of the Budget, appropriation from the Osteopathic Examiners Contingent Fund, $30,795; increase of $4,202 or 15.80 per cent over estimated expenditure of $26,593 for the 1943-45 Biennium.

Proposed expenditures of $30,795 for the 1945-47 Biennium exceed estimated revenues of $23,700 for the biennium by $7,095. The estimated unbudgeted surplus, July 1, 1945 is $9,070. The estimated unbudgeted surplus June 30, 1947 is expected to be $1,411. We believe, however, estimated revenue figures are conservative and that the unbudgeted surplus at the end of the biennium will be larger.

We recommend that the appropriation request be approved.

Department of Public Health

There are four appropriation items relating to Public Health as follows:

Item 228.	For support of Department of Public Health, exclusive of the Bureau of Cannery Inspection	$2,016,186
Item 229.	For subsidies, Bureau of Tuberculosis, Department of Public Health	$1,533,917
Item 230.	For additional support of Department of Public Health, payable from the Public Health Fund	$498,417
Item 231.	For medical and physical care, hospitalization, appliances, and convalescent care for physically handicapped children, Department of Public Health	$200,000

For Support of Department of Public Health, Exclusive of Bureau of Cannery Inspection

Item 228 of the Budget Bill, pages 660-683 inclusive of the Budget, appropriation from the General Fund, $2,016,186; increase of $537,716 or 36.7 per cent over estimated expenditure of $1,478,470 for the 1943-45 Biennium.

Our recommendation: Reduce Item 228 by $159,373 or 7.9 per cent to $1,856,813.

I. Statistical Summary

The increase of $537,716 or 36.4 per cent for the 1945-47 Biennium over the estimated expenditures for 1943-45 Biennium from the General Fund is distributed among the different administrative divisions, bureaus, and services as follows:

DEPARTMENT OF PUBLIC HEALTH
COMPARISON OF BUDGETED EXPENDITURES FOR 1945-47 WITH ESTIMATED EXPENDITURES FOR 1943-45, GENERAL FUND

	Proposed 1945-47	Estimated 1943-45	Increase Amount	Increase Per cent
Executive	$33,137	$46,095	—$12,958	—28.1
Division of Administration:				
Divisional Administration	11,760	----	11,760	----
Bureau of Business Management	215,153	118,369	96,784	81.8
Bureau of Records and Statistics:				
Bureau Administration	9,360	----	9,360	----
Central Tabulating Unit	47,980	2,977	45,003	1511.00
Vital Statistics	273,351	234,295	39,056	16.7
Bureau of Health Education	29,387	16,861	12,526	74.2
Totals, Division of Administration	$620,128	$418,597	$201,531	48.1
Division of Preventive Medical Services:				
Divisional Administration	$12,960	----	$12,960	----
Bureau of Maternal and Child Health:				
Maternal and Child Health Services	101,954	$70,809	31,145	43.9
Crippled Children Services	69,342	57,495	11,847	20.6
Bureau of Tuberculosis	39,096	21,679	17,417	80.3
Bureau of Venereal Diseases	210,970	157,784	53,186	33.7
Bureau of Acute Communicable Diseases	76,844	70,889	5,955	8.4
Bureau of Public Health Nursing	25,116	20,869	4,247	20.3
Bureau of Adult Health	41,683	25,882	15,801	61.0
Totals, Division of Preventive Medical Services	$577,965	$425,407	$152,558	35.8
Division of Laboratories	$298,058	$235,650	$62,408	26.5
Division of Environmental Sanitation:				
Divisional Administration	11,760	----	----	----
Bureau of Sanitary Engineering:				
Sanitary Engineering	154,088	112,074	42,014	37.4
Sanitary Inspections	170,505	141,954	28,551	20.1
Bureau of Foods and Drugs:				
Food and drug inspections	153,283	127,197	26,086	20.5
	$489,636	$381,225	$108,411	28.4
Division of Local Health Services	$30,399	$17,589	$12,810	42.1
Expenditures for support (Retirement excluded)	$2,016,186	$1,478,469	$537,716	36.4

The foregoing table reveals that proposed expenditures are up by 48.1 per cent for the Division of Administration; up by 35.8 per cent for the Division of Preventive Medical Services; up by more than 25 per cent

for the Division of Laboratories; up by almost 30 per cent for the Division of Environmental Sanitation; and up by 42.1 per cent for the Division of Local Health Services.

II. Findings and Recommendations

The proposed increase of over half a million dollars and 36 per cent over the estimated expenditure for the 1943-45 Biennium provided by Item 228 is substantially out of line with the Department of Public Health's expenditure pattern for the 1943-45 period, as well as considerably above the average increase of 16.4 per cent for the Budget at large.

We recommend that Item 228 for support of the Department of Public Health be reduced by $159,373 or to $1,856,813 which would still represent an increase of $335,501 or 25.5 per cent over the estimated expenditures for the current biennium.

Our recommended total reduction of $159,373 is based on the following sub-item proposed cuts:

(a) Deny request for new position of office manager in Bureau of Business Management; saving in direct salary expense $7,920
(Reason: There already is a Business Manager)

(b) Reduce budgeted amount for public health education from State funds from $29,387 to $24,387, saving 5,000
(Reason: The proposed expenditure is up by 74.2 per cent, which is out of line with economic reality)

(c) Deny request for new position of Chief of Division of Preventive Medical Services; saving in direct salary expense 12,960
This is a policy decision for the Legislature to make. It is pertinent to point out the probability that if this position is established during the 1945-47 Biennium the next regular session of the Legislature will be added for a staff to complement the new Chief.

(d) Deny request for new position of Assistant Chief of the Division of Tuberculosis; saving in direct salary expense 9,360
(Reason: The Bureau of Tuberculosis is an old established unit of the Department administering a well formulated and established function of distributing State aid to T. B. Sanitaria. The work of this Bureau is through its pioneering stage and can continue to be handled effectively with its staff of four)

(e) Deny request for new position of Assistant Industrial Hygiene Engineer; saving 5,940
(Reason: There already is a position of Senior Hygiene Engineer)

(f) Deny request for new position of Chief of Division of Environmental Sanitation; saving in salary expense 11,760
(This is to head up a new divisional administration sector of the organization)

(g) Reduce by $20,000 the budgeted expense of $33,240 for five new positions for Sanitary Engineers with the Department of Health and Finance working out the details of the saving. Saving in salary expenses 20,000

(h) Deny request for proposed new position of Assistant Chief of the Division of Local Health Service; saving in salary expense 8,800
(Reason: There already is a Chief of this Division, which is small with four positions)

(i) Move the Department of Public Health from San Francisco to Sacramento; to rent free quarters in State buildings in Sacramento by the beginning of the second year of the biennium; saving in rent for second year of the biennium, after deducting $5,000 as the estimated cost of moving 39,843

Reasons for this recommendation:

(a) In Sacramento, the department would be near other State agencies with which it must maintain frequent contact, particularly the Governor's Office, the Controller, the Personnel Board, etc.

(b) Rent expense would be nominal or nil in Sacramento as against necessarily expensive rent in San Francisco for office quarters distributed uneconomically on several floors of a building which necessarily results in loss of the staff's time riding the elevators.

(c) The disadvantage of this move would be the prospective loss of trained employees who might quit jobs rather than move from their homes. It is believed, however, that this objection will have less weight than otherwise would be the case by delaying the proposed move until the middle of the biennium when the labor market may be expected to be considerably tighter.

(j) Eliminate for the second year of the biennium 23 war emergency positions that the Governor's budget proposes be extended to a permanent basis. This would effect a saving in salary expense of.. $37,790

These 23 positions, and the proposed salaries for the second year of the biennium, are as follows:

Vital Statistics		
1	Intermediate Stenographer-Clerk	$1,860
6	Junior Clerk	8,040
2	Intermediate Clerk	3,360
1	Junior Clerk	1,320
Division of Laboratories		
3	Bacteriologist	7,670
2	Laboratory Assistant	3,900
2	Laboratory Helper	2,745
1	Building Maintenance Man	1,960
Food and Drug Inspections		
2	Food and Drug Inspector	5,640
3	Sanitary Inspector (part time)	1,295
23	Totals	$37,790

Item 229 of the Budget Bill, page 789 of the Budget. Appropriates to the Department of Public Health $1,533,917 for subsidies to cities and counties maintaining public hospitals and preventoria for treatment of tuberculosis at the rate of $3 per patient per week in accordance with Sections 3100 and 3300 of the Health and Safety Code.

This is a fixed charge but requires a specific appropriation.

There was actually expended $627,795.34 for the 1943-44 Fiscal Year, and it is estimated that $631,613 will be expended for 1944-45 or a total of $1,259,408.34 for the current biennium.

The request of $1,533,917 for 1945-47 is an increase of $274,508.66 or 21.8 per cent. We do not believe that such increase will materialize under the economic conditions assumed in making the Governor's Budget.

Approximately 6,000 beds are made available by county governments, on which State tuberculosis subsidy may be paid. The Budget on page 789 lists 5,784 beds as actually qualifying now. These have not been used to full capacity during the current biennium and some may not continue to qualify. No new bed capacity is in prospect. We believe that the same expenditure allowed for the current biennium will be sufficient for this purpose. If it is not, the Legislature will be in session in January, 1947, and it can appropriate any additional amount needed to finish out the biennium to June 30, 1947.

We, therefore, recommend that Item 229 be reduced to $1,260,000, a reduction of $273,919.

For Additional Support of Department of Public Health

Item 230 of the Budget Bill, pages 660-661 and 679-680 inclusive of the Budget, appropriation from the Public Health Fund, $498,417; increase of $40,308 or 8.8 per cent over estimated expenditure of $358,109 for the 1943-45 Biennium.

Recommendation: Approve without change as this Item covers self-supporting activities, notably cannery inspection, that are well established.

Item 231 of the Budget Bill, page 682 of the Budget. Appropriates to the Department of Public Health $200,000 from the General Fund for medical and physical care, hospitalization, appliances, etc., for physically handicapped children.

This is a new Item and is in addition to expenditures, shown on pages 660 and 670 of the Budget, for this class of children. Expenditures are also made by the several counties for this purpose.

There is a carry over load not yet cared for in this group. This expenditure will help restore children who otherwise might remain permanently disabled and require support.

It appears to us as a far better expenditure than those made on delinquents where per year costs per inmate exceed $1,200 per year.

We recommend the appropriation of $200,000 as requested.

Railroad Commission

Items 232 and 233, inclusive, of the Budget Bill, and pages 684 to 695, inclusive, of the Budget.

The Railroad Commission, established by the Constitution and the Public Utilities Act, is the State body charged with the regulation of public utilities. The commission must make examinations, establish rates, conduct hearings, and promulgate regulations for public utilities such as railroads and other public carriers, gas and electric companies, telephone and telegraph companies, etc.

In addition, this commission administers the Food Warehouse Act; Act for Regulation of Water Companies; Motor Carrier Transportation Act; For-Hire Vessel Act; The Highway Carriers' Act; City Carriers' Act; Transportation Rate Fund Act; and Motor Transportation Broker Act.

The two appropriation items are as follows:

Item 232—Support of Railroad Commission of the State of California (General Fund)	$1,543,348
Item 233—Support of Transportation Rate Division, Railroad Commission, payable from the Transportation Rate Fund	$901,411

Item 232—For support of the Railroad Commission; pages 684 to 688, inclusive of the Budget; appropriation from the General Fund—$1,543,348; increase of $204,765 or 15.3 per cent over estimated expenditure of $1,338,583 for the 1943-45 Biennium.

Our Recommendation: A reduction of $50,000 in this item; also the application of the over-all percentage saving to produce the over-all General Fund saving previously recommended and the savings in use of automobiles and in printing and the salary saving as previously described.

We also recommend a complete administrative reorganization to secure more effective and efficient control.

I. Statistical Summary

The proposed increase from the General Fund of $204,764 or 15.3 per cent is divided among the several types of activities as follows:

	Actual and estimated 1943-1945	Estimated and proposed 1945-1947	Increase or decrease from 1943-1945	Per cent
Administration	$309,648	$342,557	+ $32,908	10.6
Control and regulation	955,428	1,130,066	+ 174,637	18.3
Hearings and formal investigations	65,385	63,725	— 1,660	2.5
Publications and reports	8,121	7,000	— 1,121	13.8
Total expenditures	$1,338,583	$1,543,348	+ $204,764	15.3

The proposed increase of $204,764 is divided as follows by object of expenditure:

Object	Actual and estimated 1943-1945	Proposed 1945-47	Increase Amount	Per cent
Salaries and Wages:				
Positions now authorized	$1,188,034	$1,283,232	$95,198	8.01
Estimated salary savings	— 23,000	— 28,500	— 5,500	23.9
1945-47 normal salary adjustments		42,516	42,516	---
Proposed new positions		56,940	56,940	---
Totals, salaries and wages	$1,165,034	$1,354,188	$189,154	16.2
Operating expense	162,216	176,480	14,264	8.8
Equipment	11,333	12,680	1,347	11.8
Totals for biennium, support	$1,338,583	$1,543,348	$204,764	15.3

II. Findings and Recommendations

1. *Previous Cut in Budget*

The budget for the Railroad Commission for the General Fund support item as submitted by that commission to the Department of Finance was for $1,683,875 which represented an increase of $345,292 or 25.7 per cent over the estimated expenditure for the 1943-45 biennium. This request was extremely expansive, and the Governor's Budget has cut it by $141,562 or 8.4 per cent. This reduction of $141,561 imposed by the Governor's Budget is divided as follows, by object of expenditure:

	Increase requested by Railroad Com.	Reduction made in Governor's Budget	Net increase allowed by Governor's Budget
Salaries and wages	$254,133	$64,979	$189,154
Operating expenses	58,494	44,230	14,264
Equipment	33,699	32,352	1,347
	$346,326	$141,561	$204,764

The foregoing cut of almost $65,000 for salaries and wages covers a reduction in the number of proposed new positions from the 24 requested by the Railroad Commission to 8 for the first year of the biennium, and a cumulative total of 15 for the second year.

2. *New Positions*

The Governor's Budget allows six new positions for the second year of the biennium for the Finance and Accounts Division of the commission; and also several other positions for the Transportation Division.

The requested positions for the Finance and Accounts Division are needed to carry on work in connection with rate structure computation

activities. The proposed positions for the Transportation Department are requested to give more intensive safety inspection of stages and railroads. It, therefore, appears that these new positions proposed by the Budget (page 687) are desirable.

3. However, we are convinced that the Railroad Commission can operate satisfactorily on at least $50,000 *less* from the General Fund than is provided by the Governor's Budget, and that it could still add the new positions described above. *We, therefore, recommend that Item 232 be reduced by $50,000 to $1,493,348.*

4. Approximately $9,200 of the recommended saving of $50,000 could be secured through elimination of the established position of Public Relations Officer. Other savings in such operating expense items as travel would ensue from the elimination of this position. The work of this position could be performed by some other member or members of the administrative staff which totals 43.

5. At least the remaining amount of the recommended reduction of $50,000, as well as the recommended reduction from Item 233 from the Transportation Rate Fund which is described below in connection with our comments on Item 233, could and should be realized by application by the Railroad Commission of the following practices:

1. *A general and thorough-going reorganization of the administrative and operating organization and practices of the Commission,* with there being established a direct line of control from the commissioners on down through the staff. There is need for the commissioners to exercise better control and coordination over the staff than has been the case in recent years, and also to keep better apprised of the work that the staff is doing. While some of the divisions and units of the Railroad Commission work very effectively and efficiently and coordinate their work with the purposes of the Railroad Commission, others have been operating semi-independently as separate little kingdoms. A general tightening up in over-all control is needed and will effect substantial direct and indirect economies as well as improved service.
2. *Consolidation of research activities now scattered throughout the organization (for both General Fund and Transportation Rate Fund activities) as well as their better coordination and direction.* At present there is a separate research division that is financed from the General Fund and also a research division that is financed by money from the Transportation Rate Fund. In addition, there are research activities and parts of activities scattered throughout other sectors of the organization. Consolidation and better coordination of these dispersed activities should and could be effected with substantial direct and indirect savings with improved work.
3. *Re-appraise the work being done by the staff in the light of the new conditions resulting from the transition from a war-time to a peace-time basis.* This re-appraisal should include examination of functions to determine if the directions specified by law are being exceeded.
4. *Perform as much as possible of this regulatory work by negotiation rather than by formal hearings, with the view of saving*

money and time for both the State and the parties concerned whenever this can be done in the public interest.

For Support of Railroad Commission

Item 233 Budget Bill, pages 690-693, inclusive, of the Budget, appropriation from the Transportation Rate Fund, $901,411; increase of $94,300 or 11.7 per cent over estimated expenditure of $807,111 for the 1943-1945 Biennium. *Our recommendation:* Reduce appropriation Item 233 by $25,000 to $876,411. We also recommend the salary savings procedure previously described be applied to this agency.

This appropriation item covers the Railroad Commission's activities chargeable to, and financed by, the Transportation Rate Fund. All moneys deposited in this fund are fees and penalties collected in accordance with the provisions of the Transportation Rate Fund Act of 1935. There are three functional operations for activities covered by this Fund, as follows:

Administration
Control and Regulation
Hearings and Formal Investigations

The proposed increase from the Transportation Rate Fund of $94,300 or 11.7 per cent, is divided among activities as follows:

Activities	Actual and estimated 1943-1945	Proposed 1945-1947 Biennium	Increase or decrease Amount	Per cent
Administration	$79,301	$83,959	+$4,657	5.8
Control and regulation	663,553	750,508	+86,954	13.1
Hearings and formal investigations	59,457	66,944	+ 7,486	12.6
Pool purchase of automobiles	2,505	---	— 2,505	
Special investigation, uniform system of accounts	2,293	---	— 2,293	
Totals, support	$807,111	$901,411	$94,300	11.7

This increase of $94,300 is divided as follows, by object of expenditure:

Object	Estimated 1943-1945 Biennium	Proposed 1945-1947 Biennium	Increase Amount	Per cent
Salaries and Wages:				
Positions now authorized	$656,418	$701,500	$45,082	6.9
Estimated salary savings	—20,000	—20,000	---	--
1945-1947 normal salary adjustments	---	24,076	24,076	--
Proposed new positions	---	7,740	7,740	--
Totals—Salaries and wages	$636,418	$713,316	$76,898	12.1
Operating expense	$165,756	$175,914	$10,158	6.1
Equipment	4,937	12,181	7,244	146.7
Totals for biennium for support	$807,111	$901,411	$94,300	11.7

II. *Findings and Recommendations*

1. *Previous Cut in Budget.* The Transportation Rate Fund Budget as submitted by the Railroad Commission to the Department of Finance was for $1,242,917 which represented an increase of about $401,000 or almost 50 per cent over the estimated expenditure for 1943-1945. This request was over expansive, and the Governor's Budget has cut it by

$307,249. This reduction of $307,249 is divided as follows, by object of expenditure:

	Increase for 1945-1947 over 1943-1945 requested by Railroad Commission	Reduction made by Governor's Budget	Net increase allowed by Governor's Budget
Salaries and wages	$247,817	$170,919	$76,898
Operating expenses	116,101	105,943	10,158
Equipment	37,631	30,387	7,244
Totals	$401,549	$307,249	$94,300

2. *New Positions:* The Governor's Budget approves three new positions for the Engineering Division for the second year of the Biennium of which the aggregate salary expense is $7,740. These positions are required to put into effect the uniform system of accounts for Grade 2 Carriers that has been prescribed by the Railroad Commission as a necessary aid in the fair and equitable establishment of rates. *We, therefore, recommend that these positions be established.*

3. *Reduction Proposed:* However, we are convinced that this activity of the Railroad Commission can operate satisfactorily on at least $25,000 less from the *Transportation Rate Fund* than is provided by Item 233, and that it could still add the three new positions described above. *We, therefore, recommend that Item 233 be reduced by $25,000 or only 2.7 to $876,411.* At least this reduction of $25,000 in expenditures from the Transportation Fund, if not more, and the $50,000 reduction from the General Fund expenditures described above in connection with or discussion of Item 232, could be effected through application by the Railroad Commission of the practices discussed above at length under Item 232 and which we repeat in briefer form as follows:

a. Tighter direction and control by the commissioners over the staff and its work.
b. Consolidation of research activities now dispersed throughout the organization.
c. Reappraisal of the objectives and work of the commission in the light of changing conditions.
d. Where possible, more regulatory work by negotiation rather than by formal hearing and investigation.

4. *Abolish the Transportation Rate Fund:* In addition, a significant saving of money and time would be realized by abolishing the Transportation Rate Fund and transferring balances, receipts, and activities covered by this fund to the General Fund. Certain accounting and administrative savings would result from this action. Under this arrangement, the accounting details could be worked out administratively to provide that the regulated industry would contribute neither more nor less to the General Fund than the cost of regulatory activity now covered by the Transportation Rate Fund. Thus, all the advantages with none of the disadvantages of the special fund could be realized through this arrangement. *We, therefore, recommend that appropriate legislation be passed to abolish the Transportation Rate Fund and to transfer the activities and balance of revenues of this Fund to the General Fund.*

A statement of the estimated unbudgeted surplus of the Transportation Rate Fund as of June 30, 1947 is as follows:

UNBUDGETED SURPLUS

Estimated unbudgeted surplus, July 1, 1945		$687,589
Estimated income for biennium 1945-1947		1,375,000
Total		$2,062,589
Less proposed expenditures for Biennium 1945-47:		
Support	$801,411	
Contributions to State Employees' Retirement Fund	26,750	
Total proposed expenditures		928,161
Estimated unbudgeted surplus, June 30, 1947		$1,134,428

Conclusion

Departmental Administration and Division of Ports
Department of Public Works

EXPENDITURES FOR SUPPORT FROM GENERAL FUND FOR SUPPORT

Item 234 for	$66,303
Item 235 for	4,255
Item 236 for	1,500
Total appropriations	$72,058

As shown on pages 696 to 698 inclusive of the Budget, appropriations from the General Fund $72,058—an increase of $14,228 or 24.6 per cent over estimated net expenditure of $57,829 for the 1943-45 Biennium.

Proposed expenditures for the 1945-47 Biennium compared with estimated expenditures for the 1943-45 Biennium are shown in the following tables:

TABLE I—Fund and Agency
TABLE II—Agency and Object of Expenditure
TABLE III—Object of Expenditure for All Agencies

TABLE I—DEPARTMENT OF PUBLIC WORKS
Departmental Administration and Division of Ports

Expenditures for Support:	Actual and estimated 1943-45	Proposed 1945-47	Fund and Agency Increase or decrease 1945-47 over 1943-45 Amount	Per cent
From: General Fund				
Administration	$194,706	$218,430	+$23,723	+12.2
Mileage rationing	-------	8,510	+ 8,510	-----
Division of ports	2,000	1,500	— 500	—25.0
Totals, support	$196,706	$228,440	+$31,733	+16.1
Less pro rata of departmental administration chargeable to State Highway Fund	138,876	156,382	+ 17,505	+12.6
Net totals, support	$57,829	$72,058	+$14,228	+24.6
From: State Highway Fund				
Departmental administration	$138,876	$152,127	+$13,250	+ 9.5
Mileage rationing	-------	4,255	+ 4,255	-----
Contributions to State Employees Retirement Fund	3,265	4,469	+ 1,203	+36.8
Total expenditures	$142,141	$160,851	+$18,709	+13.1
Grand totals, all funds—Expenditures	$199,971	$232,909	+$32,937	+16.4
Supplementary				
State Highway Fund credited General Fund activity as shown above:				
State Highway Fund expenditures	$142,141	$160,851		
Less: Contributions State Employees Retirement Fund	3,265	4,469		
Balance: Credited General Fund expenditures as shown above	$138,876	$156,382		

TABLE II

DEPARTMENT OF PUBLIC WORKS
DEPARTMENTAL ADMINISTRATION AND DIVISION OF PORTS
Expenditures for Support From General Fund by Agency and Object

	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and Wages				
Administration	$157,836	$177,140	+$19,304	+ 12.2
Mileage rationing	-----	7,270	+ 7,270	new
Total—Salaries and Wages	$157,836	$184,410	+$26,574	+ 16.8
Operating Expense				
Administration	$36,842	$40,815	+ $4,001	+ 11.0
Mileage rationing	-----	1,240	+ 1,240	new
Division of Ports	2,000	1,500	— 500	— 25.0
Total—Operating Expense	$38,842	$43,555	+ $4,713	+ 12.1
Equipment				
Administration	28	475	+ 447	+1596.4
Total—support	$196,706	$228,440	+$31,734	+ 16.1
Less: Pro rate of departmental administration chargeable to State Highway Fund	$138,877	$156,382	+$17,506	+ 12.6
Net Totals for Support	$57,829	$72,058	+$14,228	+ 24.6

TABLE III

DEPARTMENT OF PUBLIC WORKS
DEPARTMENTAL ADMINISTRATION AND DIVISION OF PORTS
Expenditures for Support From General Fund by Object

	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and Wages				
Positions now authorized	$158,336	$170,520	+$12,184	+ 7.7
Estimated salary saving	—500	-----	— 500	
1945-47 normal salary adjustments		4,130	+ 4,130	
Proposed new positions		9,760	+ 9,760	
Totals—Salaries and wages	$157,836	$184,410	+$26,574	+ 16.8
Operating expense	38,842	43,555	+ 4,713	+ 12.1
Equipment	28	475	+ 447	+1596.4
Totals for support for biennium	$196,706	$228,440	+$31,734	+ 16.1
Less pro rata of department administration chargeable to State Highway Fund	138,877	156,382	17,506	12.6
Net totals for support for biennium	$57,829	$72,058	+$14,228	+ 24.6

Table IV is added in order to show the increase in personnel over a ten-year period.

TABLE IV

DEPARTMENT OF PUBLIC WORKS
DEPARTMENTAL ADMINISTRATION AND DIVISION OF PORTS
Schedule of Positions

1937-38	1938-39	1939-40	1940-41	1941-42	1942-43	1943-44	1944-45	1945-46	1946-47
8	11	10	10	24	25	20	25	30	26

Recommend that the proposed percentage reduction applied to General Fund agencies to produce an overall savings of $10,000,000 in the General Fund be applied to this Budget.

Division of Architecture

For Support of Department of Public Works

Item 237 Budget Bill, pages 699-701 inclusive of the Budget, appropriation from the General Fund, $408,900; increase of $184,893 or 82.5 per cent over estimated expenditure of $224,006 for the 1943-1945 Biennium.

Proposed expenditures for the 1945-47 Biennium compared with estimated expenditures for the 1943-45 Biennium are shown in the following tables:

TABLE I—Fund and Agency
TABLE II—Agency and Object of Expenditure
TABLE III—Object of Expenditure All Agencies
TABLE IV—Schedule of Positions

TABLE I

DEPARTMENT OF PUBLIC WORKS—DIVISION OF ARCHITECTURE

Expenditures for Support from:	Actual and estimated 1943-45	Estimated and proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
GENERAL FUND				
Agency				
Supervision of State building construction, and technical services	$174,902	$278,998	+$104,095	+ 58.1
Field construction and maintenance supervision	49,104	129,902	+ 80,797	+164.5
Total expenditures	$224,006	$408,900	+$184,893	+ 82.5

TABLE II

DEPARTMENT OF PUBLIC WORKS—DIVISION OF ARCHITECTURE

Expenditure for Support From General Fund by Object and Agency

Object and Agency	Actual and estimated 1943-45	Estimated and proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and Wages				
Supervision of State building construction and technical services	$143,618	$215,080	+ $71,462	+ 49.8
Field construction and maintenance supervision	42,467	95,100	+ 52,633	+123.9
Total—Salaries and wages	$186,085	$310,180	+$124,095	+ 66.7
Operating Expense				
Supervision of State building construction and technical services	$32,129	$55,120	+ $22,991	+ 71.6
Field construction and maintenance supervision	6,638	17,156	+ 10,518	+158.5
Totals—Operating expense	$38,767	$72,276	+ $33,509	+ 86.4
Less: Reimbursement from Special Funds	—1,168	—1,000	168	14.3
Net Total—Operating expense	$37,599	$71,276	+ $33,341	+ 88.6
Equipment				
Supervision of State building construction and technical services	$322	$9,798	+ $9,476	
Field construction and maintenance supervision	-----	17,646	+ 17,646	
Totals—Equipment	$322	$27,444	+ $27,122	+842.3
Totals for support for biennium	$224,006	$408,900	+ 184,894	+ 82.5

TABLE III

DEPARTMENT OF PUBLIC WORKS—DIVISION OF ARCHITECTURE

Expenditure for Support From General Fund by Object

Object:	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Salaries and Wages				
Positions now authorized	$186,085	$196,080	+ $9,995	+ 5.4
1945-47 normal salary adjustments		320	+ 320	
Proposed new positions		113,780	+ 113,780	
Totals, Salaries and Wages	$186,085	$310,180	+$124,095	+ 66.7
Operating Expense	38,767	72,276	+ 33,509	+ 86.4
Equipment	322	27,444	+ 27,122	+842.3
Totals	$225,174	$409,900	+$184,726	+ 82.0
Less: Estimated reimbursement from special funds for services rendered	—1,168	—1,000	168	14.3
Net totals for support for biennium	$224,006	$408,900	+$184,894	+ 82.5

TABLE IV

DEPARTMENT OF PUBLIC WORKS—DIVISION OF ARCHITECTURE

Schedule of Positions

1937-38	1938-39	1939-40	1940-41	1941-42	1942-43	1943-44	1944-45	1945-46	1946-47
20	22	21	21	21	18	20	20	40	40

The total proposed increase is $184,893 or 82.5 per cent, principally due to increase in employees to do the work it is anticipated will be required by the postwar maintenance program.

Table II which shows proposed expenditures by agency and object of expenditure discloses the following:

Salaries and wages are to be increased by $124,095 or 66.7 per cent represented by $113,780 for proposed new positions, which will increase the personnel from 20 to 40 employees or 100 per cent. The remainer, $10,315, of the increase is for salary increases and salaries to persons not employed the full 24 months of the 1943-45 Biennium.

Operating expenses are to be increased by $33,509 or 86.4 per cent accounted for by increases in all classifications, automobile and traveling showing the largest increase.

Equipment to be increased $27,122 or 842.3 per cent accounted for principally by $22,600 for automobiles and $3,405 for office.

The printed budget shows this division operates from two budgets, a General Fund Budget and Division of Architecture Public Building Fund Budget.

The Division of Architecture being a service agency should have their accounting in such order that a very small part of their support should be required by General Fund appropriation. Time spent in designing and engineering projects should be charged as a cost of each project similar to procedure used by large architecture firms in private practice.

We recommend that the proposed percentage reduction applied to General Fund agencies to produce an overall savings of $10,000,000 in the General Fund be applied to this Budget, and the salary savings procedure previously described be applied.

For Support of Department of Public Works, Division of Architecture

Item 238 Budget Bill, pages 702-703 inclusive of the Budget, appropriation from the Architecture Public Building Fund, $174,894; increase of $117,909 or 206.9 per cent over estimated expenditure of $56,984 for the 1943-1945 Biennium.

A self-supporting activity.

This is the fund from which expenditures are paid for services rendered to school districts.

The Division of Architecture is required to approve plans and specifications, and supervise construction of new school buildings. A fee of one-half of 1 per cent of the estimated cost of the structure should be charged. Said funds are deposited in the Division of Architecture Public Building Fund.

The following tables show:

Statement of unbudgeted surplus, Division of Architecture Public Building Fund — TABLE I
Expenditures by Object of Expenditure — TABLE II
Schedule of Positions — TABLE III

The amount of expenditure is controlled by the amount of schoolhouse building being done, therefore it is recommended that Item 238 be approved for $174,894 as requested.

TABLE I

STATEMENT OF UNBUDGETED SURPLUS
Division of Architecture Public Building Fund

Estimated unbudgeted surplus July 1, 1945		$15,536
Estimated revenue for Biennium 1945-1947		175,634
		$191,170
Less proposed expenditures for Biennium 1945-47		
Support	$174,894	
Contributions to State Employment Retirement Fund	5,496	
		$180,390
Total unbudgeted surplus June 30, 1947		$10,780

DIVISION OF ARCHITECTURE
DEPARTMENT OF PUBLIC WORKS

From: Division of Architecture Public Building Fund

Expenditures for support: *Agency*	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Supervision of public school building construction	$56,984	$174,894	+$117,909	+206.9
Contributions to State Employees Retirement Fund	1,753	5,496	+ 3,742	+213.5
Total expenditures	$58,738	$180,390	+$121,652	+207.1
Revenues				
Fees and sale of publications	40,136	175,634	+ 135,497	+337.6

TABLE II

DIVISION OF ARCHITECTURE—DEPARTMENT OF PUBLIC WORKS
EXPENDITURES FOR SUPPORT FROM DIVISION OF ARCHITECTURE PUBLIC BUILDING FUNDS BY OBJECT AND AGENCY

Object and agency	Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease 1945-47 over 1943-45 Amount	Per cent
Supervision of public school building construction				
Salaries and wages—				
Positions now authorized	$47,350	$57,320	+ $9,970	+ 21.0
Proposed new positions	------	89,240	89,240	----
Totals—Salaries and wages	$47,350	$146,560	+ $99,210	+209.5
Operating expense	10,233	24,466	+ 14,233	+139.1
Equipment	9	3,868	+ 3,859	----
Totals	$57,592	$174,894	+$117,302	+203.6

Less:				
Estimated reimbursement from other funds for services rendered	—$608	------	— $608	+100.0
Net totals for support for biennium	$56,984	$174,894	+$117,910	+206.9

TABLE III

DIVISION OF ARCHITECTURE—DEPARTMENT OF PUBLIC WORKS
Schedule of Positions

Specification Fund

1937-38	1938-39	1939-40	1940-41	1941-42	1942-43	1943-44	1944-45	1945-46	1946-47
25	26	23	21	17	5	5	5	17	17

Supervision of Outdoor Advertising

For Support of Department of Public Works

Item 239 Budget Bill, page 705 of the Budget, appropriation from the Supervision of Outdoor Advertising Fund, $70,535; increase of $12,268 or 21.1 per cent over estimated expenditure of $58,267 for the 1943-1945 Biennium.

A self-supporting activity.

The expenditures for the above are included in "Expenditures for Administration," pages 705 to 711 of the Budget, therefore no analysis can be made. The income from outdoor advertising should be revenue to the State Highway Fund.

Recommend Item 239 be approved for amount requested.

Division of Water Resources

For Support of Department of Public Works

Item 240 Budget Bill, pages 714-722 inclusive of the Budget, appropriation from the General Fund, $1,043,270; increase of $295,639 or 39.5 per cent over estimated expenditure of $747,630 for the 1943-1945 Biennium.

Analysis of this division's General Fund expenditures by administrative units, detailed in Table I following, clearly indicates that the largest increase in expense for support is allocated to "General Administration."

During the 1943-45 Biennium actual and estimated expenditures for "General Administration" amounted to $170,227. Proposed expenditures for the 1945-47 Biennium total $285,725, an increase of $115,447 or 67.8 per cent. Salaries and wages account for $78,057 of the proposed increase; operating expense is scheduled to increase by $23,291; and equipment expenditures increase by $13,849.

"Reclamation and Flood Control" expenditures, the second largest item of expense for this division, increase from $228,250 in the current biennium to $313,700 in the 1945-47 Biennium, an increase of $85,450 or 37.4 per cent. Salaries and wages increase by $32,014, up 19.9 per cent; operating expense increase by $42,351, up 65.4 per cent and equipment increases from $5,993 in the current biennium to $14,000 in the 1945-47 Biennium, up $8,007 or 133.6 per cent.

Refer to Table I below for a complete schedule of General Fund expenditures.

Since the General Fund contributes only partially to the total outlay for this division, we have listed in Table II following total expenditures from all funds by object of expenditure and administrative units. Table I and Table II follow:

TABLE I

DIVISION OF WATER RESOURCES—DEPARTMENT OF PUBLIC WORKS

Expenditures for Support from General Fund

By administrative units	Budget page No.	Actual and estimated 1943-1945	Proposed 1945-47	Increase Amount	Increase Per cent
General administration	714	$170,277	$285,725	$115,447	67.8
Federal cooperation	714	77,160	85,000	7,840	10.2
Sacramento-San Joaquin water supervision	714	22,781	44,520	21,738	95.4
Water rights and resources	714	161,649	192,545	30,896	19.1
Watermaster service	714	27,598	31,700	4,102	14.9
Regulation of safety of dams	714	59,915	90,080	30,165	50.3
Reclamation and flood control	714	228,250	313,700	85,450	37.4
Totals for support for biennium	714	$747,630	$1,043,270	$295,639	39.5

TABLE II

DIVISION OF WATER RESOURCES—DEPARTMENT OF PUBLIC WORKS

Expenditures for Support from General Fund—Watermaster Service Fund and Trust Fund by Object, and Administrative Units

Object of expenditure	Budget page No.	Actual and estimated 1943-45	Proposed 1945-47	Increase Amount	Increase Per cent
Salaries and wages—					
General administration	717	$112,688	$190,745	$78,057	---
Sacramento-San Joaquin water supervision	718	19,920	38,280	18,360	69.3
Water rights and resources	719	158,272	175,385	17,113	10.8
Watermaster service	720	37,173	37,245	72	0.0
Regulation of safety of dams	721	53,040	79,680	26,640	50.2
Reclamation and flood control	722	160,626	192,640	32,014	19.9
Totals, salary and wages	716	$541,719	$713,975	$172,256	31.8
Net operating expense—					
General administration	717	$57,590	$80,881	$23,291	40.4
Federal cooperation	718	77,160	85,000	7,840	10.2
Sacramento-San Joaquin water supervision	718	2,860	6,240	3,380	118.2
Water rights and resources	719	14,132	18,610	4,478	31.7
Watermaster service	720	16,475	24,775	8,300	50.4
Regulation of safety of dams	721	6,806	10,200	3,394	49.9
Reclamation and flood control	722	64,709	107,060	42,351	65.4
Total, net operating expense	716	$239,732	$332,766	$93,034	28.8
Equipment—					
General administration	717	$250	$14,099	$13,849	554.0
Water rights and resources	719	100	1,086	986	986.0
Watermaster service	720	250	---	— 250	---
Regulation of safety of dams	721	68	200	132	193.5
Reclamation and flood control	722	5,993	14,000	8,007	133.6
Totals—Equipment	---	$6,661	$29,385	$22,724	341.1
Totals	---	$788,112	---	$288,014	36.5
Less—Abatements	---	435	---	435	---
Net totals for support for biennium		$787,677	$1,076,126	$288,449	36.6

Table III indicates the amount of money proposed to be spent, from all funds, for salaries and wages, operating expense and equipment.

TABLE III

DIVISION OF WATER RESOURCES—DEPARTMENT OF PUBLIC WORKS

Expenditure for Support from General Fund—Watermaster Service Fund and Trust Fund by Object

Object	Budget page No.	Actual and estimated 1943-45	Proposed 1945-47	Increase Amount	Per cent
Salaries and wages					
Positions now authorized	716	$550,383	$604,660	$53,277	9.7
Estimated salary savings	716	— 8,664	------	8,664	
1945-47 normal salary adjustments	716	-----	3,830	3,830	
Proposed new positions		-----	106,485	106,485	
Totals, salary and wages	716	$541,719	$713,975	$172,256	31.8
Operating expense	716	239,732	332,766	93,034	28.8
Equipment	716	6,661	29,385	22,724	341.1
Totals		$788,112	$1,076,126	$288,014	36.5
Less: Abatements for services rendered to Reclamation Board	716	435	-- --	435	100.0
Net totals for support for biennium		$787,677	$1,076,126	$288,449	36.6
Funds					
General Fund		$747,630	$1,043,270	+$295,640	
Watermaster service funds		26,300	30,320	+ 4,020	
Trust funds		13,747	2,536	— 11,211	
Total—Funds		$787,677	$1,076,126	$288,449	

New positions and increased costs therefor are listed in Table IV.

TABLE IV

DIVISION OF WATER RESOURCES—SCHEDULE OF PROPOSED NEW POSITIONS 1945-47 BIENNIUM

Number of positions 1945-46 Total for year	1946-47 Cumulative total for Biennium	Classification General Administration	Total 1945-46	Amount [1] 1946-47
1	1	Junior Hydraulic Engineer	$2,340	$2,460
1	1	Assistant Counsel	2,880	3,060
x	x	Coordinator of informational activities (ML)	1,260	2,520
x	x	Accountant-Auditor, Grade 1 (ML)	450	
1	1	Junior Hydraulic Research Technician	2,340	2,460
1	1	Junior Clerk (ML)	780	1,605
2	3	Intermediate Stenographer-Clerks	3,240	5,100
		Sacramento-San Joaquin Water Supervision		
1	1	Assistant Hydraulic Engineer (ML)	1,800	3,600
		Water Rights and Resources		
1	1	Associate Hydraulic Engineer	3,420	3,600
4	4	Assistant Hydraulic Engineer	8,640	9,180
		Water Masters Service		
x	x	Assistant Hydraulic Engineer	1,440	1,530
x	x	Assistant Hydraulic Engineer	1,440	1,530
		Regulation and Safety of Dams		
1	3	Assistant Hydraulic Engineer	2,880	8,820
1	2	Junior Hydraulic Engineer	2,340	4,800
		Reclamation and Flood Control		
1	1	Assistant Hydraulic Engineer (ML)	1,800	3,600
2	2	Flood Control Construction and Maintenance Man (ML)	2,220	4,440
3	3	Laborer (ML)	2,970	5,940
20	24		$4,240	$64,245
				$68,485

[1] Wartime bonus included in totals

x Salary divided between two or more functions. Position counted under the function which pays the largest part.

Recommendations: Reference to page 716 of the Budget clearly indicates that salary expense is already over-budgeted for the year 1944-45. We, therefore, recommend that new positions in the first fiscal year of the biennium be eliminated. We recommend that $32,000 be granted for new positions in the second year of the biennium, thus effecting a saving of $74,485.

We recommend that proposed operating expense for the Ninety-seventh Fiscal Year (1945-46) be reduced from $169,518 to $143,000, a saving of $26,518. For the Ninety-eighth Fiscal Year (1946-47) operating expense should be reduced from the proposed expenditure of $163,248 to $153,000, a saving of $10,248.

No allowance is made by the Budget for salary savings. We recommend that the salary savings formula previously suggested be applied to the Budget.

The foregoing specific amount of recommended reductions total $111,251. Item 240 should, therefore, be reduced from $1,043,270 by $111,251 or 10.6 per cent to $932,019.

Item 241 of the Budget Bill, pages 715 and 726 of the Budget. Appropriates $7,000 to the Division of Water Resources to be matched from other than State sources to make a study of water resources of the Salinas Valley. This is a special item started in 1943-45 with an allotment of $6,000 from the Emergency Fund. Only $4,500 is to be expended. This was matched from local sources. It is now proposed to complete the study with $7,000 from the State and $7,000 from local sources. *Appropriation recommended.*

Item 242 of the Budget Bill, pages 714 to 720 of the Budget. Appropriates $30,320 from the Watermaster Service Fund to the Division of Water.

This represents an increase of $4,020 or 15.2 per cent. We recommend this appropriation.

Item 243, Budget Bill, pages 729 to 732 of the Budget, appropriates $138,296 from the General Fund to the Water Project Authority for furtherance of the Central Valley Project. This is an increase of $35,736.46 over 1943-45 expenditures of $102,559.54 or up 34.8 per cent.

There is a reduction in administration of $14,263.54. However, the addition of the sum of $50,000 for the making of a survey of all phases of the Central Valley Project results in the total increase of some $35,000.

If this is an exhaustive survey it probably will justify the expenditure of such a sum. We doubt, however, if such values will be secured.

Water Project Authority

We gravely question the necessity of a regular staff of 11 to 13 persons for this agency. In particular we do not believe the employment of an attorney at Washington on a part time basis at $6,000 per year is justified when we note the many trips of regular State Officials and employees, including the Governor, the Attorney General and assistants, the Chief of the Division of Water Resources, Members and Secretary of the Colorado River Board and others who have gone to Washington in the current biennium at State expense on these same matters. Not to mention the fact that California is entitled to two United States Senators and has an increased House Representation over what it had a

few years past. We believe the necessity of this item should be reviewed.

The whole budget of the Water Resources is so cut up and man time allocated on part time basis in such a way as to lead to confusion and gives the general impression of concealing rather than revealing the actual budgetary needs.

We recommend it be overhauled in the next budget and that the annual budgets approved by the Department of Finance for this agency be placed on a definite basis subject to full budgetary control.

Since the Director of Finance is a member of this Authority, we leave the problem of expenditure control on this item to him and *recommend approval of the appropriation.*

Item 244 of the Budget Bill, page 733 of the Budget. Appropriates $49,262 from the General Fund for the support of the Colorado River Board.

This is a decrease of $30,762.61 from the actual and estimated expenditure of $80,024.61 for 1943-45. However, the Budget Bill of 1943-45 appropriated only $24,712 for this purpose, which was considered a normal allotment. This was supplemented by a special appropriation of $50,000 by the fourth Special Session of the 1943 Legislature because of the Mexico Treaty re the Colorado-Rio Grande Rivers. An additional $10,310 was allocated out of the Emergency Fund (page 774 of the Budget 1945-47) to supplement appropriations on account of the Mexico Treaty. The Attorney General received $20,000 of these moneys (page 518 of the Budget).

There are a number of matters concerning the Colorado River waters remaining unsettled. Therefore, the Budget item as requested is approved, but with the conclusion that this agency should be abolished at the earliest practicable date and its function of protecting the State's interest in the Colorado River should be a function of the ordinary agencies of the State.

Item 245 of the Budget Bill, pages 734 to 739 inclusive of the Budget. Appropriates $245,290 from the General Fund for the support of the State Reclamation Board.

This is an increase of $110,926.85 over the actual and estimated expenditures of State Funds of $134,363.75 for 1943-45, or an increase of 82.6 per cent.

The increase of the budget item is from $189,805.94 for 1943-45 to $245,290 for 1945-47 or up $55,484 or 29.7 per cent. *The State, however, takes on the added obligation where other funds are not available.*

Examination of the actual expenditure for 1943-45 and the Actual and Estimated for 1944-45 shows that the current year is materially overbudgeted. A reduction is in order here.

The largest item of increase is for new positions. This requires $62,280. The number of positions is increased from 19 in 1943-44 to 31 in 1945-46 and 30 in 1946-47. This will be by far the largest staff the Board has had for many years. This appears to be overstaffing for the work to be done. First, because the war will hold back work for at least one year and, second, when rights-of-way are once secured it is a one time job. Some of the work of this Board has been completed for all time and more should be completed with each biennium.

We recommend that Item 245 be reduced by $41,000, which will be distributed by employing smaller additional staff or for a shorter time, with consequent reductions in the amounts needed for travel and operations, less consulting service which is at least $8,000 too high, and a reduction in added equipment.

This will still leave an increase in the Budget item of $14,484 over 1943-45, which is already over-budgeted.

In addition, we recommend the application of the salary saving plan as previously described be applied to this agency.

Item 246 of the Budget Bill, page 734 and 737 of the Budget. Appropriates $750,000 to the State Reclamation Board from the General Fund for lands, rights-of-way, easements, payment to United States for incidental construction, flowage rights, etc., for purposes of forwarding construction of levees and flood control works by the United States within the Sacramento River Flood Control Project.

This appropriation is protected by the provision it can not be transferred to any other State Fund, so that if it can not be or is not expended for the purposes set forth it will remain as an unexpended balance.

The works contemplated are shown on page 737 of the Budget. We have checked with the United States Army Engineers having charge of the United States construction work and we find all of these items are in the proposed schedule. It is possible they may not all be reached within the biennium.

For these reasons, appropriation recommended for sum of $750,000 as requested.

Department of Social Welfare

For support, Item 247 of the Budget Bill, pages 740 to 756 inclusive of the Budget; appropriation from the General Fund to the Social Welfare Fund, $1,149,105; increase of $335,882 or 41.3 per cent over the estimated expenditure of $813,223 for the 1943-45 Biennium; and of $272,809 or 31.1 per cent over the $876,296 appropriated by Item 217 of (Assembly Bill No. 1600) of the last regular session for the 1943-45 Biennium.

Analysis of expenditures for support, by funds, reveals that in the 1943-45 Biennium the Federal Government's share in actual and estimated expenditures for support was $1,556,540, and the amount expended by the State from the General Fund was $813,223, making a total from both funds of $2,369,673.

It is estimated for the 1945-47 Biennium that Federal Funds will contribute $1,668,791, an increase over the 1943-45 Biennium of $112,340 or 7.2 per cent. Proposed expenditures from the General Fund, however, amount to $1,199,105 (includes $50,000 for blind aid, Item 248) an increase of $385,881 or 47.4 per cent.

Total proposed expenditures for the 1945-47 Biennium from both State and Federal Funds, for support, amount to $2,867,896, an increase over the 1943-45 Biennium of $498,221 or 21 per cent.

A comparison of expenditures by object of expenditure and source of fund is shown in Table I following. Expenditures for support by agency are summarized in Table II which follows Table I.

TABLE I

COMPARISON OF 1943-45 BIENNIUM ACTUAL AND ESTIMATED EXPENDITURES BY OBJECT AND SOURCE OF FUND WITH PROPOSED EXPENDITURES FOR 1945-1947

Number of positions, fiscal years					Actual and estimated	Proposed	Increase or decrease	
43-44	44-45	45-46	46-47		1943-45	1945-47	Amount	Per cent
				Object of Expenditures, Salaries and Wages:				
449	472	460	460	Continuation of existing positions	$1,912,123	$2,050,696	+$138,572	7.2
				1945-47 Normal salary adjustment of existing positions		65,660	+ 65,660	
		39	39	Proposed new positions		199,830	+ 199,830	
				Estimated salary savings	—114,124	—133,889	— 19,765	17.3
449	472	499	499	Totals, salaries and wages	$1,797,999	$2,182,297	+$384,297	21.4
				Operating expenses	491,493	541,192	+ 49,698	10.1
				Equipment	12,755	12,571	— 184	1.4
				Totals, Support	$2,302,248	$2,736,060	+$433,811	18.8
Page 734 of 1945-47 Budget				Retirement	67,425	81,836	+ 14,411	21.4
				Sub-Totals	$2,369,673	$2,817,896	+$448,222	18.9
				Other current expenses, eye treatment or operations		$50,000	+ $50,000	100.0
Budget page 743				Totals	$2,369,673	*$2,867,896	**+$498,222	21.0

TABLE I

COMPARISON OF 1943-45 BIENNIUM ACTUAL AND ESTIMATED EXPENDITURES BY OBJECT AND SOURCE OF FUND WITH PROPOSED EXPENDITURES FOR 1945-1947—Continued

Number of positions, fiscal years					Actual and estimated 1943-45	Proposed 1945-47	Increase or decrease Amount	Per cent
43-44	44-45	45-46	46-47					
				B. Expenditures by source of funds:				
				Federal aged state administration	$1,121,397	$1,189,901	+$68,503	6.1
				Federal blind state administration	113,566	124,680	+ 11,113	9.8
				Federal children's aid state administration	202,434	222,668	+ 20,223	10.0
				Federal child welfare ser. state administration	106,097	120,413	+ 14,315	13.5
				Federal civilian war assistant state administration	7,965	6,242	— 1,723	21.6
				Federal enemy alien assistant state administration	4,988	4,887	— 101	2.0
				Totals, Federal Funds	$1,556,450	$1,668,791	+$112,340	7.2
Page 742 of 1945-47 Budget				State General Fund	813,223	1,199,105***	+ 385,881	47.4
				Totals	$2,369,673	$2,867,896	**+$498,222	21.0

* Of the total Budget request, $2,867,896, for the 97th and 98th Fiscal Years, for every $1 State General Fund money expended approximately $1.39 of Federal Funds will be expended or a ratio of approximately 41.81 per cent State General Fund to 58.19 per cent Federal Funds.

** Of the increase of $498,222.58 for the 1945-47 Biennium over the actual and estimated expenditures for the 1943-45 Biennium, the ratio is approximately $1 State Funds to $0.29 Federal Funds.

*** This figure includes $50,000 "Other Current Expenses" for blind eye treatment or operations under Section 3051 of the Welfare and Institutions Code. See Item 248 of the Appropriation Bill.

TABLE II

DEPARTMENT OF SOCIAL WELFARE

Expenditures for support from Social Welfare Fund by agency	Budget page No.	Actual and estimated 1943-1945	Estimated and proposed 1945-1947	Increase or decrease Amount	Per cent
Executive	744	$130,547	$154,994	+ $24,446	18.0
General Administration:					
General office	745	656,907	760,133	+ 103,225	15.7
Personnel and training	746	77,366	99,395	+ 22,028	28.5
Research and statistics	747	68,318	82,371	+ 14,052	20.6
Totals, General Administration	747	$802,593	$941,899	+$139,305	17.4
Division of Finance	748	536,684	602,813	+ 66,128	12.3
Division of Field Service	749	428,892	572,951	+ 144,058	33.6
Division of Public Assistance:					
Divisional Administration	749	51,005	75,793	+ 24,787	48.6
Bureau of Eligibility	750	48,311	51,289	+ 2,977	6.2
Bureau of Aid to Needy Aged	750	30,542	42,872	+ 12,329	40.4
Bureau of Aid to Needy Blind	751	42,368	48,742	+ 6,373	15.0
Bureau of Aid to Needy Children	751	25,027	24,455	— 572	2.3
Totals, Division of Public Assistance	751	$197,255	$243,151	+ $45,895	23.3
Division of Child Welfare:					
Divisional Administration	751	12,745	23,078	+ 10,332	81.1
Bureau of Child Welfare Service—Federal	752	104,759	117,571	+ 12,811	12.2
Bureau of Adoptions	752	51,237	30,688	— 20,549	40.1
Bureau of Boarding Homes and Institutions	753	25,275	35,000	+ 9,724	38.5
Transportation of Needy Children	753	1,204	2,000	+ 795	66.0
Totals, Division of Child Welfare	753	$195,221	$208,337	+ $13,115	6.7
Division of Adult and Family Welfare:					
Bureau of County Aid to Indigent Sick	754	10,370	11,915	+ 1,544	14.9
Bureau of Probation	754	683	-----	— 683	100.0
Totals, Division of Adult and Family Welfare	754	$11,054	$11,915	+ $860	7.8
Totals, Support	742	$2,302,248	$2,736,060	+$433,811	18.8
Contributions to State Employees' Retirement Fund	742	67,425	81,836	+ 14,411	21.4
Total Expenditures *	742	$2,369,673	$2,817,896	+$448,222	18.9
Less amounts transferred from General Fund Appropriation for Support	742	813,223	1,149,105	+ 335,881	41.3
Net Totals, Expenditures from Federal Funds **		$1,556,450	$1,668,791	+$112,340	7.2

* For payments to counties for aid to needy aged, blind and children and local administration thereof, see "Payments and Grants to Local Government." Table VI.

** Grants from the Federal Government and expenditures therefrom are not included in the over-all Budget totals. See Table VII for summary of Federal aid revenues and expenditures.

Thirty-nine proposed new positions and additional temporary help, accounts for $185,790 or 42.8 per cent of the total increase of $433,881 for support.

If all of the proposed new positions are granted, the Department of Social Welfare will then have 57 Social Welfare Agents, 20 Supervising Welfare Agents, Grade 1, and 7 Supervising Welfare Agents, Grade 2.

Table III lists the number of proposed new positions and the cost thereof.

TABLE III

SCHEDULE OF NEW POSITIONS

Number	Position	Amount for Biennium [1]
17	Social Welfare Agent	$77,520
5	Supervising Social Welfare Agent, Grade 1	27,900
1	Supervising Social Welfare Agent, Grade 2	6,300
5	Intermediate Typist Clerk	15,600
4	Intermediate Stenographer-Clerk	13,440
4	Field Worker, Grade 2, (CWS)	22,320
1	Child Welfare Service Consultant	6,780
1	Administrative Assistant (ML)	9,600
1	Senior Stenographer-Clerk	5,160
	Total	$184,620
	Additional temporary help	1,170
	Grand Total	$185,790

[1] Totals include State employees' wartime salary bonus.

Note in Table IV following that the number of positions in the Department of Social Welfare has increased from 214 in 1937 to proposed 499 in 1947, an increase of 113 per cent.

TABLE IV

SCHEDULE OF POSITIONS

1937-47 Inclusive

1937-38	1938-39	1939-40	1940-41	1941-42	1942-43	1943-44	1944-45	1945-46	1946-47
214	436	407	502	502	531	439	472	499	499

Proposed operating expense for the ensuing biennium is $541,192, an increase of $49,648 or 10.11 per cent over 1943-45 expenditures of $491,493. The items contributing to this increase and the per cent change over the 1943-45 Biennium are listed in Table V, following:

TABLE V

ANALYSIS OF OPERATING EXPENSES

1943-1945 Compared With 1945-1947

	1943-45 Biennium	1945-47 Biennium	Increase or decrease	Per cent
Traveling	$114,007	$149,380	$35,372	+31.02
Automobile	21,552	25,000	3,447	+15.99
Telephone and telegraph	45,286	41,656	— 3,630	— 8.01
Postage	15,833	16,304	470	+ .029
Office	35,973	41,856	5,882	+16.35
Printing	21,993	23,170	1,176	+ 5.34
Rent	103,032	113,690	10,657	+10.34
Light, heat, water and power	10,786	11,160	373	+ .034
Janitor services	17,210	20,332	3,121	+18.13
Pro rata Personnel Board charges	12,011	14,185	2,174	+18.10
Pro rata general fiscal administration	17,796	20,367	2,571	+12.68
Pro rata Attorney General's fees	6,539	10,000	3,460	+52.92
Freight and express	1,200	1,200	------	------
Merit system examination and certification	20,636	22,320	1,683	+ 8.15
Federal Child Welfare Services:				
County administration	44,951	26,904	—18,047	+40.14
Library services	354	------	— 354	+75.85
Merit system examination	1,049	1,668	618	+58.85
Printing	75	------	— 75	------
Transportation of needy children	1,204	2,000	795	+66.11
Totals	$491,493	$541,192	$49,698	+10.11

Of the $35,372 budgeted increase for traveling expense, $22,780 is requested for the proposed new positions and $12,592 is an increased travel allotment for existing positions when a return to normal traveling schedules is possible.

In connection with *total* expenditures for social welfare in the State of California, Table VI brings to light the following important facts:

During the 1943-45 Biennium State Funds contributed $96,966,428 to the total cost; Federal Funds contributed $84,439,703 or a grand total of $181,406,131 for the biennium.

Proposed expenditures for the 1945-47 Biennium are: State Funds, $119,340,332, an increase of $22,373,904 or 23.1 per cent over the 1943-45 Biennium; Federal funds, $102,386,925, an increase of $17,947,222 or 21.2 per cent. Grand total for the Biennium 1945-1947—$221,727,257, an increase of $40,321,126 or 22.2 per cent.

A comparative statement of Federal Aid to the State of California for Social Welfare, by object of expenditure, is given in Table VII.

TABLE VI

SOCIAL WELFARE—DEPARTMENT OF SOCIAL WELFARE
Summary of Expenditures from State and Federal Funds for Social Welfare

	Budget page Nos.	1943-1945 Biennium			1945-1947 Biennium			Increase or decrease of the total over 1943-1945 Biennium	
		State funds	Federal funds	Total	State funds	Federal funds	Total	Amount	Per cent
Payments and grants to local government:									
Assistance payments:									
Aid to Needy Aged		$88,154,166	$74,032,855	$162,187,021	$105,539,250	$88,867,920	$194,407,170	+$32,220,149	19.8
Aid to Needy Blind		2,072,667	2,715,765	4,788,432	2,296,381	2,991,379	5,287,760	+499,328	10.4
Aid to Needy Children		5,926,372	2,868,932	8,795,304	10,305,596	4,663,340	14,968,936	+6,173,632	70.2
Totals, Assistance	740-741	$96,153,205	$79,617,552	$175,770,757	$118,141,227	$96,522,639	$214,663,866	+$38,893,109	22.1
Local administration:									
Aid to Needy Aged			2,580,244	2,580,244		3,253,495	3,253,495	+673,251	26.1
Aid to Needy Blind			173,518	173,518		210,000	210,000	+36,482	21.0
Aid to Needy Children			511,938	511,938		732,000	732,000	220,062	43.0
Totals, Local Administration			$3,265,700	$3,265,700		$4,195,495	$4,195,495	+$929,795	28.5
Totals, Payments and Grants to Local Government	740-741	$96,153,205	$82,883,252	$179,036,457	$118,141,227	$100,718,134	$218,859,361	+$39,822,904	22.2
Expenditures of the State Government:									
Department of Social Welfare:									
Support:									
Administration of Public Assistance:									
Aid to Needy Aged			$1,121,397	$1,121,397		$1,189,901	$1,189,901	+$68,504	6.1
Aid to Needy Blind		$113,566	113,566	227,132	$124,680	124,680	249,360	+ 22,228	9.8
Aid to Needy Children		202,434	202,434	404,868	222,669	222,668	445,337	+ 40,469	10.0
Totals, Administration of Public Assistance		$316,000	$1,437,398	$1,753,398	$347,349	$1,537,249	$1,884,598	+$131,200	7.5

Child Welfare Services	45,420	106,097	151,517	62,189	120,413	182,602	+	31,085	20.5
Transportation of Needy Children	1,226	----------	1,226	2,000	----------	2,000		774	63.1
Adoptions	253,238	----------	253,238	436,673	----------	436,673	+	183,435	72.4
Boarding Homes and Institutions—Children	172,696	----------	172,696	280,362	----------	280,362	+	107,666	62.3
Supervision of County Aid to Indigent Sick	19,212	----------	19,212	20,532	----------	20,532	+	1,320	6.8
Probation	1,276	----------	1,276	----------	----------	----------		1,276	100.0
Enemy Alien Assistance	----------	4,988	4,988	----------	4,887	4,887	—	101	2.0
Civilian War Assistance	----------	7,965	7,965	----------	6,242	6,242	—	1,723	24.7
Administrative service in connection with closing affairs of Federal Stamp and Surplus Commission District programs	4,151	----------	4,151	----------	----------	----------		4,151	100.0
Totals, Support	$813,223	$1,556,450	$2,369,673	$1,149,105	$1,668,791	$2,817,896	+$448,223		18.9
Other Current Expenses:									
Treatment or operations to prevent blindness	----------	----------	----------	50,000	----------	50,000	+50,00		100.00
Totals, expenditures of the State Government	$813,223	$1,556,450	$2,369,673	$1,199,105	$1,668,791	$2,867,896	+$498,223		21.0
Totals, Expenditures for Social Welfare 740–41	$96,966,428	$84,439,703	$181,406,131	$119,340,332	$102,386,925	$221,727,257	+$40,321,126		22.2

TABLE VII

COMPARATIVE STATEMENT OF

FEDERAL AID TO THE STATE OF CALIFORNIA FOR SOCIAL WELFARE

For the Three Bienniums 1945-1947, 1943-1945, and 1941-1943

	Budget page No.	Expenditures: Estimated 1945-1947	Actual and Estimated 1943-1945	Actual 1941-1943
Department of Social Welfare				
Aid to Needy Children:				
Grants for assistance		$4,663,340	$2,868,932	$4,896,407
Grants for county administration		732,000	511,938	719,110
Grants for State administration		222,668	202,434	217,663
Totals, Aid to Needy Children		$5,618,008	$3,583,304	$5,833,181
Aid to Needy Aged:				
Grants for assistance	740	$88,867,920	$74,032,855	$68,005,361
Grants for county administration	740	3,253,495	2,580,244	2,193,168
Grants for State administration	740	1,189,901	1,121,397	1,032,232
Totals, Aid to Needy Aged		$93,311,316	$77,734,497	$71,230,762
Aid to Needy Blind:				
Grants for assistance	740	$2,991,379	$2,715,765	$3,162,371
Grants for county administration	740	210,000	173,518	173,866
Grants for State administration	740	124,680	113,566	96,750
Totals, Aid to Needy Blind		$3,326,059	$3,002,849	$3,432,988
Child Welfare Services		120,413	106,097	86,070
Enemy Alien Assistance		4,887	4,988	----------
Civilian War Assistance		6,242	7,965	----------
Grand totals, Federal Aid	743	$102,386,925	$84,439,703	$80,583,001
Increase 1943-1945 Biennium over 1941-1943 Biennium			+ $3,856,699 or 4.78 per cent	
Increase 1945-1947 Biennium over 1943-1945 Biennium			+ $17,947,225 or 21.25 per cent	

Recommendations

Department of Social Welfare

1. That the Budget be adjusted for positions to comply with the recent administrative reorganization made by the department. This calls for the abolition of 12 positions and represents a saving of $18,378 of General Fund money.
2. The accumulated load of adoptions and the inspection and regulation of boarding homes should be covered and Budget allowance is necessary.
3. With the termination of the war anticipated in the ensuing biennium, we may reasonably expect substantially increased social problems. This will be particularly true among thousands of presently employed marginal workers who, upon finding themselves out of employment, will look to the State for aid. This situation will become more acute in the years ahead as the result of our greatly expanded population.

   As a result of these factors the work load of the Department of Social Welfare can be expected to increase materially. In

view of this we believe the proposed appropriation for the Department of Social Welfare is not unduly out of line. We recommend that Item 247 of the Appropriation Bill be approved, only subject to reductions for the General Fund reductions to produce $10,000,000 overall for the general fund. The salary saving procedure is also to be applied to this agency.

We believe the improved administration of this department made effective in recent months will make it possible to produce larger results with the reduced staff.

Item 248 Budget Bill, pages 741 and 754, appropriates $50,000 from the General Fund to the Department of Social Welfare for treatment or operation to prevent blindness or restore vision to applicants for or recipients of blind aid in accordance with Section 3051, Welfare and Institutions Code, Chap. 916, Statutes 1939.

This is a new service provided for the first time by an appropriation. It should result in holding down blind aid cases.

We recommend the appropriation in the sum requested.

Miscellaneous

Item 249 of the Budget Bill, page 757 of the Budget, appropriates $300,000 to pay compensation benefits as required by the Workmen's Compensation Act for State employees injured in line of duty whose salaries are paid from the General Fund.

This is the usual appropriation. $148,075.36 was actually expended in 1943-44, and $150,000 estimated for the current year.

The $300,000 request is recommended.

Item 250 of the Budget Bill, page 757 of the Budget, appropriates $200,000 from the General Fund for the support of General Fund agencies to be expended only on order of the Department of Finance for the purchase and operation of motor vehicles.

We recommend this appropriation be increased by $100,000, but with following amendment to the item:

"No allotment shall be made from this item of appropriation to any department or agency of the State until the Department of Finance is satisfied that no motor vehicles operated by the agency requesting is used for other than State business under rules established by the Board of Control for the use and care of State-owned automobiles.

The Department of Finance shall be empowered to supply automobile transportation service and/or the use of automobiles in lieu of allocation of funds from this item.

In order to make this effective the Department of Finance may expend $100,000 from this item for this purpose."

Postwar Construction

Items 251 to 274 inclusive, of the Budget Bill, pages 764-766 inclusive of the Budget, cover Postwar Construction. These items have been fully covered in pages 48 to 54 inclusive of this section of the report.

A specific recommendation is made there for each item.

Reserves for Contingencies

Items 275 and 276 of the Budget Bill, page 770 of the Budget.

These two items constitute the reserves for contingencies which may develop in the General Fund expenditures.

Item 275 appropriates $1,750,000 from the General Fund to be expended only on written authorization of the Department of Finance for emergencies of General Fund agencies and for loans to other agencies of temporary nature and to be repaid.

This can be used either where appropriations were not made but where authority to spend exists or where appropriations were insufficient in the opinion of the Director of Finance. This is often mistakenly called the Governor's Emergency Fund; in fact it is controlled directly and completely by the Director of Finance, who of course holds office at the pleasure of the Governor.

The appropriation of $1,750,000 for the Emergency Fund for 1945-47 is the same amount appropriated for 1943-45. $1,121,113.08 was granted to Nov. 29, 1944, leaving $628,886.92 to cover the rest of the biennium to July 1, 1945.

Although the expenditures of the State have increased, this appropriation should be sufficient.

Item 276 sets up a new kind of an emergency fund to meet the cost of an unknown amount caused by the increase in salary ranges approved by the Personnel Board during the biennium.

This appropriates $500,000 to the Department of Finance to be allocated to the several General Fund agencies. The need of the Special Fund agencies can be met by using Section 661 of the Political Code allowing deficiencies.

This sum may not be sufficient. The need exists. The Personnel Board should also reduce ranges where they are too high. In such cases we suggest that this item be amended so as to provide that any savings from this source should also go into this fund and be a saving. The following amendment is suggested.

> Item 276—"This item shall also be supplemented by any sums from all General Fund items of appropriations in this Budget Act for salaries and wages in such amounts as may be unnecessary to cover the positions at the ranges provided for in the Budget Document because of decreases in salary ranges approved by the State Personnel Board for the biennium 1945-47. The Department of Finance shall report to the Secretary of the Senate and the Chief Clerk of the Assembly and to the Legislative Auditor monthly the allotments and receipts into this item and the reasons therefor."

Analysis of Proposed Expenditures for the Board of State Harbor Commissioners, San Francisco

Items 277-280 of the Budget Bill and pages 813-820 of the Budget; a special fund agency. Appropriates $10,583,805 from the San Francisco Harbor Improvement Fund.

This expenditure has some unusual items for in this expenditure there is a bond interest and redemption item of $2,208,082—which is a decrease of $1,093 below 1943-45; and that capital outlay amounted to $3,227,000 —so that the actual current expense for 1945-47 is placed at $7,458,817 as compared with an expenditure in 1943-45 of $7,267,651. The increase is only $191,166 or 2.6 per cent.

The proposed expenditures are divided into four items:

> Item 277—is for support in the sum of $7,086,805. This is an increase of only $168,777. Most of this is caused through normal salary adjustments and proposed new positions. It is proposed to

put on 19 employees in the first year of the biennium and nine more in the second.

Considering that the Port of San Francisco will be one of the principal ports to handle returning military personnel and material and that already the military are demanding expanding services, we do not believe that the approved Budget should be materially changed.

Item 278—of the Budget Bill appropriates $220,000 out of the Harbor Improvement Fund for the maintenance of fire boats for the biennium. This is the same amount as was appropriated for the current biennium and is to meet the agreement with the City and County of San Francisco. It provides for the cooperative use of the fire boats provided by the harbor.

Item 279—appropriates $50,000 to pay for the services of San Francisco city firemen. For 1943-45 the actual expenditure for this item was $42,056. The increase appears to be justified.

Item 280—appropriates $3,227,000 from the San Francisco Harbor Improvement Fund for the construction and improvement fund for the construction and improvement of wharves, piers, sheds, bridges, etc., as needed by the State Harbor Commissioners.

This is a material increase—in fact, a net increase of $2,804,833. Part of this is to satisfy the requirements of the Navy for additional construction, a part of the remainder is for the construction of facilities on Mission Rock and is for general harbor expansion. In light of war conditions and the problems of returning personnel and material from the Pacific, this capital outlay appears to be necessary. We recommend it be approved.

Revenues

We do call attention specifically to the fact that there is a relatively smaller increase in revenue than increase in expenditure. The total revenues which it is estimated will accrue will amount to $11,344,000, or an increase over the prior biennium of only $375,950, or 3.4 per cent. The net result will be that the unbudgeted surplus, which it is estimated July 1, 1945 will be $4,789,150, will be reduced on June 30, 1947 to $3,239,251—a reduction of $1,549,899. It is evident that such a reduction of surplus can not be continued indefinitely. However, the capital assets at the biennium should be increased as represented by new capital outlay of $2,674,833—while bonded indebtedness will be reduced in excess of a million dollars.

It is apparent that the expenditure program in excess of revenues can not be continued by San Francisco Harbor indefinitely and it appears that in the postwar period the same serious condition which threatened the financial soundness of the Harbor's operation in 1933 may again be apparent. The Harbor Commissioners should be looking forward now so as to plan their operations and their activities so that the port may be conducted in a way to attract business if it is available, so that this function of the State government may continue to support itself. There appears to be financial difficulties ahead when competition between ports develops after the war.

New Item Suggested for the Appropriation Bill

A new item, to be numbered 281, is suggested for the Appropriation Bill as explained in a previous part of this report for the purpose of making salary savings where positions remain vacant, or where new positions provided for in the Budget are not actually filled.

Alternate Method of Controlling Both Salaries and Wages and Personnel

An examination of the Budget for 1945-47 shows an increase of personnel, particularly for the second year, 1946-47, of the Biennium. However, there is some material increase for the first year, 1945-46. It must be understood that in considering personnel both for the current biennium and the budgeted Biennium, 1945-47, we are actually considering positions. Many of them may be vacant and, in fact, in the Department of Institutions they have currently 502 vacant positions. In budgeting when these positions are continued, it is expected that they will be filled. When new positions are established there is also the expectation that they will be filled. In addition, we now have a complicated situation due to the possible return of State employees on military leave. They are entitled to their old positions, and will replace other employees who are occupying these positions. There is a disposition to keep present employees as well as the returning military leave personnel.

Since it appears that the war will continue for a longer period of time than was anticipated when the Budget was drawn up, there are a number of definite uncertainties as respects personnel. The following conditions probably will prevail: There will be more vacant positions than has been estimated; it will be impossible to secure competent personnel to fill new positions; persons on military leave may not return in the numbers anticipated and it may not be necessary to fill all of the positions anticipated if there is not a return to peacetime conditions in the second year of the biennium.

These many unknowns cause us to suggest another procedure both for the control of personnel and the control of salaries and wages so as to save that which is not spent under these conditions. We believe that this can be accomplished by amending the Appropriation Bill to accomplish the following purpose.

Purpose of Amendment

The purpose of this amendment is definitely to sequester or set aside in a special fund all of the money required to continue through the Biennium 1945-47 the following three classes of personnel designated below, and to provide that none of this sequestered money may be spent until each individual position is filled. Such positions shall not be filled except with the express approval of the Department of Finance, or some other qualifying agency, for each position, and the Department of Finance or other qualifying agency, when it approves the necessity of filling such position, shall report to the members of the Legislature and to the Legislative Auditor the reasons supporting the granting of the necessary funds for paying the salary of said position.

Should any of these positions so established again become vacant, the money previously allocated therefor shall be returned to the special fund established and the same procedure followed in again refilling such vacant position. The fund set up shall be similar to the Salary Restora-

tion Fund provided in Item 229 of (Assembly Bill No. 1600) Chapter 62, Statutes of 1943.

There should also be an expression of the Legislature establishing legislative intent to the effect that the same procedure shall be followed in respect to all special funds where budgetary control is exercised by the Department of Finance. In fact, such instructions should be given so that there will be a uniform policy throughout the State service.

The classes of employees for which salaries and wages shall be deducted to make up the above mentioned special fund are as follows:

1. Those positions that are now vacant in the several departments and agencies of the State for the 1944-45 Fiscal Year and which positions are carried forward into the 1945-47 Budget.
2. All new positions which are established for the 1945-47 Biennium and so designated in the Governor's Budget, and for which an appropriation is approved by the Legislature.
3. All positions that are to be filled by State employees now on military leave for which funds are appropriated and which positions are temporarily vacant or are being now created.

Suggested Amendment to the Budget Bill

The Budget Bill, Assembly Bill No. 500 or Senate Bill No. 294, can be amended to make the above suggestions effective. It will probably be wise to set up the entire Budget Bill designating the three categories of expenditures as mentioned in the Governor's Budget Message, and as previously provided in Assembly Bill No. 1800, Chapter 600, Statutes of 1941. These schedules are: (a) Salaries and Wages; (b) Operating Expense; (c) Equipment.

Amendment to Assembly Bill No. 500 and Senate Bill No. 294

Assembly Bill No. 500 or Senate Bill No. 294 is to be amended by adding a new item, numbered 281, as follows: Item 281—For Salary Restoration Fund for the payment of salaries and wages to be allocated on the authorization of the Department of Finance (or some other agency) [1] to each State officer, department, board, bureau and other State agency, including The Regents of the University of California, in augmentation of the respective appropriations for the support of each for the Ninety-seventh and Ninety-eighth Fiscal Years in an amount for each thereof not in excess of the amount shown in the schedule for each item of appropriation under subdivision "Salaries and Wages" and entitled "Salary Restoration Fund"—which total sum has been arrived at by calculating the cost of filling positions now vacant and the salary adjustment credited thereto for the biennial period 1945-47 and also the sum necessary for new positions and for the filling of all positions by persons now on military leave, as provided in that certain document entitled "State of California Budget for the Biennium July 1, 1945 to June 30, 1947, Ninety-seventh and Ninety-eighth Fiscal Years, submitted by Earl Warren, Governor, to the California Legislature, Fifty-sixth Session and as amended by the Budget Act of 1945—$_____."

[1] We use Department of Finance but some other allocating agency may be established.

To receive an allocation from the Salary Restoration Fund, an officer, department, board, bureau, commission or other State agency, including the Regents of the University of California, shall prove to the Department of Finance that it has personnel in number and class provided in such document sufficient to require the allocation authorized to be made by this item and it shall demonstrate to the satisfaction of the Department of Finance that it is necessary and desirable to fill said positions; and it shall substantiate by presentation of such information as the Department of Finance may require. The Department of Finance shall certify that this condition exists as respects any officer, department, board, bureau, commission or other State agency, and the authorization of the Department of Finance allocating funds to any department from the Salary Restoration Fund shall be sufficient evidence for the Controller to transfer said funds.

Should such position or positions become vacant and remain so for a period of ninety days, the unused portion of said funds shall revert to the Salary Restoration Fund.

The Department of Finance shall submit to each member of the Legislature and to the Legislative Auditor not later than the fifteenth day of each month a report on all authorizations given pursuant to this section during the preceding month. The report shall contain such information regarding such authorization as shall be sufficient to apprise the members of the Legislature and the Legislative Auditor as to the reasons and necessities therefor.

It is suggested that the Legislature express its intent to apply the same control to special funds and to expenditures from continuing legislation—which are not, of course, in the Budget Bill. We suggest this should be done by resolution expressing in general the following:

> WHEREAS, The Governor's Budget for the Biennium 1945-47 recognizes that this period will be one of transition from war to peace and it is, therefore, impossible to estimate the personnel that will be available for the several departments of the State or the number of State employees who may return from military leave, and
>
> WHEREAS, An amendment has been placed in the Budget Bill—Assembly Bill No. 500—as Item 281—setting up a Salary Restoration Fund, which applies to all appropriations for salaries and wages appropriated by this act, and
>
> WHEREAS, This only represents a fraction of the entire Budget as presented by the Governor to the Legislature for the Biennium 1945-47, and, therefore, there is a large expenditure of the State for other purposes where personnel is employed where similar conditions will prevail; be it, therefore,
>
> *Resolved by the Assembly*, That it is the legislative intent that such controls be applied by the Department of Finance to the expenditure of all such funds for salaries and wages for the Biennium 1945-47 and it is the expectation of the Legislature that identical budgetary controls be applied by the Department of Finance in the expenditure of all funds—general, special and fixed charges, for the employment of personnel in exactly the same terms as provided in said Item 281 of the Budget Bill for 1945-47.

Other Savings Resulting from Personnel Reduction

It is the intention of the Legislature that when salary savings are made effective that comparable savings which result when personnel is not employed should accrue in the other categories of the schedules as provided in the Budget Bill, i.e., operating expenses and equipment, wherever such appear in the Budget Bill and for each and every department and agency where appreciable savings have been made on the basis of personnel and in conformity with the provisions of Item 281.

ADJOURNMENT

At 4.51 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Thursday, April 19, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FIFTIETH LEGISLATIVE DAY

ONE HUNDRED SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Thursday, April 19, 1945

The Senate met at 1.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator McCormack, on motion of Senator Seawell, account of illness.

Senator McBride, on motion of Senator Seawell, account of legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ross Birgulan of Napa.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. B. Sarasin, Principal, Mrs. Miles Harrington, teacher, and the following eighth grade students of Crystal School, Suisun: Barbara Berger, Carolyn Burrell, Barbara Engell, Kathryn Campbell, Patsy Head, Melba Wiser, Billy Abel, Bob Coffey, Max Browning, Ernest Morretti, Austin Laughlin, Donald Hicks, Erman Williams, David Marquez and C. M. Burns.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Arnold Smith, State Highway Commissioner, and Arnold Smith, Jr., both of San Diego.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Herbert U. Nelson of Washington, D. C.; Stephen F. Williams, Thomas G. Mapal, Mark Cheesman, and Herbert R. Dale of Sacramento; Glenn D. Willaman and Harold K. Huntsberger of Los Angeles.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to City Manager Fred Rhodes and City Councilman Ernest Bond, both of San Diego.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant Colonel Robert G. Hedrick and Major U. S. Pitts, both chaplains of Camp Beale.

On request of Senator Kuchel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. C. Donker of Balboa Island.

RECESS

At 1.38 p.m., on motion of Senator Breed, the Senate recessed to hear the remarks of Mr. Herbert U. Nelson of Washington, D. C.

REASSEMBLED

At 1.45 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 14—Relative to memorializing Congress to enact H. R. 2347, Seventy-ninth Congress, First Session, relating to guayule rubber;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the nineteenth day of April, 1945, at 10 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 8—An act to add Section 4041n to the Political Code, relating to the installation and maintenance of watering troughs by county boards of supervisors;

Senate Bill No. 399—An act to amend Section 1066.5 of the Agricultural Code, relating to economic poisons;

Senate Bill No. 488—An act to amend Section 1554.2 of the Penal Code, relating to proceedings against fugitives from justice, and authorizing the California Institution for Women to apply to the Governor for requisitions for the return of persons committed thereto;

Senate Bill No. 489—An act to amend Section 817 of the Penal Code, relating to peace officers;

Senate Bill No. 490—An act to amend Section 2701 of the Penal Code, relating to the employment of prisoners in State prisons, declaring the urgency thereof, to take effect immediately;

Senate Bill No. 693—An act to amend Section 2 of an act entitled "An act to add Article 3, comprising Sections 985 to 988.3, inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, relating to farm and home aid for veterans and defining the powers and duties of the Veterans' Welfare Board in respect thereto, and

making an appropriation therefor," approved June 7, 1943, relating to veterans' farm and home purchase funds;

And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of April, 1945, at 10 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1260—An act granting certain lands, tidelands and submerged lands of the State of California to the City of San Diego upon certain trusts and conditions;

And reports that the same has been correctly enrolled, and presented to the Governor on the nineteenth day of April, 1945, at 10 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 170
Senate Bill No. 302
Senate Bill No. 319

And reports the same correctly re-engrossed. SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 217
Senate Bill No. 460
Senate Bill No. 1267

And reports the same correctly engrossed. SEAWELL, Chairman

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, April 18, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 873
Senate Bill No. 270
Senate Bill No. 269
Assembly Bill No. 820

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

McBRIDE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 18, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Assembly Bill No. 852
Assembly Bill No. 853
Assembly Bill No. 854
Assembly Bill No. 855
Assembly Bill No. 856
Assembly Bill No. 857
Assembly Bill No. 858
Assembly Bill No. 859
Assembly Bill No. 860
Assembly Bill No. 861
Assembly Bill No. 862
Assembly Bill No. 863
Assembly Bill No. 864
Assembly Bill No. 865
Assembly Bill No. 869
Assembly Bill No. 792
Assembly Bill No. 1158

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

McBRIDE, Chairman

Above reported bills ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 999
Senate Bill No. 504

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 10; absent 2.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 291
Senate Bill No. 1255

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 10; absent 2.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 387

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; noes 1; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 38

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 98
Assembly Bill No. 1732

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bills ordered to second reading.

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Military and Veterans' Affairs, to which were referred:

Senate Concurrent Resolution No. 44
Assembly Concurrent Resolution No. 41
Assembly Joint Resolution No. 33

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 9.

QUINN, Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Military and Veterans' Affairs, to which was referred:

Senate Bill No. 676

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to committee.

Committee membership 9; committee vote: Ayes 9.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Military and Veterans' Affairs, to which was referred:

Senate Bill No. 930

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; noes 3.

QUINN, Chairman

Above reported bill ordered re-referred to Committee on Finance.

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 336

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported bill ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 1198

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Assembly Joint Resolution No. 35

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 1191

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 3.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Senate Bill No. 134	Assembly Bill No. 178
Senate Bill No. 558	Assembly Bill No. 179
Assembly Bill No. 176	Assembly Bill No. 180
Assembly Bill No. 177	Assembly Bill No. 477

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 218

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 37

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered to third reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 518

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

DELAP, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, CALIFORNIA, April 19, 1945

MR. PRESIDENT: The Committee on Rules, to which was referred the message from the Governor dated April 2, 1945, appointing

ERVIS W. LESTER, as member of the Adult Authority, vice F. Lovell Bixby

Has had the same under consideration, and respectfully reports the same back; and recommends that the appointment of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion Confirming Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of Ervis W. Lester as a member of the Adult Authority.

The President put the question: "Will the Senate confirm and consent to the appointment of Ervis W. Lester?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—31.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Ervis W. Lester as a member of the Adult Authority.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, CALIFORNIA, April 19, 1945

MR. PRESIDENT: The Committee on Rules offers the following report as a policy report to be adopted by the Senate on the question now pending before the California Legislature on the appointment of a Poet Laureate for the State of California:

The Committee on Rules has before it numerous communications and proposed resolutions requesting that the Senate name some person Poet Laureate of the State of California. Accompanying some of these communications are endorsements approving the appeals of the aspiring poets and near poets by authoritative representatives of the intelligentsia presumably qualified to determine when an ambitious versifier emerges from mere rhyming and jingle gymnastic stages into the cultured realms of true poesy and Shakespearean evidence of lyric genius. Other aspirants choose to accompany their applications for melodic honors with excerpts from their own writings which the committee has read with great diligence but without definite appraisal of their merit, the committee being admittedly untrained in subjects of such erudite nature.

The committee in its perplexity and confusion consulted Webster's Unabridged masterpiece for a definition of the term "Poet Laureate" and herewith submits to the Senate for its edification and added knowledge, the following:

> "Laureate O Crowned or decked with laurel as a mark of honor; hence, distinguished, worthy of honor, especially for poetic excellence; to honor by crowning with a wreath of laurel."

It immediately becomes apparent that this definition of Poet Laureate adds to the perplexity of the Rules Committee in connection with its supposed duty to recommend to the Senate some person meriting poetic distinction. It is obvious that such a person must not only be designated verbally but also must be physically "crowned with laurel".

Serious impediments at once present themselves. Where will the committee or the Senate en masse, secure the necessary and authentic laurel? And if found, what is meant by "crowning"? In the common vernacular of this day "crown" would mean to smite the poet with the laurel rather than to arrange the leaves of the plant in artistic grace upon his brow.

However, the Committee on Rules recognizes that many sincere people believe it is the duty and a proper function of the Legislature to name a Poet Laureate for the State of California regardless that at the most such nomination would be but an empty honor for it would be bestowed by an unauthorized body largely ignorant of poetic values and abilities and the recipient would not acquire any additional powers of expression or increase of fame or fortune.

It is the recommendation, therefore, of the committee, without disparagement of the abilities of persons whose names have been suggested as candidates for this nonexistent office, that the Senate respectfully declines to create by inference or otherwise the office of Poet Laureate for the State of California nor to set itself up as an authority in matters dealing with poetic excellence.

SEAWELL, Chairman

Report read, and on motion of Senator Seawell adopted.

MOTION TO PRINT REPORT

Senator Mayo moved that the report of Senate Committee on Local Governmental Agencies be printed in the Journal of Friday, April 20, 1945.

Motion carried.

Motion to Print Additional Copies

Senator Mayo moved that 500 copies of the report of Senate Committee on Local Governmental Agencies be printed.

Motion carried.

MOTION TO PRINT ADDITIONAL COPIES

Senator Burns moved that ten thousand (10,000) copies of that part of the Report of the Joint Fact-Finding Committee on Un-American Activities in California, pertaining to the Japanese problems in California, as printed in Journal of April 16, 1945, beginning on page 1441

with Part III, and continuing through to the top of page 1462 above Part IV, be printed and made available for general distribution.

Motion carried.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 451—An act to amend Section 80 of the Fish and Game Code, relating to District 12B.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 9, of the printed bill, strike out "as marked by the Division".

Amendment No. 2

On page 1, line 10, of said bill, strike out "of Fish and Game".

Amendment No. 3

On page 1, line 12, of said bill, strike out "as marked by the".

Amendment No. 4

On page 1, line 13, of said bill, strike out "Division of Fish and Game".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

Senate Bill No. 645—An act to amend Section 163 of, and to add Section 250.1 to, the Fish and Game Code, relating to game refuges.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1266—An act to amend Section 1343 of the Fish and Game Code, relating to seals and sea lions.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 156—An act to amend Section 469 of the Agricultural Code and to add a new section thereto to be numbered Section 469.5, relating to milk and cream.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In the title of the printed bill, strike out lines 1 and 2 and insert "An act to add a new Section to the Agricultural Code".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 15 inclusive.

Amendment No. 3

On page 1 of the printed bill, strike out "SEC. 2" and insert "SECTION 1."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 834—An act to add Chapter 2.1, comprising Sections 2700 to 2707, inclusive, to Part 5, Division 1 of the Revenue and Taxation Code, relating to property taxation, including installment payments of property taxes, delinquent penalties, cost of publishing delinquent roll and preparation of delinquent roll, and declaring this act to be an emergency measure to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 48—An act making an appropriation to the Department of Agriculture for predatory animal control.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 5, of the printed bill strike out "in equal parts".

Amendment read and adopted.

Bill ordered printed, engrossed, and re-referred to Committee on Finance.

Senate Bill No. 73—An act to add Sections 7 and 8 to an act entitled "An act to provide for the licensing, visitation and supervision of schools teaching foreign languages, and to define and prescribe the powers and duties of the State Board of Education in respect thereto," approved May 31, 1943, relating to license fees, and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "one hundred dollars ($100)", and insert "ten dollars ($10)".

Amendment No. 2

On page 1 of the printed bill, strike out lines 7 to 10, inclusive, and insert "act shall be paid into the General Fund in the State Treasury".

Amendment No. 3

On page 1 of the printed bill, following line 10 insert

"SEC. 3. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated fifteen thousand dollars ($15,000) to be expended by the State Department of Education during the Ninety-seventh and Ninety-eighth fiscal years for the licensing, visitation, and supervising of certain schools pursuant to the provisions of Chapter 921 of the Statutes of 1943, as amended.

This appropriation shall be in augmentation of, and added to, the appropriation contained in Item 76 in Section 2 of the "Budget Act of 1945"."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 271—An act to amend Sections 894, 895, and 898 of the Military and Veterans Code, relating to veterans' dependents, making an appropriation, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 2 of the printed bill, lines 2 and 3, strike out the words "five hundred thousand dollars ($500,000)", and insert "one hundred fifty thousand dollars ($150,000)".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 272—An act to add Sections 971 and 972 to the Military and Veterans Code, relating to the county service officer, and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 1, of the printed bill, strike out line 18 and insert "scribed by, and in compliance with the direction of, the".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 513—An act making an appropriation to the Salary Emergency Fund, providing salary and wage increases for State employees who are compensated at monthly rates of pay, and providing that this act take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 1 of the printed bill, lines 4, 5, and 6, strike out "eleven million one hundred ninety-three thousand six hundred twenty-eight dollars ($11,193,628)", and insert "thirteen million seventy-two thousand seven hundred twenty-one dollars ($13,072,721)".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 630—An act to add Article 6, comprising Sections 5070 to 5077, inclusive, to Chapter 1 of Division 5 of the Public Resources Code, authorizing the State Park Commission and the Department of Natural Resources to make investigations, reports, recommendations and plans for the location and development of a State Trails System and to establish an advisory committee for that purpose; and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 3, line 10, of the printed bill, as amended, strike out "State Treasury" and insert "State Park Fund".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 642—An act making an appropriation to pay the claim of The California Society of the Sons of the American Revolution.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 1 of the printed bill, in lines 4 and 5, strike out "The California Society of the Sons of the American Revolution" and insert "The Washington Memorial of Valley Forge, Pennsylvania".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 677—An act declaring the public policy of the State, relating to flood waters, flood control, flood damage, the washing away of river and stream banks by floods; creating the State Flood Control Advisory Board and making an appropriation for the support of same, and prescribing its powers and duties; prescribing the powers and duties of the Department of Public Works and authorizing the cooperation of the State Flood Control Advisory Board and the Department of Public Works with the United States, its instrumentalities and agencies, and with counties, cities, State agencies and public districts relating to flood waters and their control, flood damage, and the washing away of river and stream banks by floods; adopting and authorizing construction of certain flood control projects and providing cooperation with the United States thereon.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

In the title of the printed bill, as amended, lines 4 and 5, strike out "and making an appropriation for the support of same,".

Amendment No. 2

On page 5, line 51, of said bill, strike out "is"; on page 5, strike out line 52; on page 6, strike out line 1, and on page 6, line 2, strike out "necessary" and insert "will be required".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1249—An act to amend Sections 14030, 14031, 14032, 14033, 14034, 14035, and 14036 of the Government Code, relating to Revolving Funds, in the Department of Public Works.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

On page 3, line 21, of the printed bill, as amended, strike the words "credited to", and insert "transferred to the credit of".

Amendment No. 2

On page 3, line 27, of the printed bill, as amended, after "may" insert ", with the approval of the Department of Finance,".

Amendment No. 3

On page 4, line 25, of the printed bill, as amended, strike out "credited to", and insert "transferred to the credit of".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 302—An act to amend Section 600 of the Probate Code, relating to the filing of the inventory and appraisement.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 149—An act to amend Sections 737cc, and 737ee, and 737tt of the Political Code, relating to the salaries of judges of the superior court.

Bill read second time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "737ee," insert "737ll,".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, after line 14, insert

"SEC. 4. Section 737*ll* of said code is amended to read:

737*ll*. The annual salary of the judges of the superior court in and for the City and County of San Francisco is [ten] *twelve* thousand dollars."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 894—An act to repeal Section 1046 of, and to add a new Section 1046 to, the Military and Veterans Code, relating to estates of incompetent veterans.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 1, line 26, of the printed bill, strike out "services" and insert "expenses for filing fees, attorneys' fees, and bond premiums. The court shall allow to the home at the time of its appointment as guardian of an estate an amount which the court estimates would be the bond premium for the estate if a separate bond were required for the estate".

Amendment No. 2

On page 2, line 1, of said bill, strike out "bond premiums, and other expenses", and insert "attorneys' fees, and bond premiums".

Amendment No. 3

On page 2, line 4, of said bill, strike out "expenses", and insert "filing fees, attorneys' fees, and bond premiums".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1297—An act to repeal Section 842.5 of, and to add a new Section 842.5 to, the Fish and Game Code, relating to the use of nets and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 437—An act to amend Section 506 of the Agricultural Code, relating to ice cream.

Bill read second time, and ordered to third reading.

Assembly Bill No. 524—An act to amend Section 790.5 of the Agricultural Code, relating to emergency standards.

Bill read second time, and ordered to third reading.

Assembly Bill No. 525—An act to amend Section 787.5 of the Agricultural Code, relating to fruit and vegetable containers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 526—An act to repeal Section 1077 of the Agricultural Code, relating to products for treating domestic animals.

Bill read second time, and ordered to third reading.

Assembly Bill No. 529—An act to amend Section 784.6 of the Agricultural Code, relating to dried fruits.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1073—An act to amend Section 92.1 of the Agricultural Code, relating to the basis of allocation of State money to county, district or combined county and district fairs.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1082—An act to add Section 82.5 to the Agricultural Code, relating to boards of directors of district agricultural associations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 294—An act to amend Section 1071 of, and to add Sections 1071.1, 1071.2 1071.3 and 1071.4 to, the Agricultural Code, relating to licenses, fees, and registration of economic poisons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 716—An act to amend Section 631 of the Agricultural Code, relating to pasteurization.

Bill read second time, and ordered to third reading.

Assembly Bill No. 719—An act to amend Section 723 of the Agricultural Code, relating to revocation of licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 720—An act to amend Section 673 of the Agricultural Code, relating to factory licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 721—An act to amend Section 656 of the Agricultural Code, relating to substances prohibited in milk or milk products.

Bill read second time, and ordered to third reading.

Assembly Bill No. 722—An act to amend Section 662 of the Agricultural Code, relating to milk and milk products reports.

Bill read second time, and ordered to third reading.

Assembly Bill No. 723—An act to amend Section 671 of the Agricultural Code, relating to milk products manufacturing license.

Bill read second time, and ordered to third reading.

Assembly Bill No. 430—An act to repeal Section 522 of the Agricultural Code, relating to the marking of butter.

Bill read second time, and ordered to third reading.

Assembly Bill No. 431—An act to amend Section 580 of the Agricultural Code, relating to the labeling of oleomargarine.

Bill read second time, and ordered to third reading.

Assembly Bill No. 432—An act to amend Section 552 of the Agricultural Code, relating to skim milk.

Bill read second time, and ordered to third reading.

Assembly Bill No. 433—An act to amend Section 4827 of the Business and Professions Code, relating to veterinary medicine.

Bill read second time, and ordered to third reading.

Assembly Bill No. 434—An act to amend Sections 529 and 530 of the Agricultural Code, pertaining to butter cutting, wrapping and distributors' licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 435—An act to amend Section 501 of the Agricultural Code, relating to market milk inspection fees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 436—An act to amend Section 595 of the Agricultural Code, relating to the labeling of imitation milk.

Bill read second time, and ordered to third reading.

Assembly Bill No. 159—An act to amend Sections 16271 and 16272 of the Revenue and Taxation Code and Section 74 of the Gift Tax Act of 1939, relating to interest on refunds of gift taxes, including those ordered in the judgment of any court, and to provide that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1074—An act to amend Section 86 of the Agricultural Code, relating to the property of district agricultural associations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 13, of the printed bill, after the comma following "expositions", insert "rodeos, riding club activities,".

Amendment No. 2

On page 2, line 4, of said bill, after "park", insert ", recreational,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

MESSAGES FROM THE ASSEMBLY

SACRAMENTO 14, CALIFORNIA, April 19, 1945

Mr. Joseph A. Beek, Secretary of Senate
Senate Chamber, State Capitol

DEAR SIR: May we respectfully request you to return to the Assembly, Assembly Bill No. 1750?

This bill should have been re-referred to committee and was incorrectly sent to the Senate.

Sincerely yours,

ARTHUR A. OHNIMUS

MOTION TO WITHDRAW BILL FROM COMMITTEE

Senator Seawell moved that Assembly Bill No. 1750 be withdrawn from the Committee on Governmental Efficiency and returned to the Assembly, for further action, pursuant to request received from the Assembly.

Motion carried.

Assembly Bill No. 1750 ordered withdrawn from committee and returned to the Assembly.

MOTION TO REFER BILLS TO INACTIVE FILE

Senator Hatfield moved that Senate Bills Nos. 3, 9, 279, and 281 be transferred to the inactive file.

Substitute Motion

Senator DeLap moved as a substitute motion that Senate Bills Nos. 3, 9, 279, and 281, be re-referred to Committee on Revenue and Taxation.

The roll was called, and the motion lost by the following vote:

AYES—Senators Breed, DeLap, Deuel, Dillinger, Gordon, Judah, Kuchel, Mixter, Parkman, Rich, Salsman, and Ward—12.

NOES—Senators Biggar, Brown, Burns, Carter, Crittenden, Dilworth, Donnelly, Fletcher, Hatfield, Hulse, Jespersen, Keating, Powers, Seawell, Shelley, Slater, and Tenney—17.

The motion by Senator Hatfield to refer Senate Bills Nos. 3, 9, 279, and 281 to the inactive file, carried.

Senate Bills Nos. 3, 9, 279, and 281 ordered placed on the inactive file.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 130
Assembly Bill No. 1193

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 130—An act to add Section 206.5 to the Welfare and Institutions Code, relating to county ambulance service.

Referred to Committee on Social Welfare.

Assembly Bill No. 1193—An act to amend Section 152 of the Welfare and Institutions Code, relating to the Director of Institutions, and providing for his appointment, salary and bond.

Referred to Committee on Institutions.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 48
Assembly Concurrent Resolution No. 49

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Concurrent Resolution No. 49—Approving a certain amendment to the charter of the City of Redondo Beach, County of Los Angeles, State of California, voted for and ratified by the electors of the City of Redondo Beach at the general municipal election held therein on April 10, 1945.

Above resolution ordered placed on third reading file.

Assembly Concurrent Resolution No. 48—Approving a certain amendment to the charter of the City of Glendale, State of California, voted for and ratified by the electors of such city at a special municipal election held therein on April 10, 1945.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 48, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 48

Assembly Concurrent Resolution No. 48—Approving a certain amendment to the charter of the City of Glendale, State of California, voted for and ratified by the electors of such city at a special municipal election held therein on April 10, 1945.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Powers, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried.

Time, 2.50 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill No. 170—An act to amend Section 737u of the Political Code, relating to the salary of superior court judges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 171—An act to amend Section 4251 of the Political Code, relating to compensation for public services in counties.

Motion to Refer Bill to Inactive File

Senator Keating moved that Senate Bill No. 171 be placed on the inactive file.

Motion carried

Senate Bill No. 55—An act to add Section 4a to, and to amend Section 67 of, the State Employees' Retirement Act, and to add Sections 20307 and 20681.5 to, and to amend Section 20684 of, the Government Code, relating to the State Employees' Retirement System, and providing for the inclusion therein of certain State employees whose compensation is paid other than by the State, and for contributions by members and by the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 57—An act to amend Section 95 of the State Employees' Retirement Act and Section 21331 of the Government Code, relating to the State Employees' Retirement System, and providing for the election of optional benefits in lieu of retirement allowances.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1188—An act to add Section 717 to the Political Code, relating to the State Capitol Building, the management thereof, and the assignment and reassignment of space therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 747—An act to add Section 20954 to the Government Code, relating to the State Employees' Retirement System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—35.
NOES—Sutton—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 176—An act to amend Section 1160 of the Civil Code, relating to the recording of transfers of real property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1236—An act to amend Section 1161 of the Code of Civil Procedure, relating to unlawful detainer proceedings.

Bill read third time.

Motion to Amend

Senator Desmond moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, following line 49, insert

"5. When he unreasonably refuses to give the landlord access to the premises for the purpose of inspection or to show the premises to a prospective purchaser or mortgagee, and three days notice in writing requesting such access shall have been served upon him".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 766—An act to amend Sections 1700, 1705, 1730, 1732, and 1733 of, add Sections 1732.5, 1732.6, and 1732.7 to, and repeal Sections 1710 and 1731 of the Harbors and Navigation Code, relating to officers and employees of the Board of State Harbor Commissioners for San Francisco Harbor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 778—An act to amend Section 2071 of, and to add Sections 1773.2, 1773.3 and 1773.4 to, the Harbors and Navigation Code, relating to the lease of seawall lots and other property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 781—An act to amend Section 3204 of the Harbors and Navigation Code, relating to the appointment of special policemen.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Keating, Kuchel, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 770—An act to amend Section 1902, and to repeal Section 1903, of the Harbors and Navigation Code, both relating to the insuring of property under the jurisdiction and control of the State Board of Harbor Commissioners for San Francisco Harbor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 772—An act to add Section 1913 to the Harbors and Navigation Code, relating to refunds for erroneous charges in connection with activities under the jurisdiction and control of the Board of State Harbor Commissioners for San Francisco Harbor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 773—An act to amend Sections 1970 and 1971 of the Harbors and Navigation Code, relating to the powers of the Board of State Harbor Commissioners for San Francisco Harbor with respect to property, under the control and jurisdiction of said board, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 774—An act to add Section 1971.1 to the Harbors and Navigation Code, relating to leasing to the United States of America, or any department thereof, of certain described property by the Board of State Harbor Commissioners for San Francisco Harbor, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 775—An act to amend Section 1990 of the Harbors and Navigation Code, relating to the signing and countersigning of contracts of the Board of State Harbor Commissioners for San Francisco Harbor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 776—An act to amend Sections 2007 and 2052 of the Harbors and Navigation Code, relating to proposals and contracts for construction work and the form for accompanying checks.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 777—An act to amend Sections 2050, 2072 and 2402 of the Harbors and Navigation Code, relating to publication of notices in connection with construction work or leasing of property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 779—An act to amend Section 3081, and to repeal Sections 3083 and 3085, of the Harbors and Navigation Code, relating to certain tolls and charges.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 5 and 6, and insert "and any vessel which makes fast to or moors in any thoroughfare, slip, dock, basin, channel, canal or any other location within the jurisdiction of the board inside the pierhead line, is".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 780—An act to add Section 3202 to the Harbors and Navigation Code, relating to injury to property under the jurisdiction and control of the Board of State Harbor Commissioners for San Francisco Harbor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 875—An act to add a new article heading to Chapter 1, Part 1, Division 12 of the Health and Safety Code, to amend Sections 13101, 13104, 13107, 13108, 13109, 13111, 13316 and 13654 thereof, and to add Sections 13100.1, 13111.1 and 13111.2, and Article 2, comprising Sections 13140 to 13146, inclusive, to Chapter 1, Part 2, Division 12 thereof, relating to the State Fire Marshal.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—30.

NOES—Senator Rich—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 20—An act to amend Section 737ww of the Political Code, relating to salaries of judges of the superior court in and for the county of Sonoma.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 45: By Senator Jespersen—Relative to approving certain amendments to the charter of the City of San Luis Obispo, a municipal corporation in the County of San Luis Obispo, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the second day of April, 1945.

Request for Unanimous Consent

Senator Jespersen asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 45, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 45

Senate Concurrent Resolution No. 45—Relative to approving certain amendments to the charter of the City of San Luis Obispo, a municipal corporation in the County of San Luis Obispo, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the second day of April, 1945.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.28 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

MOTION TO EXCUSE COMMITTEE

At 4.28 p.m., Senator Seawell moved that the members of the Committee on Local Government be excused for the balance of the legislative day.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 11
Senate Bill No. 14
Senate Bill No. 15
Senate Bill No. 102
Senate Bill No. 104
Senate Bill No. 105
Senate Bill No. 106
Senate Bill No. 191
Senate Bill No. 295
Senate Bill No. 304
Senate Bill No. 308
Senate Bill No. 356
Senate Bill No. 367
Senate Bill No. 464
Senate Bill No. 752

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Education

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 947
Senate Constitutional Amendment No. 12

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 306
Assembly Bill No. 238
Assembly Bill No. 1220
Assembly Bill No. 1249

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 610

Has had the same under consideration, and reports the same back with amendments with the recommendation: Do pass, as amended, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 19
Senate Bill No. 926

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 549
Assembly Bill No. 1392

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 645
Senate Bill No. 834
Senate Bill No. 1266
Senate Concurrent Resolution No. 44

And reports the same correctly engrossed.

SEAWELL, Chairman

ADJOURNMENT

At 4.37 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10.30 a.m., Friday, April 20, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FIFTY-FIRST LEGISLATIVE DAY

ONE HUNDRED THIRD CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Friday, April 20, 1945

The Senate met at 10.30 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator McCormack, on motion of Senator Seawell, account of illness.

Senator McBride, on motion of Senator Seawell, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Neil Locke of Los Angeles.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Walter H. O'Brien of San Francisco, and Mrs. William Warner and daughter Susan of Sacramento.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sergeant Ed Getchel of Buffalo, New York, Private 1 c Verne Dragoo of Lodi, and Sergeant Louis Richman of Long Island, New York.

REPORTS OF STANDING COMMITTEES

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 166
Senate Bill No. 283
Senate Bill No. 284
Senate Bill No. 533
Senate Bill No. 520
Senate Bill No. 1270
Assembly Bill No. 77
Assembly Bill No. 1836
Assembly Bill No. 2142

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Assembly Joint Resolution No. 31

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 587

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; noes 3; absent 1.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 314

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 154
Assembly Bill No. 1693

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 521

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 800
Assembly Bill No. 1141

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 633
Assembly Bill No. 37
Assembly Bill No. 78
Assembly Bill No. 980
Assembly Bill No. 1016
Assembly Bill No. 1568
Assembly Bill No. 1913

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 331
Senate Bill No. 1251

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

MOTION TO READ BILL SECOND TIME

Senator Swing moved that Senate Bill No. 800 be given second reading at this time for the purpose of adopting committee amendments.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 800—An act to amend Sections 2, 5, 6, 6.5, 6.6, 7, 7.2, 11, 12, 16, 16½, 18, 19, 20, 22, 22a, 22b, 22c, 22d, 23, 23b, 23c, 23d, 24.2, 24.3, 24.4, 24.5, 24.55, 26, 27a, 27b, 28, 34, 34b, 36a, 36b, 37, 39, 46, 48, 49, 49.2, 51, 51c, 51g, 53.9, 54, 54.5, 57, 60, 67.1 and 67.5, and to repeal Sections 6.4, 33e, 35, 35a, 35b, 35c, 36, 36c, 47, 54.1, 54.3 of the Alcoholic Beverage Control Act, and to add thereto Sections 4.1, 6.2, 21.1, 39.1, 47.5, and 59.6, relating to alcoholic beverages, and to provide that this act shall go into effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In the title of the printed bill, as amended, strike out line 7 and insert "and to add thereto Sections 4.1, 6.2, 21.1, 38f, 38g, 47.5, 59.6, and 61.3,".

Amendment No. 2

On page 1, line 16, of the printed bill, as amended, strike out "notice", and insert "objection"

Amendment No. 3

On page 2 of the printed bill, strike out lines 23 and 24 and insert "time have elapsed so as to bar the State Tuberculosis Sanatorium Commission of said with its customary authorization and the county any available investigation."

Amendment No. 4

On page 3 of the printed bill, between lines 23 and 24, insert "And such persons so qualified, their physician and attorney of such physician investigation [may such petitioner investigate] thus authorized to will."

Amendment No. 5

On page 3 of the printed bill, as amended, between lines 4 and 5, insert:

"Of such certified persons treated during the Fiscal Year ending June 30, 1945, [as are now] [deceased persons treated but not released] [not having transferred to] [and, shall be released to official agencies, discharged and as such persons] [persons, respectively] [of the persons now in life and receiving as are treated at Sheltons each] [not released of Citizens transferred to the [receiving] sanitarium]."

Amendment No. 6

On page 4, line 20, of said bill, as amended, after "person", insert "the qualifications"

Amendment No. 7

On page 5, line 19 of the printed bill, as amended, strike out "or" and insert "of"

Amendment No. 8

On page 11, line 17, of the printed bill, as amended, after "superintendent", insert "or other physician"

Amendment No. 9

On page 12, line 24, of the printed bill, as amended, strike out "is hereby amended to read"

Amendment No. 10

On page 13 of the printed bill, as amended, strike out line 20 and insert "as added ... and the Regulation of Health [Laws 1945, H. House] Amendment Nursing 8 bill, and amended to read:"

Amendment No. 11

On page 14, line 1, of the printed bill, as amended, strike out "or", and insert "a"

Amendment No. 12

On page 14, line 24 of the printed bill, after "Secretary", strike out "upon examining", and in lieu thereof insert "[Public] [or Laws 1945, Chapter 1945 Senate] [or the Secretary] [and the Secretary] [or other and every duly appointed] [of a commission for or any of such Appointed Officers] [Public Law Secretary of Health] [Public Law 1945 Senate and 1945 Public Act] [or Secretary of Health Laws and Acts] [Laws 1945]."

Amendment No. 13

On page 15, line 20, of the printed bill, strike out "any believe", and in lieu thereof strike out "which" and insert "[public Act Section 1945]."

Amendment No. 14

On page 16, line 4, of the printed bill, as amended, strike out "sophisticated" and insert "sophisticated"

Amendment No. 15

On page 20, line 17, of the printed bill as amended, strike out "Administrative [1 of]"

Amendment No. 16

On page 17, line 16, of the printed bill, as amended, after "Virginia", insert "or who have ever been the beneficiaries resident of a Sanitarium [Home]"

Amendment No. 17

On page 24 of the printed bill, strike out lines 9 to 16, inclusive.

Amendment No. 18

On page 24, of the printed bill, strike out all of lines 17 to 23, inclusive, and on page 25, strike out all of lines 1 to 7, inclusive, and insert:

"SEC. 15.1. Whenever any physician or duly licensed eye physician, or if a tuberculosis sanatorium or the State Tuberculosis Sanatorium Commission [Home] is established the physician [patient] in the sanitarium or the eye, or the [or the] eye physician the State [Home] [patient] [or sanitarium] [Home] [Sanitarium] [Home] [Sanitarium] [Home] [

issued and served upon the licensee notifying him to be and appear before the board at a time and place to be therein fixed, but not less than five days from the date of service of such notice, to then and there show cause, if any he has, why the board should not take such action in respect to such matter as it shall be deemed to be in the interest of and consistent with public welfare and morals. A copy of the complaint or a statement of the charges shall be served upon the licensee at the time of serving said notice. If at or before the time specified in such notice, the licensee or the board shall demand a hearing, proceedings thereon shall thereafter be had and conducted as provided in this act. If a demand for hearing be filed by such licensee, the board may, pending such hearing, take such action other than revoking such license, as it shall deem to be in the interest of public welfare and morals.

All applications for an alcoholic beverage license or for a transfer of such a license shall be immediately referred to the State Liquor Administrator for investigation and report. The State Liquor Administrator shall cause a complete investigation to be made of the applicant and the premises to determine whether they qualify under the act and whether the provisions of this act have been complied with and he shall investigate all matters connected therewith which may affect the public welfare and morals, and shall report the result of such investigation to the board for consideration when acting upon such application.

If a protest is filed against the granting of any such application or the transfer of any license, the proceedings thereon shall be conducted as provided in this act. If no protest is filed, the State Liquor Administrator shall make his report on the application and shall transmit the same to the board with his findings and recommendations. The board shall at its next regular meeting, unless for good cause the matter is continued, hear and determine the matter involved and may take such action as it shall determine to be in the interest of public welfare and morals."

Amendment No. 19

On page 24, line 49, of the printed bill, as amended, strike out "August", and insert "July".

Amendment No. 20

On page 29, line 28, of the printed bill, as amended, after "of", strike out the balance of said line and all of line 29 and insert "alcoholic beverage."

Amendment No. 21

On page 29, line 30, of the printed bill, strike out "an on-sale general license", and insert "a retail on-sale alcoholic beverage license, other than beer.".

Amendment No. 22

On page 29, line 33, of the printed bill, strike out the word "an", and insert "a".

Amendment No. 23

On page 29, line 34, of the printed bill, strike out "off-sale general license", and insert "retail off-sale alcoholic beverage license, other than beer.".

Amendment No. 24

On page 29 of the printed bill, as amended, strike out lines 41 and 42, and insert "cellation of any license or licenses heretofore issued or of any license or licenses issued in renewal or substitution of any such license or licenses, and which may be outstanding in any county in excess of the number of such licenses authorized by the ratio of".

Amendment No. 25

On page 29, line 43, of the printed bill, after "section", strike out the period and insert "nor shall anything in this section be deemed to require the issuance of any license in any county because the number of such licenses does not now equal the ratio of such licenses to population as established by this section."

Amendment No. 26

On page 29, line 48, of the printed bill, strike out "other", and insert "alcoholic beverage".

Amendment No. 27

On page 30, line 20, of the printed bill, after "issue", strike out balance of said line; and all of lines 21 and 22 down to and including the word "county." and insert "such additional on or off-sale licenses as the public welfare and morals may require."

Amendment No. 28

On page 30 of the printed bill, between lines 42 and 43, insert

"If a protest against the issuance of any license is filed with the board, the hearing thereon shall be had and conducted as provided in this act."

Amendment No. 29

On page 30 of the printed bill, as amended, between lines 42 and 43, insert

"SEC. 33b. Section 38g is hereby added to the act, to read as follows:

"SEC. 38g. The board may by rule regulate the selling or transfer of distilled spirits by contract, order, or agreement, which provide for the future delivery of

distilled spirits to retail licensees or any person for or on such licensees' behalf, and wherein or whereby, directly or indirectly, by deposit, payment, or otherwise, the seller requires an advance of money thereon prior to delivery, said board being authorized to limit such contracts, orders, or agreements to those instances wherein the seller shall furnish the board with such information, reports, and contracts as shall be required by the board and comply with such conditions fixed by the board as shall satisfy said board that such seller has a bona fide, sufficient and reliable source of supply and stock in trade whereby such contracts, orders, or agreements of the seller with such retail licensees or any person for or on such licensees' behalf can be fully performed. Any such rule authorized by this paragraph shall cease to be effective upon the return of continuous distillation, unless sooner revoked by the board."

Amendment No. 30

On page 31, line 26, of the printed bill, strike out "notice of the"; and all of line 27 and insert "the last day upon which re-consideration can be ordered."

Amendment No. 31

On page 32, line 22, of the printed bill, as amended, strike out "inter-State", and insert "interstate".

Amendment No. 32

On page 35, line 34, of the printed bill, as amended, strike out "his", and insert "this".

Amendment No. 33

On page 37 of the bill, as amended, strike out lines 34 to 51 inclusive.

Amendment No. 34

On page 39, line 40, of the printed bill, as amended, strike out the period and insert "; provided further that the provisions of this act, in so far as the term "on-sale general license" is concerned, shall become operative on January 1, 1946, and that until said date wherever the term "on-sale general license" is used in this act, it shall be deemed to mean "on-sale distilled spirits license."

Amendments read and adopted.

Bill ordered printed and re-referred to Committee on Governmental Efficiency.

PRINTING OF REPORT IN THE JOURNAL

Pursuant to the motion of Senator Mayo, made on April 19, 1945, the following report of Senate Committee on Local Governmental Agencies, was ordered printed in the Journal of this date.

REPORT OF SENATE COMMITTEE ON LOCAL GOVERNMENTAL AGENCIES

MR. PRESIDENT: Your Committee on Local Governmental Agencies appointed pursuant to Senate Resolution No. 35, adopted January 23, 1945, has investigated the difficulty between the City of Los Angeles and the residents of Owens Valley in Inyo County, which has arisen from the administration of the property acquired in Owens Valley by the City of Los Angeles in order to secure a supply of domestic water for use in the City of Los Angeles.

Hearings

The committee conducted hearings at the courthouse at Independence, on February 13 and 14, 1945, and at the State Building at Los Angeles on February 16 and 17, 1945. At the hearings in Independence, witnesses were heard concerning the grievances of the residents of Owens Valley, their side of the controversy being presented by Mr. George Francis, District Attorney of Inyo County. Certain of the employees of the Department of Water and Power were also heard at Independence.

At Los Angeles the principal witnesses were the various officers and officials of the Department of Water and Power, including members of the board, administrative officials, and appraiser. Mr. C. T. Waldo, Deputy City Attorney, was present at all hearings at the invitation of the committee and represented the Department of Water and Power and the City of Los Angeles.

Acquisition of Water Rights by the City of Los Angeles

The City of Los Angeles first undertook to supplement its domestic water supply from Owens Valley prior to 1905, and in order to transport the water from Owens Valley to the City of Los Angeles, undertook the construction of the aqueduct which was completed about 1915. The aqueduct is capable of transporting 450 cubic feet of water per second, allowing for occasional brief interruptions for cleaning and repairs.

The City of Los Angeles acquired the water in Owens Valley by purchase of land with water rights and has purchased almost all agricultural land within the valley in addition to rather extensive holdings in the Mono Basin.

Towns in Owens Valley

There are four towns in the valley, being from north to south: Bishop, Big Pine, Independence, and Lone Pine, with one additional small community of Laws located in the vicinity of Bishop. Bishop is the only one of these towns which is incorporated.

In its original purchase of land in Owens Valley to secure the water rights, the City of Los Angeles did not purchase town property but as the agricultural land was purchased and the water diverted to Los Angeles there became less and less agriculture in the valley to support the towns.

Purchase of Town Property

In 1925 a law was enacted (Statutes of 1925, page 251) authorizing the purchase of city property by the City of Los Angeles. In order to prevent the destruction of the property values in the town and subsequent loss to the residents, the City of Los Angeles then proceeded to purchase the town property. The price of purchase was fixed at an actual appraised value plus an adjustment intended to cover the loss of value in the towns due to already depreciated agricultural value and agricultural production in the vicinity. This adjustment figure was 40 per cent for Bishop, 35 per cent for Big Pine, 25 per cent for Independence and nothing for Lone Pine. The Town of Bishop has an adjudicated water right and the other towns are served by water companies which have water rights of their own. As the city purchased the town property it began to destroy the less valuable buildings with the apparent purpose of diverting all of the water in the valley to Los Angeles for municipal or for domestic uses.

Repurchase of Town Property by Residents

The people of the valley undertook, about 1936, to persuade the City of Los Angeles to sell the city property back to them. After a period of negotiation this movement resulted in the passage of Resolution No. 179, of the Department of Water and Power, setting forth the policy of the city with reference to the disposition of such land and providing for the sale of land to such former owners or occupants as desired, at the appraised value fixed on such property by the City of Los Angeles. This resolution was passed on September 29, 1938, and reads as follows:

> "WHEREAS, As a necessary incident to the acquisition by the City of Los Angeles of water rights in the Owens Valley watershed for supplying said City and its inhabitants with water, there have been acquired by the City a great number of parcels of land in the communities, incorporated or unincorporated, in said Owens Valley, which lands comprise business and residence properties and unimproved lots and are under the management and control of the Department of Water and Power of the City of Los Angeles; and
>
> WHEREAS, Residents of said Owens Valley desire to acquire title in fee to certain of said lands, and have made sundry applications to said Department of Water and Power to purchase the same; and
>
> WHEREAS, It is highly desirable that the existing spirit of good will and cooperation between the City of Los Angeles, as represented by the Department of Water and Power, and said communities in said Owens Valley, be in all proper ways promoted and fostered and, particularly, by such aid and encouragement to said settlement and development as the City of Los Angeles can afford through the disposal of its lands within said respective communities, on terms that, while safeguarding the interests of said City, will assure settlers and developers of permanency in their respective tenures and investments in said communities; now, therefore, be it
>
> *Resolved, by the Board of Water and Power Commissioners of the City of Los Angeles*, That the policy of said Department of Water and Power is and shall be, to offer for sale and to sell, to such persons, firms, and corporations as may desire to purchase the same (subject to reservations in favor of said the City of Los Angeles of any and all water or water rights constituting part thereof, or in anywise appurtenant thereto), lands and improvements by said the City of Los Angeles owned within said communities, at such prices as shall constitute the reasonable market value of said properties, to be determined in each instance by this board (taking into consideration the reservations aforesaid), and upon such terms as shall be prescribed by this board; and be it further
>
> *Resolved*, That a copy of this resolution be published by one insertion each in the "Inyo Register," a newspaper published at Bishop, California, and in the "Inyo Independent," a newspaper published at Independence, California."

Change of Policy of the City of Los Angeles

After the passage of Resolution 179 until recently, relations between the residents of Owens Valley and the Department of Water and Power appeared entirely

amicable. A more recent change in the policy of the Department of Water and Power, however, has resulted in relations which are becoming decidedly strained. The development concerning the rural property and the city property can best be considered separately.

Leases for Grazing Purposes

It appears to have been the policy of the Department of Water and Power from the beginning to rent rural property to Owens Valley for grazing purposes. There appears to be sufficient rainfall in the valley to provide enough natural grass and brush feed to give much of the land a value for grazing purposes. The conditions in the valley have always been such that cattle can not be grazed in the valley for the entire year, but the valley provides the winter feed and the cattle are transferred to adjacent National forest areas in the higher mountains for summer grazing. Certain of the area in the Mono Basin appears, however, to be satisfactory for summer grazing use.

Value of Grazing Leases

It has been the practice of the City of Los Angeles to lease grazing land to former owners and so far as the committee could determine all of the grazing land in the valley was leased to long-time residents of the valley, with one exception.

The value of the leaseholds have been determined by the city through their resident agent and a resident engineer, who base the rental value of the property on the number of cattle it would support. In certain areas of the valley limited amounts of property were leased for agricultural purposes and were devoted to the growing of alfalfa and grain to provide supplemental feed for cattle and for about four small dairies. No water was leased with these properties and, in fact, all leases plainly stated that no water was covered in the agreement. However, when it appeared that there might be a temporary excess of water, certain areas were leased for these agricultural purposes without any guarantee of water, but there appeared to be no complaint on the part of the lessees due to the fact that the district agent and resident engineer had been able, with reasonable accuracy, to predict the amount of water available which could be devoted to such irrigation purposes. All leases also contained a provision that the city should have the right to flood any areas of the valley with excess amounts of water over what could be carried by the aqueduct. While there have been a number of cases where fairly large areas of grazing land have been flooded, this condition appears to have been accepted by the residents of the valley and no real complaint was made before the committee.

Term of Grazing Leases

Most grazing leases were for a three-year period, with the exception of a few leases which were for a period of five years. It appears that the last lease negotiated was a five-year lease, and that it had been let out on bid to the highest bidder, this being the property in the Big Pine area which was not held by a long time resident of the area. About February, 1944, notice was served on the holders of grazing leases in this valley that renewal of leases would be withheld until a new policy had been agreed upon, the lessees holding over on a month-to-month basis. At the time the hearings were conducted by the committee there were 126 grazing leases in Owens Valley and 20 in the Mono Basin; of these, 14 had expired and 60 more would expire before April 1, 1945.

The residents of Owens Valley complained vigorously of the uncertainty of their grazing leases, it being established that it was impossible to properly conduct a cattle business based on a three year lease, and that leases should be for a longer time, and that most certainly grazing leaseholds should not be on a month-to-month basis.

Valuation of Grazing Leases

There has been a rather sharply rising valuation placed upon grazing leaseholds during the recent few years which appears to have resulted from the more favorable condition of cattle raisers due to the increasing price of beef, but no serious complaint was made by the holders of the leases as to the present rental value, although they were concerned about future leases due to the absence of a policy regarding valuation to be placed on the grazing leaseholds.

The testimony taken by the committee indicated that the method of valuing grazing leases used by the Forest Service of the Federal Department of Agriculture, which fluctuate with the price of beef, would be a system satisfactory to the holders of the grazing leases and would eliminate the serious uncertainties which were resulting from the absence of a definite policy of the Department of Water and Power concerning valuation of rental of these leaseholds.

Policy Concerning Town Leases

The conditions regarding City property was much the same as that regarding the grazing leases. Under the policy of the Department of Water and Power set forth in Resolution No. 179, considerable parcels of property in the various towns had been purchased back by their former owners. In the Town of Bishop approximately 85 per

cent of the property was in private ownership, and in the other towns approximately 55 per cent was in private ownership.

New Appraisals

Two matters have arisen recently which prove very disturbing to the residents of Owens Valley. The first was that an outside appraiser had recently been sent into the valley to reappraise the town property. The actual appraisal did not vary materially from that which had previously been made by the district agent and resident engineer. However, there was added to that price a figure which was known as a market premium. The explanation of market premium made by the appraisers and appearing in the appraisement books is as follows:

> "Ordinarily the current selling price of a single family residential property is the sum of the residential lot value considered as if vacant plus the depreciated cost of the improvement. Currently, however, such properties are selling for considerably more than the amount so computed. The excess, therefore, is a premium which currently is being paid. The reason for the excess is the demand for dwellings in relation to the inadequate supply. This has forced people to pay a premium for immediate possession. This premium is not imputable to either the land or to the building. It is a separate item and must stand alone in the value segregation. This is for the reason that it is the least staple of the three elements of current selling prices, and, being evanescent by nature, will be the first to disappear. The amount of the premium was imperically developed. Studies of sales between private parties in desert towns proved that on the average such properties were selling at the depreciated cost of improvement, plus residential lot value, plus a premium whose size is controlled by (1) age, and (2) condition of the building. The older houses presently enjoy a greater premium than the new ones. The procedure adopted for the ascertainment of the premium in each case was as follows: First, the discovery of the sale price, building age, and expenses necessary to bring the structure to a 60 per cent physical condition, if any. Second, the deduction from the sale price of the depreciated cost (60 per cent maximum) of building plus land value which residue is the premium. Third, the division of the depreciated building cost plus land value into the premium and the quotient becomes the premium expressed as the precentage of the summation cost. Similarly, the premium percentage was ascertained for each sale, and when plotted on chart paper arranged according to age, there appears a uniform trend from a low percentage for young houses to a high percentage for old ones."

This new figure materially increased the value fixed for the property and on it was based the new selling price and the new rental value. Notices have recently been sent out to the residents on values of this property, indicating a sharp rise in rent. Among those having their rent raised were 16 old age pensioners.

In one instance a material increase in rent was made on property which the appraisers hired by the Department of Water and Power described as a shack unfit for human habitation. This new price, including market premium, was approved by the Department of Water and Power.

It was possible to do this because Owens Valley had not been formally determined to be a defense area, although there was increased lumber operations and an increase in strategic mining operations. The committee feels this was contrary to the spirit of the price regulations and of every effort made to combat inflation and black market prices in the aid of the war effort. While probably not a direct violation of law on the part of the Department of Water and Power, it was highly unethical and conduct of which no municipality of the State of California should be guilty.

One of such examples presented to the committee was Parcel 73 in the Town of Independence. The value of the lot was fixed at $400, and the value of the building at $381, making a total value of $781, but to this was added a "black market" premium of $469, making a sale price of $1,250. The monthly rent in this case was increased from $15 to $20.

Sale of Property to the Highest Bidder

The residents of the towns were also disturbed by the change in the policy of the Department of Water and Power concerning sale of property by bid. In one case, which occurred a short time before the investigation by this committee, a person who had purchased equipment and stock of a drug store at Independence, had filed through the regular channels a request for purchase. Before the purchase was accepted he was notified of an increase of price due to the new appraisal figure. He refiled his request for purchase at the new figure and was, some time later, informed that the "deal was off" due to there being a higher bid. Persons who had been inquiring recently concerning purchase of property were informed that sales would be to the highest bidder rather than to the occupant of the property at the accepted valuation in accordance with a previous policy as enunciated by Resolution No. 179.

The committee also found that the City of Los Angeles had been for some years dumping water originating in Owens Valley into the San Fernando Valley which, according to information, had caused the underground water table in San Fernando Valley to rise to an excessive height which endangered the property of San Fernando Valley, and the Los Angeles Board of Public Works took action March 2nd to lower the water table of San Fernando Valley when they awarded a contract to the Western Pipe and Steel Company to furnish well casing for the de-watering of San Fernando Valley. The firm's bid was $1,792.23. Work on the wells, to lower the ground water table, started two weeks ago.

The high water table is made more difficult by the tremendous flow of Owens Valley water which empties into the San Fernando area and which goes to irrigate agriculture developments in that section.

The water table recently became so high that in some cases it was standing on the surface of the ground, causing protests from organizations in San Fernando valley.

To cope with the problem, the Los Angeles board recently voted to purchase pumps to lower the water tables and pump the water into the Los Angeles River, by which it can find its way into the Pacific Ocean.

Meanwhile, requests to use the water on arid sections of Owens Valley for agriculture purposes fall on deaf ears. Inyo County agriculturists claim that the water could be used in Owens Valley and be partially recovered through pumping from the underground water storage into the Los Angeles aqueduct system.

Recommendation of Committee

1. (a) The committee recommends to the Department of Water and Power and appropriate officials of the City of Los Angeles that a definite policy be fixed relating to the lease of rural property in Owens Valley for grazing purposes.

(b) The committee believes that such policy should be similar to the policy which has been followed by the United States Forestry Department in granting grazing leases for approximately 30 years. Under such policy the grazing rights were fixed upon a seasonal basis for each animal grazed, the cost of such lease being based upon the price of cattle and fluctuating with such price.

(c) The committee further recommends that grazing leases be granted for a period of at least five years.

(d) The committee believes that present lease holders should be given the priority on such grazing leases, and that where there are no lease-holders priority be given to the person engaged in the grazing of cattle, which are abutting on or closest to the area to be leased for grazing, as is done by the Federal Forest Service. It is the opinion of the committee that the letting of grazing rights to the highest bidder is a method entirely unsuited to the leasing or grazing rights, and not productive of the best use of the property leased for grazing nor to the best interests of the lessor nor good public policy in the proper utilization of the great natural resources of grazing lands.

2. (a) The committee believes that the City of Los Angeles should return to the policy set forth in Resolution No. 179 concerning the lease and sale of all property in Owens Valley.

(b) The committee believes that the proposal to sell the town property in Owens Valley to the highest bidder, without regard to the occupant, is unfair and entirely unjustified in the circumstances. The United States Forest Service found by 30 years' experience that to change lease holders at short intervals brought about first, bad range practices, including over-grazing, and second, a lessening of the reproduction of the stock and quality of the stock due to a lack of security felt by the lessee.

(c) The committee feels that the use of the "black market" premium in setting the value on such property, based entirely upon a present scarcity of satisfactory residences is unfair and unjust and a policy which should never be adopted by a public organization.

3. The committee feels that if the existing law would not permit the Department of Water and Power to sell or lease its property in Owens Valley at a figure based upon a reasonable appraisal and not to the highest bidder, that legislation should be enacted, not only to authorize sales upon such an appraisal, but to require that the leaseholder or occupant be permitted to purchase property occupied by him upon such appraisal and not upon competitive bids.

4. The committee recommends that it further study the advisability of enacting legislation which will direct and regulate municipal activities when dealing with private persons, cities and counties in leasing, buying, and selling city and rural property, when such property is owned by such municipality.

5. The committee also recommends that investigation be made of surplus water in the Mono and Owens Basin, and if there is surplus water, determine whether or not it cannot be used to again develop the lands of such Valley without endangering the necessary water supply of the City of Los Angeles.

6. The committee further recommends that it be continued in existence pending solution of the problems outlined hereinabove in order that it may aid in finding fair and equitable solutions and putting such solutions into effect.

Respectfully submitted.

SENATE COMMITTEE ON LOCAL GOVERNMENTAL AGENCIES
JESSE M. MAYO, Chairman
CHARLES BROWN
BRADFORD S. CRITTENDEN
GEO. J. HATFIELD

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Dorsey:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of county high school districts.

Respectfully submitted.

SENATOR DORSEY

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 20, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Judiciary.

SEAWELL, Chairman

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Dorsey moved a call of the Senate.

Motion carried. Time 10.54 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Carter moved that Senate Bill No. 698 be taken from the inactive file and placed on the second reading file.

Motion carried.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO 14, April 18, 1945

To the Honorable Members of the Senate
State of California, Sacramento, California

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 82, entitled: "An act relating to the relief of gold and silver mining operators, permitting postponement of sales under certain chattel mortgages, mortgages, deeds of trust or contracts of purchase on gold and silver mines and gold and silver mining machinery and equipment, or postponement of forfeitures and terminations under gold and silver mining contracts and leases, regulating appointment of receivers in certain cases, extending the time in which the purchase price may be paid and extending the statute of limitations, declaring the urgency thereof, to take effect immediately."

Because of defects in draftsmanship I am advised this bill does not fully accomplish its purpose. To make the act effective as intended amendments to eight other sections of the law are necessary.

Senate Bill No. 167 has been amended to effectively carry out the purpose intended in this bill and accordingly, at the request of the author of the bill, I am returning it without my approval.

Respectfully submitted.

EARL WARREN, Governor

Enclosure

Message read.

Senate Bill No. 82 ordered to the unfinished business file.

CONSIDERATION OF DAILY FILE

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 503—An act to add Section 560.5 to the Vehicle Code, relating to the punishment for violations of pedestrians' rights of way at crosswalks.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 503?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "amend Section 560 of", and insert "add Section 560.5 to".

Amendment No. 2

In line 2 of the title of the printed bill, as amended, strike out "pedestrians' rights of way at crosswalks and to".

Amendment No. 3

In line 3 of the title of the printed bill, as amended, strike out "thereof.", and insert "of pedestrians' rights of way at crosswalks."

Amendment No. 4

On page 1, line 1, of the printed bill, as amended, strike out "560 of the Vehicle Code is hereby", and insert "560.5 is added to the Vehicle Code".

Amendment No. 5

On page 1, line 2, of the printed bill, as amended, strike out "amended to read as follows:", and insert "to read:".

Amendment No. 6

On page 1 of the printed bill, as amended, strike out lines 3 to 11, inclusive.

Amendment No. 7

On page 1, line 12, of the printed bill, as amended, strike out "this section shall be", and insert "Section 560 of this code shall be".

Amendment No. 8

On page 1, line 20, of the printed bill, as amended, strike out the period and dash after "ment".

Amendment No. 9

On page 1, line 13, of the printed bill, as amended, before "Every", insert "560.5. Penalty for Violation of Pedestrians' Right of Way at Cross-Walk."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 503 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—28.

NOES—None.

Above bill ordered enrolled.

SECOND READING OF SENATE BILLS

Senate Bill No. 873—An act to add Section 11740.3 to the Insurance Code, relating to Workmen's Compensation Insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1 of the printed bill, between lines 2 and 3, insert

"11740.3. An insurer shall not group the experience of separate legal entities for dividend purposes whether they are insured under a master workmen's compensation insurance policy or under separate workmen's compensation insurance policies, and an insurer shall not distribute to any such legal entity by way of dividend or return premium any greater percentage of dividend or return premium than it would be entitled to receive if the dividend or return premium were based on its own individual premium and loss experience.

This section is not applicable to separate legal entities insured under a group workmen's compensation policy issued pursuant to Section 11656.5."

Amendment No. 2

On page 1 of said bill, strike out lines 3 to 13, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Fniancial Institutions.

Senate Bill No. 270—An act to amend the Building and Loan Association Act by amending Sections 9.09, 9.10 and 9.12 thereof, relating to loans.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 3, line 29, of the printed bill, after "a", insert "single family dwelling ;".

Amendment No. 2

On page 3, line 31, of the printed bill, strike out "home or a combination home and business".

Amendment No. 3

On page 3, line 36, of the printed bill, strike out "As used"; and strike out all of lines 37 to 52, inclusive.

Amendment No. 4

On page 4 of the printed bill, strike out lines 1 and 2.

Amendment No. 5

On page 4, line 18, of the printed bill, before "Section", insert "Section 9.18 and of".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 269—An act to amend the Building and Loan Association Act by amending Sections 9.07 and 9.11 thereof and by adding thereto a new section to be numbered 9.12a, all relating to loans.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In the title of the printed bill, as amended, line 2, strike out "and by adding thereto a new section to be numbered 9.12a, all".

Amendment No. 2

On page 1, line 9, of the printed bill as amended, strike out ",", and insert after "association", the words "and/or".

Amendment No. 3

On page 1 of the printed bill, as amended, on line 10, strike out "and/or (d) by chattel mortgage of household furniture or equipment".

Amendment No. 4

On page 1, line 13, of the printed bill, as amended, strike out "or chattel mortgage".

Amendment No. 5

On page 2, of the printed bill, as amended, strike out all of lines 13 to 48, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 999—An act to add Section 72.5 to the State Civil Service Act, relating to holidays.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 504—An act to amend Sections 192 and 193 of the Penal Code, relating to manslaughter and the punishment thereof.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 291—An act to amend Section 3048 of the Penal Code, relating to parole.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections 644, 3047, and".

Amendment No. 2

In the title of the printed bill, strike out line 2, and insert "habitual criminals and parole."

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "3048", and insert "644".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 4

On page 1 of the printed bill, between lines 2 and 3, insert

"644a. Every person convicted in this State of [any felony] *the crime of robbery in the first degree; burglary with explosives; rape with force or violence; arson as defined in Section 447a of this code; murder of the first degree; assault with intent to commit murder; burglary of the first degree; train wrecking; extortion; escape from a State prison by use of force or dangerous or deadly weapons; rape or fornication or sodomy or carnal abuse of a child under the age of 10 years; conspiracy to commit any one or more of the aforementioned felonies,* who shall have been previously twice convicted upon charges separately brought and tried, and who shall have served separate terms therefor in any State prison and/or Federal penitentiary, either in this State or elsewhere, of the crime of robbery *in the first degree;* [burglary,] burglary with explosives; rape with force or violence; arson *as defined in Section 447a of this code;* murder *of the first degree;* assault with intent to commit murder; *burglary of the first degree;* [grand theft, bribery of a public official, perjury, subornation of perjury,] train wrecking; [feloniously receiving stolen goods, felonious assault with a deadly weapon,] extortion; [kidnaping, mayhem,] escape from a State prison *by use of force or dangerous or deadly weapons; rape or fornication or sodomy or carnal abuse of a child under the age of 10 years;* conspiracy to commit any one or more of the aforementioned felonies, shall be adjudged an habitual criminal and shall be punished by imprisonment in the State prison for life;

(b) Every person convicted in this State of [any felony] *the crime of robbery in the first degree; burglary with explosives; rape with force or violence; arson as defined in Section 447a of this code; murder of the first degree; assault with intent to commit murder; burglary of the first degree; train wrecking; extortion; escape from a State prison by use of force or dangerous or deadly weapons; rape or fornication or sodomy or carnal abuse of a child under the age of 10 years; conspiracy to commit any one or more of the aforementioned felonies,* who shall have been previously three times convicted, upon charges separately brought and tried, and who shall have served separate terms therefore in any State prison and/or Federal penitentiary, either in this State or elsewhere, of the crime of robbery *in the first degree* ; [burglary,] burglary with explosives; rape with force or violence; arson *as defined in Section 447a of this code* ; murder *of the first degree* ; assault with intent to commit murder; *burglary of the first degree;* [grand theft, bribery of a public official, perjury, subornation of perjury,] train wrecking; [feloniously receiving stolen goods, felonious assault with a deadly weapon,] extortion; [kidnaping, mayhem,] escape from a State prison *by use of force or dangerous or deadly weapons; rape or fornication or sodomy or carnal abuse of a child under the age of 10 years* ; conspiracy to commit any one or more of the aforementioned felonies, [or any of the aforementioned felonies,] shall be adjudged an habitual criminal and shall be punished by imprisonment in the State prison for life;

(c) Provided, however, that in exceptional cases, at any time not later than 60 days after the actual commencement of imprisonment, the court may, in its discretion, provide that the defendant is not an habitual criminal, and in such case the defendant shall not be subject to the provisions of this section or of Sections 3047 and 3048 of this code;

(d) Nothing in this section shall abrogate or affect the punishment by death in any and all crimes now or hereafter punishable by death.

SEC. 2. Section 3047 of said code is amended to read:

3047. Any person imprisoned as an habitual criminal under paragraph (a) of Section 644 shall not be eligible for a release on parole until he shall have served a minimum term of at least 12 years *with benefit of credits*.

SEC. 3. Section 3048 of said code is amended to read: "

Amendment No. 5

On page 1, line 5, of the printed bill, strike out "12", and insert "20".

Amendment No. 6

On page 1, line 6, of the printed bill, after "years" insert "with benefit of credits".

Amendment No. 7

On page 1 of the printed bill, after line 6, insert

"SEC. 4. Every person heretofore adjudged or determined to be an habitual criminal under either subdivision a or b of Section 644 of the Penal Code as that section read prior to the effective date of this act, who could have been adjudged or determined to be an habitual criminal under either subdivision a or b of Section 644 of said code as amended by this act shall be imprisoned in a State prison for life and shall be subject to Section 3047 or 3048 of the Penal Code. Every other person heretofore adjudged or determined to be an habitual criminal under either subdivision a or b of Section 644 of the Penal Code as that section read prior to the effective date of this act, shall be deemed to be imprisoned for life and shall be eligible for release on parole after he shall have served a minimum term of seven calendar years."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 1255—An act to amend Sections 4852.06, 4852.07, 4852.14, 4852.15 and 4852.18 of the Penal Code, relating to the pardoning and rehabilitation of persons convicted of felonies.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "4852.07", and insert "4852.12".

Amendment No. 2

On page 1, line 5, of said bill, strike out "and in case", and insert "and, in the case".

Amendment No. 3

On page 1, line 13, of said bill, after "has", insert "continuously".

Amendment No. 4

On page 1 of said bill, after line 19, insert

"SEC. 2. Section 4852.12 of the Penal Code is amended to read:

4852.12. In any proceeding for the ascertainment and declaration of the fact of rehabilitation under this chapter, the court *upon the filing of the application for petition of rehabilitation, shall require from the District Attorney an investigation of the residence of the petitioner, the criminal record of the petitioner as shown by the records of the Bureau of Criminal Identification and Investigation, and the investigation of any representation made to the court by the applicant, and the District Attorney shall file with the court a full and complete report of the results of said investigations, and* shall require from the district attorney and the chief of police or sheriff having jurisdiction as provided in subdivision (a) of Section 4852.02 written reports setting forth all matters within their knowledge relating to the conduct of the petitioner during his period of rehabilitation, including all matters mentioned in Section 4852.11."

Amendment No. 5

On page 1 of said bill, strike out lines 20 to 25, inclusive; and on page 2, lines 1 to 10, inclusive.

Amendment No. 6

On page 2 of said bill, lines 13 and 14, strike out ", and the report of the State Bureau of Parole,".

Amendment No. 7

On page 2, line 17, of said bill, strike out "felonies", and insert "a felony".

Amendment No. 8

On page 2, line 32, of said bill, after "authority", insert "conferred by law on the Board of Medical Examiners therein, or the power or authority conferred by law upon any board that issues a certificate permitting any person to practice or apply his art or profession on the person of another. Nothing in this chapter shall affect any provision of Chapter 4 of Division 3 of the Business and Professions Code or the power or authority".

Amendment No. 9

On page 2, line 47, of said bill, strike out "of the", and insert "of his".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 676—An act to provide for the construction of urban and suburban dwelling accommodations for and acquisition for occupancy of farms and aid in establishing businesses for veterans of World War II at costs within their ability to pay, and provide means of employment for such veterans, including authority for the Veterans Welfare Board in the Department of Military and Veterans' Affairs to put into operation such facilities as may become necessary to guarantee mortgage loans financed by any chartered institution, having right of succession, in respect of construction of homes, acquisition occupancy of farms and creation of means of employment for veterans of World War II, to add Sections 67.3 and 80.3 to the Bank Act, to add Section 9.20 to the Building and Loan Association Act, to add Sections 1176.7, 1176.8 and 12443 to the Insurance Code, all of these additions being in aid of the aforesaid purposes, declaring the urgency thereof to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

In the title of the printed bill, as amended, in line 11, after "acquisition", insert "for".

Amendment No. 2

On page 3, line 33, of said bill, strike out "within"; strike out lines 34 to 40, inclusive; and in line 41, strike out "thousand dollars ($2,000)", and insert ", after separation from the military or naval forces, to the board for partial guaranty by the board of not to exceed twenty-five per cent (25 per cent) of a loan or loans, in which event the aggregate amount guaranteed shall not exceed two thousand dollars ($2,000), or for a guaranty of the full amount of first mortgage loan or loans, in which event the aggregate amount guaranteed by the board shall not exceed ten thousand dollars ($10,000), for any purpose specified in and pursuant to Sections 301, 302 and 303 of this act. Pursuant to any default, foreclosure or repossession of any property securing any loan or loans guaranteed by the board the liability thereof may be paid by the board in five equal annual payments together with interest thereon at the rate specified in the original mortgage obligation, beginning one year from date of such default, foreclosure or repossession, and the board shall issue an agreement to such effect to any lender concerned therewith. Further, the borrower may secure term life insurance through the board in an amount sufficient to cover any guaranty of the board of any loan or loans, the beneficiaries whereof shall be (a) the board and (b) others as their interest may appear."

Amendments read and adopted.

Bill ordered printed and re-referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1191—An act to amend Section 41 of the Unemployment Insurance Act, relating to "experience" or "merit rating."

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 134—An act to amend Section 661 of the Welfare and Institutions Code, relating to detention homes.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 558—An act to amend Section 597 of the Welfare and Institutions Code, relating to membership on probation committee.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 218—An act to amend Sections 200, 208, 209, 210, and 212 of, and to add Sections 201.5, 230, 231, 232, 233, 236, 237, 240, 241, 242, and 243 to, the Welfare and Institutions Code, relating to local administration of welfare, admission to county hospitals and medical care at county expense.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

In the title of the printed bill, strike out lines 1 to 3, inclusive, and insert "An act relating".

Amendment No. 2

On page 1, line 2, of the printed bill, after "supervisors", insert "in counties having limited private hospital facilities".

Amendment No. 3

On page 1 of the printed bill, between lines 5 and 6, insert

"This act shall not be applicable in any county or city and county having more than 250 beds in private hospitals which are licensed by the State Department of Public Health. The provisions of this act are intended to provide an alternative method of admitting patients to county hospitals and for medical care therein and shall not be construed to supersede, limit or modify any other statutory provisions relating to the county hospitals."

Amendment No. 4

On page 1 of said bill, strike out lines 6 and 7; and in line 8 strike out "200", and insert
"SEC. 2".

Amendment No. 5

On page 1 of said bill, strike out lines 16 to 18, inclusive, and insert
"SEC. 3. The board of supervisors shall permit any patient to choose his own".

Amendment No. 6

On page 2 of said bill, strike out line 1; and in line 2 strike out "230", and insert "SEC. 4".

Amendment No. 7

On page 2, line 4, of said bill, strike out "this code", and insert "the Welfare and Institutions Code".

Amendment No. 8

On page 2 of said bill, strike out line 11; and in line 12 strike out "231", and insert "SEC. 5".

Amendment No. 9

On page 2, line 14, of said bill, strike out "this code", and insert "the Welfare and Institutions Code".

Amendment No. 10

On page 2 of said bill, strike out line 23; and in line 24 strike out "232", and insert "SEC. 6".

Amendment No. 11

On page 2, line 26, of said bill, strike out "this code", and insert "the Welfare and Institutions Code".

Amendment No. 12

On page 2 of said bill, strike out line 34; and in line 35 strike out "233", and insert "SEC. 7".

Amendment No. 13

On page 3 of said bill, strike out lines 5 and 6 and insert "determinations by the county board of public welfare."

Amendment No. 14

On page 3 of said bill, strike out line 7; and in line 8 strike out "236", and insert "SEC. 8".

Amendment No. 15

On page 3 of said bill, strike out line 17; and in line 18 strike out "237", and insert "SEC. 9".

Amendment No. 16

On page 3 of said bill, strike out line 24; and in line 25 strike out "240", and insert "SEC. 10".

Amendment No. 17

On page 3 of said bill, strike out line 45; and in line 46 strike out "241", and insert "SEC. 11".

Amendment No. 18

On page 4 of said bill, strike out line 4; and in line 5 strike out "242", and insert "SEC. 12".

Amendment No. 19

On page 4 of said bill, strike out line 13; and in line 14 strike out "243", and insert "SEC. 13".

Amendment No. 20

On page 4 of the printed bill, strike out lines 24 to 30, inclusive, and insert
"SEC. 14. In each county which elects to operate its county hospital as provided in this act, and except where otherwise provided under a charter, the county board of public welfare shall consist of seven persons appointed by the board of supervisors as follows: Two".

Amendment No. 21

On page 4 of the printed bill, strike out lines 44 to 52, inclusive.

Amendment No. 22

On page 5 of the printed bill, strike out lines 1 to 8, inclusive; and in line 9 strike out "expense".

Amendment No. 23

On page 5 of the printed bill, strike out line 12 and in line 13 strike out "212", and insert
"SEC. 15".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

Senate Bill No. 518—An act amending Sections 8766 and 8768 of, and adding Section 8766.5 to, the Business and Professions Code, relating to records of surveys.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 947—An act to repeal Sections 11001, 11155 to 11157 inclusive, 11181.1 and 11185 to 11187 inclusive of the Education Code; to amend Sections 10055, 11152, 11153, 11181, 11182, 11184, 11241, and 11271 of said code; and to add Sections 11155 to 11164 inclusive to said code, all relating to the State Curriculum Commission and elementary school textbooks.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 5 and 6 and insert "11164, inclusive, to said code, relating to the public school system and elementary school textbooks".

Amendment No. 2

On page 1, line 18, of said bill, after "civics", insert "and American history".

Amendment No. 3

On page 2, line 1, of said bill, strike out "1181", and insert "11181".

Amendment No. 4

On page 2, line 2, of said bill, after "shall", insert ", pursuant to Section 11155:".

Amendment No. 5

On page 2, lines 6 and 7, of said bill, strike out "Authorize the committee or committees appointed by it to cause to be made", and insert "Contract for".

Amendment No. 6

On page 2, line 51, of said bill, strike out "books," and insert "books. Thereupon such textbooks shall be used".

Amendment No. 7

On page 3, line 30, of said bill, after "Said", insert "faculty members and".

Amendment No. 8

On page 3, line 38, of said bill, strike out "by appointment by the State"; and strike out line 39, and insert "in the manner provided for the original appointment of such committee."

Amendment No. 9

On page 3, line 52, of said bill, strike out "or committees".

Amendment No. 10

On page 4, line 5, of said bill, strike out "or committees".

Amendment No. 11

On page 4, lines 7 and 8, of said bill, strike out "board, it shall adopt them", and insert "committee, the State Board of Education shall adopt them".

Amendment No. 12

On page 4, lines 16, 17 and 18, of said bill, strike out "State Board of Education shall appoint such committee or committees as are provided for in this chapter, to", and insert "committee provided for in Section 11155 shall".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of said State, relating to powers of State Board of Education over elementary school textbooks.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In the title of the printed measure, as amended, lines 2 and 3 strike out "an amendment to Section 7 of Article IX of", and insert "to amend".

Amendment No. 2

In the title of said measure, strike out lines 4 and 5 and insert "by amending Section 7 of, and adding Section 7.5 to, Article IX of said Constitution, relating to elementary school textbooks and the enforcement of courses of study in the public schools."

Amendment No. 3

On page 1 of said measure, strike out lines 6 and 7 and insert "of the State of California that the Constitution of said State be amended as follows:
First: That Section 7 of Article IX of said Constitution be amended to read:"

Amendment No. 4

On page 1 of said measure, after line 26, insert
"Second: That Section 7.5 be added to Article IX of said Constitution, to read:
SEC. 7.5. The Legislature may provide that all or any portion of the moneys required by this Constitution to be apportioned to any school district of the State may be withheld for the failure of the school authorities of the district to enforce any of the courses of study prescribed by the Legislature to be given in any of the schools of the district."

Amendments read and adopted.

Resolution ordered printed, and re-referred to Committee on Education.

MOTION TO CORRECT COMMITTEE REPORT

Senator Desmond moved that the committee report of the Committee on Education is in error whereby it reports Senate Bills Nos. 19 and 926 back with amendments with the recommendation amend and be re-referred to Committee on Finance, and that it be corrected to read that the committee reports Senate Bills Nos. 19 and 926 back with the recommendation do pass and be re-referred to Committee on Finance.

Motion carried.

Senate Bill No. 19—An act making a transfer of money from the General Fund to the Postwar Employment Reserve and providing that the money so transferred shall be available for appropriation by the Legislature for expenditure by The Regents of the University of California for the purpose of establishing and maintaining in the University of California instruction in the various methods of preservation and processing of agricultural and meat products and for the purpose of erecting and equipping a building or buildings to be used in connection with such course of instruction.

Above bill ordered re-referred to Committee on Finance.

Senate Bill No. 926—An act making an appropriation to The Regents of the University of California for surveys, preparation of plans and specifications, and other preliminary work preparatory to the construction of additional buildings for the University of California, declaring the urgency thereof and providing that this act shall take effect immediately.

Above bill ordered re-referred to Committee on Finance.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 610—An act to provide for the purchase of historic articles in El Dorado County, and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "of his-"; and strike out lines 4 to 6, inclusive, and insert "by the Department of Finance of the Margaret A. Kelly historical relics now housed in El Dorado County."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 549—An act to amend Sections 14305, 14372, 14379, 14479, 14562, 14563, 14607, 14610, 14632, 14635, 14637, 14680, and 14681 of, and to add Sections 14402, 14449.1, 14479.1, 14479.2, and 14682 to, the Education Code, relating to the State Teachers' Retirement System, and validating retirements heretofore made.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In the title of the printed bill, line 1, after "14379," insert "14474,".

Amendment No. 2

In the title of said bill, line 2, strike out "14637, 14680," and insert "14636, 14637, 14640, 14680,".

Amendment No. 3

On page 2, line 3, of said bill, after the period insert "A teacher employed by an institution maintained and operated by the Youth Authority, who has been required to become a member of the State Employees Retirement System, may elect, prior to January 1, 1946 to transfer his membership to the State Teachers Retirement System."

Amendment No. 4

On page 2, line 17, of said bill, after the period insert "The member shall not be subject to the requirement that application for retirement shall be made within two years after the last day of service."

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 5

On page 2, of said bill, between lines 24 and 25, insert

"SEC. 5.1. Section 14474 of said code is amended to read:

14474. Any person to whom service rendered outside of the State after January 1, 1914, is credited and any person who has claimed exemption from the provisions of the Retirement System or its predecessor or who [was] *is excluded from the Retirement System because of being* a member of [the State Employees' Retirement System] *another retirement system* while serving in a status requisite for membership in this Retirement System or its predecessor, and who later becomes subject to its provisions, shall pay, in addition to the sum due under Section 14471 for each year of credited service rendered outside the State or while exempt or while a member of any other system, interest at the rate of 5 per cent per annum on the amount which would have been contributed had he been a member of the Retirement System when the service was rendered. Interest shall begin on the first day of July next following the end of the school year in which the service was rendered, and shall end upon the date of retirement."

Amendment No. 6

On page 3, line 3, of said bill, strike out "made", and insert "based on service".

Amendment No. 7

On page 4, of said bill, between lines 41 and 42, insert

"SEC. 14.1. Section 14636 of said code is amended to read:

14636. (a) For each year of credited service rendered prior to July 1, 1944, not to exceed 40 years, and not counting any service for which the member is entitled to receive retirement benefits from a local retirement system, the amount of annual annuity which a member shall receive upon retirement for service shall be determined by the service rendered between July 1, 1944, and the date of his retirement, in accordance with the following schedule of amounts payable upon retirement at age 63, and the amount which a member retiring at a lesser age shall receive shall be the actuarial equivalent of the value at the lesser age of the annual annuity which he would receive at age 63, deferred to age 63:

Service rendered after July 1, 1944	Annual annuity per year of credited service
Less than 6 months	$3 00
6 months or more but less than 2 years	4 00
2 years or more but less than 4 years	5 00
4 years or more but less than 6 years	6 00
6 years or more but less than 8 years	7 00
8 years or more but less than 10 years	8 00
10 years or more	9 00

(b) If the sum of the amounts payable under Section 14635 and subdivision (a) of this section to a retiring member who is credited with 30 years or more of service and who is not entitled to receive benefits under a local retirement system *or who has not failed to make all annuity contributions required of him*, is less than twenty per cent (20%) of the retirement salary payable to him under subdivision (a) of Section 14632 (not counting any deductions made under Section 14476), he shall receive, in lieu of the amount computed under subdivision (a) of this section, an amount which, when added to the amount payable to him under Section 14635, equals twenty per cent (20%) of the retirement salary payable to him under subdivision (a) of Section 14632 (not counting any deductions made under Section 14476)."

Amendment No. 8

On page 5, of said bill, between lines 15 and 16, insert

"SEC. 15.1. Section 14640 of said code is amended to read:

14640. (a) The amount of disability annuity payable under subdivision (b) of Section 14639 shall be the lesser of the two following amounts:

(1) The actuarial equivalent, based on a disabled life, of the value at his age of retirement, and on the basis of an active life, of the sum of the annuities payable to him under subdivisions (b) and (c) of Section 14632 at the age of 63 years, on the basis of salary earned and service rendered up to the effective date of his retirement, deferred to the age of 63 years.

(2) The amount of the annuities which would have been payable to him under subdivisions (b) and (c) of Section 14632 at the earliest later date at which he would have been eligible for retirement for service, assuming that his contributions based on his salary at the date of his retirement for disability had continued to the earliest later date at which he would have been eligible for retirement for service.

(b) If the amount of disability annuity payable under subdivision (a) of this section to a member who is not entitled to receive retirement or disability benefits under a local retirement system *or who has not failed to make all annuity contributions required of him*, is less than twenty per cent (20%) of the retirement salary payable to him under subdivision (a) of Section 14639 (not counting any deductions made under Section 14476), he shall receive, in lieu of the amount computed under subdivision (a) of this section, an amount equal to twenty per cent (20%) of the retirement salary payable to him under subdivision (a) of Section 14639 (not counting any deductions made under Section 14476)."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 820—An act to amend Sections 10202 and 10210 of the Insurance Code, relating to group life insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 5 of the printed bill, after "issued", insert *"prior to October 1, 1949"*.

Amendment No. 2

On page 1, line 6, of the printed bill, after "employees", strike out "." and insert ", *and when issued on or after October 1, 1949 not less than 50 public or private employees.*"

Amendment No. 3

On page 1, line 24, of the printed bill, after "lives", insert *"(as to policies issued after the effective date of this amendment and prior to October 1, 1949) or 50 lives (as to policies issued on or after October 1, 1949)"*.

Amendment No. 4

On page 2 of the printed bill, strike out lines 8 to 16, inclusive, and insert *"10210. The policy shall contain a provision that to the groups or classes originally insured there will be added from time to time all new employees of the employer eligible for insurance in such groups or classes, except that the policy may provide that if the premium is paid by the employer and employees jointly any employee who fails to request insurance during the period of eligibility following his employment as prescribed by the policy shall not be insured until he has furnished evidence of insurability satisfactory to the insurer."*

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Assembly Bill No. 852—An act to amend Section 27 of the Corporate Securities Act, relating to the abolishment of the Corporation Commission Appraisal Fund and providing for reports of experts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 853—An act to amend Section 23 of the California Small Loan Act, Chapters 953 and 1045 of the Statutes of 1939, relating to review of acts of the commissioner.

Bill read second time, and ordered to third reading.

Assembly Bill No. 854—An act to amend Section 22.5 of the Personal Property Brokers Act as revised by Chapter 952 of the Statutes of 1939 and Section 23 of the Personal Property Brokers Act as revised by Chapter 1044 of the Statutes of 1939, relating to review of acts of the commissioner.

Bill read second time, and ordered to third reading.

Assembly Bill No. 855—An act to add Section 7.1 to the Industrial Loan Act, relating to the establishment and maintenance of reserves.

Bill read second time, and ordered to third reading.

Assembly Bill No. 856—An act to amend Section 3 of the Industrial Loan Act, relating to minimum capital stock and paid in surplus or reserve.

Bill read second time, and ordered to third reading.

Assembly Bill No. 857—An act to amend Section 8 of "An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the

purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof." approved July 1, 1937, relating to review of acts of the commissioner.

Bill read second time, and ordered to third reading.

Assembly Bill No. 858—An act to amend Section 7 of the Indusrial Loan Act, relating to surplus.

Bill read second time, and ordered to third reading.

Assembly Bill No. 859—An act to add Section 22.1 to the Industrial Loan Act, relating to loans to officers, directors and others.

Bill read second time, and ordered to third reading.

Assembly Bill No. 860—An act to amend Section 4 of the Industrial Loan Act, relating to the establishment of offices and places of business.

Bill read second time, and ordered to third reading.

Assembly Bill No. 861—An act to add Section 21.1 to the Personal Property Brokers Act as revised by Chapters 952 and 1044 of the Statutes of 1939, relating to desist and refrain orders.

Bill read second time, and ordered to third reading.

Assembly Bill No. 862—An act to add Section 21.2 to the Personal Property Brokers Act as revised by Chapters 952 and 1044 of the Statutes of 1939, relating to the issuance of injunctions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 863—An act to add Section 20.1 to the California Small Loan Act, Chapters 953 and 1045 of the Statutes of 1939, relating to desist and refrain orders.

Bill read second time, and ordered to third reading.

Assembly Bill No. 864—An act to add Section 20.2 to the California Small Loan Act, Chapters 953 and 1045 of the Statutes of 1939, relating to the issuance of injunctions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 865—An act to amend Section 15 of the Corporate Securities Act, relating to review of orders, decisions, permits and other official acts of the Commissioner of Corporations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 869—An act to amend Section 2 and Section 26 of the Corporate Securities Act, relating to definitions, exemptions and fees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 792—An act to amend the Building and Loan Association Act by amending Section 13.07 thereof, relating to appraisements.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1158—An act to amend Section 15a of and to add Section 15b to the Industrial Loan Act, relating to costs of examinations and supervision.

Bill read second time, and ordered to third reading.

Assembly Bill No. 387—An act to add Section 826.5 to the Welfare and Institutions Code, relating to juveniles charged with misdemeanors.

Bill read second time, and ordered to third reading.

Assembly Bill No. 38—An act to validate the formation, organization and existence of recreation districts and the boundaries, governing boards, acts, proceedings and bonds of such districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In the title of the printed bill, strike out lines 2 and 3 and insert "of county water authorities and the boundaries, governing officers or boards, acts, and proceedings of such authorities."

Amendment No. 2

On page 1, line 1, of said bill, strike out "recreation districts", and insert "water authorities".

Amendment No. 3

On page 1, line 2, of said bill, strike out "any law", and insert "the County Water Authority Act, as enacted by Chapter 545 of the Statutes of 1943".

Amendment No. 4

On page 1, line 4, of said bill, strike out ". Every such district", and insert "water authorities. Every such authority".

Amendment No. 5

On page 1, line 6, of said bill, strike out "a district", and insert "an authority".

Amendment No. 6

On page 1, line 8, of said bill, strike out "recreation district", and insert "water authority".

Amendment No. 7

On page 1, line 11, of said bill, strike out "The trustees of every recreation district", and insert "In so far as any other matter to which this act relates is or may be affected, the directors and other officers of every such water authority".

Amendment No. 8

On page 1, line 12, of said bill, before "appointed", insert "elected or".

Amendment No. 9

On page 1, line 13, of said bill, strike out "trustees of such district", and insert "or elected, qualified and acting directors of such authority".

Amendment No. 10

On page 1 of said bill, strike out lines 14 to 27, inclusive; and on page 2, strike out lines 1 and 2, and insert

(d) This act shall be limited to the correction of defects, irregularities, and ministerial errors in complying with statutory requirements which the Legislature originally could have omitted from the law under which such acts or proceedings were taken.

(e) This act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions."

Amendment No. 11

On page 2, line 4, of said bill, strike out "recreation district", and insert "water authority".

Amendment No. 12

On page 2, line 5, of said bill, strike out "recreation district", and insert "water authority".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 98—An act to add Section 1269b to the Penal Code, relating to bail.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1732—An act to amend Section 602 of the Penal Code, relating to trespass.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1198—An act to amend Sections 7058, 7066 and 7067 of the Welfare and Institutions Code, relating to defective and psychopathic delinquents and providing for their commitment and parole or discharge.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 3, line 25, of the printed bill, after "adjourn", insert the words "or suspend".

Amendment No. 2

On page 3, line 28, of said bill, strike out "before the court," and insert "in the superior court,".

Amendment No. 3

On page 3 of said bill, strike out lines 36 and 37, and insert "tive or psychopathic delinquent, the superior court shall return the person to the court in which the case originated for such disposition as that court may deem necessary and proper."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 176—An act to amend Sections 3447 and 3473 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents.

Bill read second time, and ordered to third reading.

Assembly Bill No. 177—An act to amend Section 3044 of the Welfare and Institutions Code, relating to aid to the needy blind, and revising the provisions for payments to persons in institutions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 178—An act to amend Section 3047 of the Welfare and Institutions Code, relating to property qualifications of recipients of aid to the needy blind.

Bill read second time, and ordered to third reading.

Assembly Bill No. 179—An act to amend Section 3444 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, and revising the provisions for payments to persons in institutions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 180—An act to amend Section 3044.5 of the Welfare and Institutions Code, relating to aid to the needy blind.

Bill read second time, and ordered to third reading.

Assembly Bill No. 477—An act to amend the heading of Article 5, Chapter 2, Part 1, Division 2 of, and Sections 660, 661, 662, 663, 664, 665, 666, 667, 669, 671, and 672 of, of the Welfare and Institutions Code, relating to detention homes for juveniles, and providing that such homes shall be known as "juvenile halls."

Bill read second time, and ordered to third reading.

Assembly Bill No. 306—An act to amend Sections 10051 and 10053 of the Education Code, relating to instruction in the schools in American history, Constitution, institutions, and ideals.

Bill read second time, and ordered to third reading.

Assembly Bill No. 238—An act to amend Section 18671 of the Education Code, relating to the dedication of easements to the State or any political subdivision thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1220—An act to add Section 13502 to the Education Code, relating to the rights of permanent certificated employees of school districts after resignation, defining their rights, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1249—An act to amend Section 9609 of the Education Code, relating to special schools or classes for physically handicapped pupils.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1392—An act to add Chapter 8.5 to Division 2 of the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 2 of the printed bill, as amended, between lines 9 and 10, insert

"2712.5. At any time following the formation of the elementary school district, the governing board of any contiguous elementary school district lying wholly within the county in which the greater part of the population of the district formed under this chapter is located may call an election in the contiguous elementary school district for the purpose of submitting to the electors of such contiguous elementary school district the question of whether such contiguous elementary school district shall become a part of the elementary school district formed under this chapter. Such election shall be called, held and conducted substantially in the manner provided for in Article 1 of Chapter 4 of this division except that the ballot shall contain the words: "Shall the (_____) elementary school district become a part of the (_____) Elementary School District?" The voter shall write or print after the words on his ballot the word "Yes" or the word "No."

If a majority of the votes cast at such election is in the affirmative, such contiguous elementary school district shall thereafter become a part of the elementary school district formed under this chapter."

Amendment No. 2

On page 3 of the printed bill, as amended, strike out lines 43 to 49, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

MOTION TO CONSIDER ASSEMBLY BILLS

At 11.05 a.m., Senator Seawell moved that the Senate refer to the Assembly third reading file for the purpose of considering Assembly bills.

Motion carried.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution No. 41—Relative to "Living War Memorials."

Resolution read, and presented to Senator Quinn.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 436

Senator Quinn moved that Senate Bill No. 436 be withdrawn from Committee on Transportation and referred to Committee on Water Resources.

Motion lost.

Assembly Concurrent Resolution No. 49—Approving a certain amendment to the charter of the City of Redondo Beach, County of Los Angeles, State of California, voted for and ratified by the electors of the City of Redondo Beach at the general municipal election held therein on April 10, 1945.

Resolution read.

Motion to Amend

Senator Tenney moved the adoption of the following amendment:

Amendment No. 1

On page 4 of the printed measure, between lines 15 and 16, insert

"EXHIBIT A

PROPOSED AMENDMENT TO SECTION 1 OF ARTICLE XXIII OF THE CITY CHARTER DEPARTMENT OF EDUCATION.

SECTION 1: Board of Education. The control of the Public School Department (not including High School) of the said City of Redondo Beach, including the whole of the Redondo Beach City School District, as the same now exists, or may hereafter be changed and exist, as provided by law, shall be vested in a Board of Education, which shall consist of five members elected at large. The members of said board shall serve for three years and without compensation.

School elections shall be held in the same manner as is provided in the California School Code for elections of school trustees, except (a) that any person desiring to become a candidate for the office of member of the Board of Education shall, thirty days prior to the date of the election, file with the Clerk of the governing board of the Redondo Beach City School District the nomination paper as provided by said Board of Education (b) that the Board of Education shall furnish the ballots and supplies necessary for conducting the election, and that the returns of the election shall be filed with the Clerk of said board and (c) that the Board of Education shall canvass the

election returns at a meeting held not less than three days nor more than ten days after the election date. The Clerk of the said Board shall immediately after the result of the election is officially declared by the Board of Education issue a certificate of election for each duly elected member and serve the same personally or by mail upon each such person.

The election of members to the Board of Education shall be held in the Redondo Beach City School District on the same date as is provided by the Educational Code of the State of California, Section 1801, as it now exists or may later be changed."

Amendment read and adopted.

Resolution ordered printed, and to third reading.

Assembly Bill No. 1751—An act to amend Section 22 of the State Civil Service Act and Section 18540 of the Government Code, relating to veterans.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, Mixter, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 11.30 a.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Assembly Bill No. 1985—An act to amend Section 751a of the Code of Civil Procedure, relating to the adjudication of the identity of persons executing instruments to real property by a name other than that by which they acquired title.

Bill read third time, and presented by Senator DeLap.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1194—An act to amend Section 6726.1 of the Welfare and Institutions Code, relating to payments for care of patients paroled from State institutions.

Bill read third time, and presented by Senator Breed.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1132—An act to amend Section 20800 of, the Business and Professions Code, relating to petroleum.

Bill read third time, and presented by Senator Kuchel.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 82—An act to amend Section 4234 of the Political Code, relating to compensation for public service in counties of the fifth class.

Bill read third time, and presented by Senator Burns.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1085—An act to amend Section 10 of the Annexation of Uninhabited Territory Act of 1939, relating to the liability of annexed territory for indebtedness and contracts.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1487—An act to amend the title of and to add Section 7 to an act entitled "An act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water-mains, and other conduits therein, also to construct and maintain sewers, water-mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes," approved March 22, 1909 extending the act to sanitary and sanitation districts and relating to the construction and ownership of sewage treatment and disposal works for the use of two or more municipal corporations, sanitary or sanitation districts; the making of contracts for such construction, ownership or use and the issuance of bonds by municapal corporations, sanitary and sanitation districts to pay the cost of construction or for any property or rights acquired under such contracts; and declaring the urgency of this act to take effect immediately.

Bill read third time, and presented by Senator Tenney.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn,

Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 63—An act to add Section 2176 to the Business and Professions Code, relating to persons authorized to practice medicine and surgery in the Veterans' Home of California.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2139—An act to add Section 5016 to the Public Resources Code, relating to the exchange by the State Park Commission of lands patented to the State by the Federal Government for privately owned lands situated within the boundaries of the Anza Desert State Park Project.

Bill read third time, and presented by Senator Fletcher.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Assembly Bill No. 2118—An act to provide for the receiving as evidence in any court, office or other place in this State, official findings, records, reports, or certified copies thereof, of death, presumed death, missing or other status, issued by the Secretaries of War and Navy and other Federal officers and employes, declaring the urgency hereof, to take effect immediately.

Bill read third time, and presented by Senator DeLap.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 458—An act to amend Section 4314 of the Political Code and Section 1181 of the Civil Code, relating to the powers of clerks of justices' courts of class A.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 99—An act to add Section 105a to the Code of Civil Procedure, relating to traveling expenses of a substitute justice or city judge.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 998—An act to amend Section 630 of the Probate Code, relating to summary probate proceedings.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward and Weybret—36.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 470—An act to amend Section 1290.5 of the Fish and Game Code, relating to sale or gift of deer hides.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1186—An act to add Section 1401 to the Fish and Game Code, relating to diamond-back terrapin.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 502—An act to amend Sections 251 and 254 of, and to add Sections 214, 215 and 259.5 to, the Revenue and Taxation Code, relating to exemptions from taxation.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—Senators Carter, Collier, and Judah—3.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 151—An act to amend Section 714 of, and to add Sections 717.1 and 717.2 to, the Code of Civil Procedure, relating to execution on the property of the judgment debtor.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 153—An act to amend Section 963 and Section 983 of the Code of Civil Procedure, relating to cases in which an appeal may be taken.

Bill read third time, and presented by Senator DeLap.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1696—An act to amend 271 of the Penal Code, relating to desertion or abandonment of a child.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1712—An act to amend Section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain.

Bill read third time and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1809—An act relating to transient minors and providing for their housing and their return to their home communities.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1201—An act to repeal Section 6654.5 of the Welfare and Institutions Code, and to add Section 1461.3 to the Probate Code, relating to proceedings for the appointment of guardians for insane or incompetent persons, and requiring notice thereof to the Director of Institutions.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1202—An act to amend Section 165 of the Welfare and Institutions Code, relating to institution inmates' funds, and providing for the deposit and investment thereof.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret —36.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1204—An act to amend Section 6662 of the Welfare and Institutions Code, relating to the position of Secretary of the Department of Institutions.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret —36.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1203—An act to amend Sections 6650 and 6663 of the Welfare and Institutions Code, relating to payments for the care and treatment of patients in State institutions.

Bill read third time, and presented by Senator Keating.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, and Weybret—33.
NOES—Senators Crittenden and Tenney—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 895—An act to amend Section 1035 of the Military and Veterans Code, relating to disposition of funds of deceased members of Veterans' Home of California.

Bill read third time, and presented by Senator Quinn.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—35.
NOES—Senator Sutton—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 62—An act to amend Sections 1018, 1033, 1034, and 1042, and to repeal Sections 1022 and 1046 of the Military and Veterans Code, relating to the Veterans' Home of California.

Bill read third time, and presented by Senator Quinn.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 70—An act to add Section 1042.1 to the Military and Veterans Code, relating to uncashed checks drawn on trust funds at the Veterans' Home of California.

Bill read third time, and presented by Senator Quinn.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1221—An act to amend Sections 13651 and 13652 and to repeal Section 13653 of the Education Code, relating to decrease in number of permanent employees, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Tenney.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1222—An act to amend Section 13654 of the Education Code, relating to the rights of permanent certificated employees whose services have been terminated because of the effect of wars upon the attendance of pupils.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1223—An act to add Section 13655 to the Education Code, relating to the rights of permanent certificated employees of school districts whose services have been terminated because of the effect of wars upon the attendance of pupils or continuance of particular services.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1224—An act to add Sections 13004.1 and 13004.2 to the Education Code, relating to order of employment of certificated employees, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Tenney.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1374—An act to add Section 7439 to and to amend Section 7461 of the Education Code, relating to the issuance of school bonds, bond maturities and the redemption of school bonds before maturity.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on April 19, 1945, adopted:

Assembly Joint Resolution No. 38

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Joint Resolution No. 38—Relative to memorializing Congress to adopt H. R. 2032 and H. R. 2033 in furtherance of preventing beach erosion.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 38, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 38

Assembly Joint Resolution No. 38—Relative to memorializing Congress to adopt H. R. 2032 and H. R. 2033 in furtherance of preventing beach erosion.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on April 19th, 1945, adopted:

Assembly Concurrent Resolution No. 50

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 50—Approving certain amendments to the charter of the County of Butte, State of California.

Request for Unanimous Consent

Senator Deuel asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 50, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 50

Assembly Concurrent Resolution No. 50—Approving certain amendments to the charter of the County of Butte, State of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 1.24 p.m., on motion of Senator Dorsey, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senator Dorsey was granted permission to introduce a bill by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret —36.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1275: By Senator Dorsey—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of county high school districts.

Referred to Committee on Judiciary.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 371

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1480

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 1480—An act to add Section 7057 to the Public Resources Code, relating to oil and gas and mineral leases by municipalities.

Referred to Committee on Natural Resources.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 25

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 62
Senate Bill No. 112
Senate Bill No. 115
Senate Bill No. 117
Senate Bill No. 180
Senate Bill No. 190
Senate Bill No. 252
Senate Bill No. 310
Senate Bill No. 313
Senate Bill No. 352
Senate Bill No. 406
Senate Bill No. 413
Senate Bill No. 431
Senate Bill No. 452
Senate Bill No. 542
Senate Bill No. 543
Senate Bill No. 593
Senate Bill No. 624
Senate Bill No. 638
Senate Bill No. 640
Senate Bill No. 641
Senate Bill No. 648
Senate Bill No. 758
Senate Bill No. 888
Senate Bill No. 983

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 688
Senate Bill No. 816
Senate Bill No. 817
Senate Bill No. 818
Senate Bill No. 819
Senate Bill No. 840
Senate Bill No. 902

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 71
Senate Bill No. 463
Senate Bill No. 167
Senate Bill No. 639

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 72
Senate Bill No. 237
Senate Bill No. 547

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

Above bills ordered to unfinished business file.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 260
Senate Bill No. 1249

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 149
Senate Bill No. 779

And reports the same correctly re-engrossed.

SEAWELL, Chairman

Committee on Elections

SENATE CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 1008

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; noes 1; absent 3.

BIGGAR, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 1373

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

BIGGAR, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Senate Bill No. 455
Assembly Bill No. 497

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

BIGGAR, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 1.39 p.m., on motion of Senator Shelley, the President declared the Senate adjourned until 1.30 p.m., Monday, April 23, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FIFTY-SECOND LEGISLATIVE DAY

ONE HUNDRED SIXTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Monday, April 23, 1945

The Senate met at 1.30 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Chief Assistant Secretary Cleve V. Taylor at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

President of the Senate Presiding

At 1.34 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank S. Smith of Sacramento, Probation Officer of Sacramento County.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Grant Raymond of South Pasadena.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Raleigh E. Hutchinson of Portland, Oregon.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Cornelia Gephart and Miss Mercedes Smith of Sacramento.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Benjamine F. Jones of Lakeport.

On request of Senators Seawell and DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. A. Wisnefski of Crockett.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Arthur H. Schwartz, Counsel Joint Legislative Committee on Legislative Procedures and Expenditures, State of New York; and Donald Axelrod, Research Director, Joint Legislative Committee on Legislative Procedures and Expenditures, State of New York.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 26	Assembly Bill No. 968
Assembly Bill No. 473	Assembly Bill No. 1050
Assembly Bill No. 596	Assembly Bill No. 1057
Assembly Bill No. 808	Assembly Bill No. 1100
Assembly Bill No. 944	Assembly Bill No. 1146
Assembly Bill No. 945	Assembly Bill No. 1430
Assembly Bill No. 950	Assembly Bill No. 1454
Assembly Bill No. 951	Assembly Bill No. 1557

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 26—An act to amend Section 5006 of the Education Code, relating to fidelity bonds of employees of school districts.

Referred to Committee on Education.

Assembly Bill No. 473—An act to add Sections 1324, 1325, 1326, 1327, 1328, 1329 to the Fish and Game Code, relating to fur dealers.

Referred to Committee on Fish and Game.

Assembly Bill No. 596—An act to add Section 10301.3 to the Edution Code, relating to the financial support of elementary schools, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 808—An act to add Section 2.5 to the California Airport District Act, relating to the formation of districts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

Assembly Bill No. 944—An act to amend Section 3051 of the Civil Code, relating to liens.

Referred to Committee on Judiciary.

Assembly Bill No. 945—An act to add Section 3066 to the Civil Code, relating to liens for services and storage.

Referred to Committee on Judiciary.

Assembly Bill No. 950—An act to amend Section 1027 of the Probate Code, relating to the distribution of estates and notice to the State Controller.

Referred to Committee on Judiciary.

Assembly Bill No. 951—An act to add Section 1274bb to the Code of Civil Procedure, relating to the escheat of property paid or deposited in Federal courts.

Referred to Committee on Judiciary.

Assembly Bill No. 968—An act to amend Sections 5961 and 5963 of the EducationCode, relating to the accumulation and expenditure of special accumulative building funds by school districts.

Referred to Committee on Education.

Assembly Bill No. 1050—An act to amend Section 493 of the Fish and Game Code, relating to night fishing.

Referred to Committee on Fish and Game.

Assembly Bill No. 1057—An act to amend Section 1174 of the Code of Civil Procedure, relating to judgments in proceedings for forcible entry, forcible or unlawful detainer.

Referred to Committee on Judiciary.

Assembly Bill No. 1100—An act to amend Section 1032 of the Political Code, relating to inspection of public records.

Referred to Committee on Judiciary.

Assembly Bill No. 1146—An act to add Section 20954 to the Government Code, relating to the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1430—An act to amend Section 31.5 of the Fish and Game Code, relating to powers of the commission.

Referred to Committee on Fish and Game.

Assembly Bill No. 1454—An act to amend Sections 799, 799.1, 800, 801, and 802.7 and to repeal Sections 798.6, and 798.7, 802, and 802.5 of the Fish and Game Code, relating to abalones.

Referred to Committee on Fish and Game.

Assembly Bill No. 1557—An act to amend Section 618 of the Fish and Game Code, relating to trout.

Referred to Committee on Fish and Game.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on April 20, 1945, adopted:

Assembly Concurrent Resolution No. 51

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 51—Approving certain amendments to the charter of the City of San Buenaventura, a municipal corporation in the County of Ventura, State of California, voted for and ratified by the qualified electors of said city, at a general municipal election held therein on the tenth day of April, 1945.

Request for Unanimous Consent

Senator McBride asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 51, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 51

Assembly Concurrent Resolution No. 51—Approving certain amendments to the charter of the City of San Buenaventura, a municipal corporation in the County of Ventura, State of California, voted for and ratified by the qualified electors of said city, at a general municipal election held therein on the tenth day of April, 1945.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, McBride, Mixter, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 677

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 134
Senate Bill No. 504
Senate Bill No. 518
Senate Bill No. 558
Senate Bill No. 999
Senate Bill No. 1191

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1236

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 45

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 21, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 16—Relative to memorializing the Congress of the United States in relation to prices for fresh fruits;

And reports the same has been correctly enrolled, and presented to the Secretary of State on the twenty-first day of April, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 21, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1147—An act to add Parts 2, 3 and 4 to Division 4, Title 2 of, and to add Section 500032 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein;

Senate Bill No. 1148—An act to add Article 2 to Chapter 2, Part 2, Division 4, Title 2 of, and to add Section 500033 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein;

Senate Bill No. 1149—An act to add Article 3 to Chapter 2, Part 2, Division 4, Title 2 of, and to add Section 500034 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal certain acts and parts of acts specified herein;

Senate Bill No. 1150—An act to add Division 5 to Title 2 of, and to add Section 500035 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of April, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 21, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1142—An act to add Chapter 4 to Part 3, Division 3, Title 2 of, and to add Section 500026 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein;

Senate Bill No. 1143—An act to add Chapter 6 to Part 3, Division 3, Title 2, of, and to add Section 500027 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein;

Senate Bill No. 1144—An act to add Sections 13643, 13644, 13645 and 500028 to the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein;

Senate Bill No. 1145—An act to add Parts 5, 6, 7, and 8, to Division 3, Title 2 of, and to add Section 500030 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein;

Senate Bill No. 1146—An act to add Part 9 to Division 3, Title 2 of, to add Division 4 to said Title 2, and to add Section 500031 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of April, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 21, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1138—An act to add Chapter 7 to Part 1, Division 2, Title 2, to add Part 2 of said Division 2, to add Division 3 to said Title 2, of, and to add Sections 500016 to 500023, inclusive to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein;

Senate Bill No. 1139—An act to add Parts 3 and 4 to Division 3, Title 2 of, and to add Section 500029 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein;

Senate Bill No. 1140—An act to add Sections 13074 and 500024 to the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein;

Senate Bill No. 1141—An act to add Article 5 to Chapter 2, Part 3, Division 3, Title 2 of, and to add Section 500025 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of April, 1945, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 23, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 549

And reports the same correctly engrossed.

SEAWELL, Chairman

MOTION TO APPROVE SENATE JOURNALS

Senator Seawell moved that the Senate Journals of Monday, April 16, 1945; Tuesday, April 17, 1945; Wednesday, April 18, 1945; Thursday, April 19, 1945, and Friday, April 20, 1945, be approved as corrected by the Journal Clerk and Minute Clerk.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following Resolution was offered:

Senate Concurrent Resolution No. 46: By Senators Rich and Seawell—Relative to making additional funds available to the Legislative Budget Committee, established by Senate Concurrent Resolution No. 3 (Resolutions, Chapter 20, 1945).

Referred to Committee on Rules.

MOTION TO REFER TO SECOND READING FILE

At 2.53 Senator Seawell moved that the Senate at this time refer to the second reading file for the purpose of giving second reading to the bills thereon.

Motion carried.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 166—An act to amend Section 737nn of the Political Code, relating to the salary of judges of the Superior Court in and for the County or San Luis Obispo.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 283—An act to amend Section 4006 of the Public Resources Code, relating to agreements of the State Forester with counties, municipalities or districts for fire protection.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 284—An act to amend Section 1 of an act entitled "An act to enable municipalities to contract with the county to exercise fire protection functions in municipalities and to reimburse the county for such services," approved May 18, 1929, by extending the provisions

thereof to a fire district, fire protection district and the State of California.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 533—An act to amend Section 737s of the Political Code, relating to salaries of judges of the Superior Court in and for the County of Los Angeles.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 520—An act to amend Section 1 of an act entitled "An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts," approved July 1, 1937, as amended, relating to capital outlays by cities, counties, cities and counties, or districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1270—An act to amend Section 737o of the Political Code, relating to the salaries of superior court judges in Kern County.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 587—An act to amend Section 23 of the "District Investigation Act of 1933," relating to special tax and assessment districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 314—An act to amend Section 4254 of the Political Code, relating to the compensation for public services in counties of the twenty-fifth class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1 of the printed bill, lines 6 and 7, strike out "three thousand six hundred dollars ($3,600)", and insert "four thousand two hundred dollars ($4,200".

Amendment No. 2

On page 1, line 17, of said bill, strike out "six thousand dollars ($6,000)", and insert "four thousand eight hundred dollars ($4,800)".

Amendment No. 3

On page 1 of said bill, lines 23 and 24 strike out "two thousand seven hundred dollars ($2,700)", and insert "three thousand three hundred dollars ($3,300)".

Amendment No. 4

On page 2, line 3, of said bill, strike out "and", and insert "shall be five dollars ($5), in lawful money of the United States for each day's attendance, and mileage to be computed at the rate of fifteen cents ($0.15) per mile for each mile necessarily traveled in attending court, in going only, and of".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 521—An act to amend Section 4041.18 of the Political Code, relating to jurisdiction and powers of boards of supervisors.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections".

Amendment No. 2

In line 1 of the title of the printed bill, after "4041.18", insert "and 4041.29".

Amendment No. 3

On page 1, line 1, of said bill, strike out "4041.8", and insert "4041.18".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 4

On page 3 of said bill, following line 8, insert

"SEC. 2. Section 4041.29 of the Political Code is hereby amended to read:

4041.29. Boards of supervisors in the respective counties shall have the jurisdiction and power to acquire, construct, reconstruct, alter, enlarge, maintain and operate such [garbage] dump sites, *for garbage or rubbish, combustible or incombustible or both, incinerators and other disposal plants for the disposal of combustible or noncombustible rubbish or both* as in their judgment shall be necessary and proper, and to permit the use, by lease or otherwise, of any such [garbage] dump site, *incinerator or other disposal plant* by incorporated towns or municipalities, or other governmental agencies; to acquire by gift, devise, condemnation proceedings, or otherwise, such real and personal property and rights of way, and to pay for and hold the same as in their judgment shall be necessary and proper to the exercise of their power herein set forth; to make and enforce all necessary and proper regulations for the use of such [garbage dump sites] *facilities* not in conflict with the Constitution and the laws of the State; *to collect compensation from private or public parties for the right to dump or for the use of such dump site, incinerator, or other disposal plant, or for the disposal of garbage or rubbish brought to such dump site, incinerator or other disposal plant;* to restrict the use of such [garbage dump cites] *facilities* to the inhabitants of the unincorporated areas of the county and to extend their use to incorporated town and municipalities within the county, at the discretion of the board of supervisors and under such terms as shall be determined by the board.

This section shall not limit the right of any city, city and county, or county to buy, lease, or otherwise acquire and to operate a [garbage] dump site, *for garbage or rubbish, combustible or incombustible or both, incinerator or other disposal plant* in another county."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 633—An act to add Section 82.5 to the State Civil Service Act, and to add Section 18954 to the Government Code, relating to promotional examinations for members of the California Highway Patrol.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 331—An act to amend an act entitled "An act providing for preparation of postwar county highway construction projects, and making an appropriation therefor, approved May 18, 1943," by adding a new section, numbered 9, thereto, relating to availability of the appropriation thereby made to the counties of this State for road and highway purposes.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, lines 4 and 5, of the printed bill, as amended, strike out "ninth and the one hundredth", and insert "seventh and ninety-eighth".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1251—An act to amend Sections 20012, 20020, 20021, 20125, 20127, 20231, 20303, 20334, 20360, 20361, 20458, 20461, 20522, 20532, 20563, 20654, 20836, 21001, 21026, 21027, 21028, 21367, and 21453 of, and to add Sections 20009.1, 20463, 20806.1, and 20894.1 to, the Government Code, relating to the State Employees' Retirement System.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 5, line 52, of said bill, after the period, insert *"Any member employed in State service pursuant to the provisions of this section shall be retired for service upon application by the member or the head of the office or department in which such member is employed."*

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1008—An act to add Sections 141, 142, and 143 to the Elections Code, relating to registration of electors.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "1946", and insert "1948".

Amendment No. 2

On page 1, line 9, of said bill, strike out "1946", and insert "1948".

Amendment No. 3

On page 1, line 20, of said bill, strike out "1946", and insert "1948".

Amendment No. 4

On page 1, line 21, of said bill, strike out "1946", and insert "1948".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 455—An act to amend Sections 2541, 2574, 2576, 2702, 2703, 2705, 2753, 2791, 3920, 3921, 3924, 3926, 3930, 3946, 7966, and 8720 of the Elections Code, relating to nominations and party conventions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Election:

Amendment No. 1

On page 7 of the printed bill, strike out lines 46 to 51, inclusive.

Amendment No. 2

On page 8 of the printed bill, between lines 26 and 27, insert

"Member of County Central Committee_____
_____District
_____to be elected
_____ _____ _____
_____ _____ _____",

Amendment No. 3

On page 14 of the printed bill, at the head of the third column of ballot No. 1, below the cross line and above the caption

"Secretary of State Vote for One"

insert the heading "State" separated from the above-quoted caption by a line.

Amendments read, and adopted.

FURTHER AMENDMENTS TO SENATE BILL NO. 455

Motion to Amend

Senator Mayo moved the adoption of the following amendments:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "act ", insert "to add Sections 31.5 and 34.5 to, and".

Amendment No. 2

In the title of said bill, strike out line 2 and insert "2747, 2753, 2791, 2792, 2793, 2794, 2796, 2797, 2894, 3920, 3921, 3924, 3925, 3926, 3930, 3946, 7966,".

Amendment No. 3

In line 3 of the title of said bill, after "8720", insert ", 8721 and 8722, and to repeal Section 2838".

Amendment No. 4

On page 1 of said bill, strike out line 1 and insert

"SECTION 1. Section 31.5 is added to the Elections Code, to read:

31.5. "Legislative office" means the office filled by a legislative officer.

SEC. 1.5. Section 34.5 is added to said code, to read:

34.5. "Legislative officer" means a member of the State Senate and member of the Assembly.

SEC. 1.6. Section 2541 of said code is amended"

Amendment No. 5

On page 1, line 6, of said bill, after "zation, and", insert "legislative,".

Amendment No. 6

On page 2 of said bill, strike out lines 18 to 22, inclusive.

Amendment No. 7

On page 2, between lines 41 and 42, insert

"LEGISLATIVE OFFICES

_____ _____ _____
_____ _____ _____
_____ _____ _____",

Amendment No. 8

On page 4 of said bill, strike out lines 1 to 6, inclusive.

Amendment No. 9

On page 4, between lines 25 and 26, of said bill, insert

"LEGISLATIVE OFFICES

---"

Amendment No. 10

On page 6, of said bill, strike out lines 8 to 14, inclusive.

Amendment No. 11

On page 6, between lines 34 and 35, of said bill, insert:

"LEGISLATIVE OFFICES

---District

---District"

Amendment No. 12

On page 7 of said bill, strike out lines 8 to 10, inclusive, and insert "the offices, and also the names of candidates for the".

Amendment No. 13

On page 8 of said bill, strike out lines 14 to 17, inclusive.

Amendment No. 14

On page 8, after line 48, of said bill, insert

"LEGISLATIVE OFFICES

---District."

Amendment No. 15

On page 9 of said bill, between lines 44 and 45, insert

"SEC. 6.5. Section 2747 of said code is amended to read:

2747. It is the duty of the officers charged with the canvass of the returns of any primary election in any county, or municipality to issue:

(a) Certificates of election to each member elected to a county central committee.

(b) Certificates of nomination to candidates for nonpartisan offices *other than legislative officers*, voted for wholly within one county, who are entitled to nomination under this article."

Amendment No. 16

On page 10 of said bill, strike out lines 42 to 47, inclusive.

Amendment No. 17

On page 11 of said bill, between lines 11 and 12, insert

"LEGISLATIVE OFFICES

---District."

Amendment No. 18

On page 12 of said bill, strike out line 12, and insert

"SEC. 8.1. Section 2792 of said code is amended to read:

2792. The State convention of each political party shall meet at Sacramento at 10 o'clock of the morning of the third Thursday in September next following the date upon which the primary election preliminary to the general election is held and shall be composed of the following delegates:

(a) Each officer named in this article who was nominated and elected as a candidate of the party and whose term of office extends beyond the eighth day of January next following the primary election, or the appointee or successor to fill a vacancy in the office of any such officer. These delegates are "hold-over delegates."

(b) Each candidate of the party in whose behalf nomination papers were filed and who was nominated at the primary election by that party. These delegates are "nominee delegates."

(c) *One delegate affiliated with that political party, appointed from each Senatorial district and from each Assembly district. In Senatorial districts and Assembly districts which lie wholly within one county, these delegates shall be appointed by the newly elected county central committees of such counties. In Senatorial districts and Assembly districts which lie in two or more counties these delegates shall be appointed by a majority vote of the chairman of the county central committees in the counties in which any portion of such Senatorial or Assembly districts lie. If a majority vote in any case can not be obtained then the delegate from that Senatorial*

or Assembly district shall be chosen and appointed in the manner hereinafter provided in this article for filling vacancies in the State convention.

(d) One delegate appointed for each of the officers herein named, not represented by a "hold-over delegate" nor by a "nominee delegate," of such party. These delegates shall be chosen and appointed in the manner provided in this article for filling vacancies in the State convention. These delegates are "appointive delegates."

SEC. 8.2. Section 2793 of said code is amended to read:

2793. Membership in the State convention shall not be granted to any party nominee for a congressional office [,] *or* State office [, or office of Senator or Assemblyman] who has become such by reason of his name having been written on a ballot, and who has not had his name printed on the primary ballot by having had a nomination paper filed in his behalf. Membership in the convention shall not be granted to the nominee of any party if he has not stated his affiliation with that party in his affidavit of registration used at the primary election.

SEC. 8.3. Section 2794 of said code is amended to read:

2794. Each candidate who has received the nomination of more than one party for a congressional [,] *or* State [, or legislative] office shall procure from the clerk of the county in which he resides, a certificate stating the party with which he was affiliated 35 days before the date of the primary election, as shown by his affidavit of registration. This certificate is his credential to membership in the convention of his party.

SEC. 8.4. Section 2796 of said code is amended to read:

2796. A vacancy exists in the membership of a State convention:

(a) When there is no "hold-over delegate" nor "nominee delegate" of the party.

(b) When any nominee is disqualified for membership under the provisions of Section 2793, or is disqualified for any other reason stated in this article.

(c) When no nomination for an elective office has been made.

(d) *Where an appointment is not made under subdivision (c) of Section 2792,*

(e) When a delegate dies prior to the convention.

SEC. 8.5. Section 2797 of said code is amended to read:

2797. Delegates shall be appointed to fill vacancies in the membership of party State conventions as follows:

(a) If the vacancy occurs in a Senatorial or Assembly district situated wholly within the limits of a single county, by appointment by the county central committee of the party in the county.

(b) If the vacancy occurs in a Senatorial or Assembly district comprising two or more counties, by appointment by the county central committee of the party in the county wherein the disqualified or deceased delegate resided, if the vacancy is caused by disqualification or death, or wherein the ["hold-over delegate" or "nominee] delegate ["] of the opposing party resides, if the vacancy is due to any other cause.

(c) If the vacancy occurs as to a delegate for a United States Senator from California or as to a delegate for any of the State officers named in this article, by appointment by the State central committee of the party.

(d) If the vacancy occurs as to a delegate for any representative in Congress from California, by appointment by the State central committee of the party of a voter who resides within the Congressional district to be represented.

SEC. 8.6. Section 2838 of said code is repealed.

SEC. 14. Section 2894 of said code is amended to read:

2894. Vacancies permitted to be filled may, in [the case of legislative offices, be filled by the newly elected county central committee or committees of the party in which the vacancy occurs, in the county or counties comprising the legislative district of the deceased or disqualified candidate. In] the case of [all other] *partisan* district or State offices requiring party nomination, [the vacancies may] be filled by the newly selected State central committee of such party."

Amendment No. 19

On page 13 of said bill, between lines 10 and 11, insert:

"SEC. 11.5. Section 3925 of said code is amended to read:

3925. In the case of a primary election for the nomination of candidates to be voted for at a presidential or general election, the order of precedence shall be as follows: In the column to the left, under the heading State, shall be printed the groups of names of candidates for State offices, except *legislative*, judicial, and school offices [, and for members of the State Board of Equalization.] In the second column, under the heading Congressional shall be printed the groups of names for United States Senator in Congress, if any, and for Representative in Congress. [Next, under the heading legislative shall be printed the groups of names for State Senator, if any, and for member of Assembly.] Finally under the heading county committee shall be printed the names of the candidates for election to membership in the county central committee of the party."

Amendment No. 20

On page 13, line 16, of said bill, after "nonpartisan" insert "and legislative".

Amendment No. 21

On page 14 of said bill, in the second column of the ballot, strike out the heading "Legislative" and everything in said column to the heading "County Committee", and insert the same material on page 14, in the third column above the heading "Member of State Board of Equalization", and insert the same material on page 15 in the first column above the heading "Member of State Board of Equalization".

Amendment No. 22

On page 16 of said bill, after line 14, insert

"SEC. 17. Section 8721 of said code is amended to read:

8721. In case of a tie vote for [member of the State Board of Equalization, State Senator, Assemblyman,] Representative in Congress or member of a county central committee, where the office is to be voted for wholly within one county, the election board shall forthwith summon the candidates who have received tie votes to appear before it, at a time and place to be designated by the board, and the board shall at that time and place determine the tie by lot.

SEC. 18. Section 8722 of said code is amended to read:

8722. In the case of a tie vote for an office [either than a judicial or school office] to be voted on in more than one county, the Secretary of State shall forthwith summon the candidates who have received tie votes to appear before him at his office at the State Capitol at a time to be designated by him. The Secretary of State shall at that time and place determine the tie by lot."

Amendments read.

Previous Question

Senator Gordon moved the previous question.

Motion carried.

The question being on the adoption of the amendments offered by Senator Mayo to Senate Bill No. 455.

The roll was called, and the amendments adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Parkman, Powers, Seawell, Slater, Swing, Tenney, and Weybret—28.

NOES—Senators Carter, Crittenden, DeLap, Fletcher, McBride, Mixter, Quinn, Salsman, Shelley, Sutton, and Ward—11.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 698—An act to add a new section to the Labor Code, to be numbered 5315.1, relating to the Industrial Accident Commission.

Bill read second time.

Motion to Amend

Senator Carter moved the adoption of the following amendments:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "add a new section to the Labor Code, to be numbered 5315.1", and insert "amend Section 115 of the Labor Code".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 12, inclusive, and insert

"SECTION 1. Section 115 of the Labor Code is amended to read:

115. A majority of the commission shall constitute a quorum for the transaction of business, the performance of duty, or the exercise of power of the commission. A vacancy on the commission shall not impair the right of the remaining members to perform the duties and exercise the power of the commission. The act of the majority of the commission, when in session as a commission, is the act of the commission, but any investigation, inquiry, or hearing, which the commission has power to undertake or to hold, may be undertaken or held by or before any commissioner or any referee appointed by the commission for that purpose, and every finding, order, decision, or award, *except orders granting or denying petitions for rehearing and decisions or awards after rehearing*, made by any commissioner or referee, pursuant to such investi-

gation, inquiry or hearing, *and within the limitations prescribed by the commission*, when [approved and confirmed by the commission and ordered] filed in its office, is the finding, order, decision, or award of the commission.

Orders granting or denying petitions for rehearing and decisions or awards after rehearing shall be made by the commission."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 77—An act to amend Section 4274 of the Political Code, relating to compensation for public service in counties of the forty-fifth class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1236—An act to add Section 862e to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of cities of the sixth class and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2142—An act to amend Section 3 of the Housing Authorities Law, relating to areas of operations of housing authorities, and to housing projects; declaring the urgency thereof, to go into immediate effect.

Bill read second time, and ordered to third reading.

Assembly Bill No. 154—An act to amend Section 42.4 of the County Employees Retirement Act of 1937, relating to county retirement associations, and providing for the inclusion of superior court phonographic reporters therein.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 26, of the printed bill, after "reporters", insert "who are paid salaries or per diems by the county and whose contributions shall be based upon such salaries or per diems".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1693—An act to amend Section 4 of an act entitled "An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties, to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency," approved March 21, 1938,

relating to the creation, powers, duties and dissolution of housing authorities and to the powers and duties of governing bodies of cities, cities and counties, and counties with respect thereto.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 2 of the printed bill, strike out lines 34 to 48, inclusive, and insert "If, after the lapse of two years following adoption of a resolution declaring that there is need for a housing authority to function in a city or county, as the case may be, the governing body of such city or county finds that such housing authority has failed to transact any business or exercise any of its powers, such governing body may adopt a resolution declaring that thereafter such authority shall not transact any business or exercise its powers hereunder, and that the offices of the commissioners of such authority are vacated; provided, that the adoption of a resolution by the governing body of a city or county, as the case may be, declaring that such authority shall not transact any business or exercise its powers hereunder and that the offices of the commissioners are vacated shall not prevent such governing body at any time thereafter from declaring by proper resolution that there is need for an authority to function in such city or county, such determination to be made in the manner provided in this section."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Assembly Bill No. 1141 An act to add Section 47a to the State Employees' Retirement Act and Section 20894.5 to the Government Code, relating to credits for persons in the military service.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "Section 47a to the State Employees' Retirement Act and".

Amendment No. 2

In line 3 of the title of said bill, strike out "credits", and insert "the State Employees' Retirement System, and providing for contributions".

Amendment No. 3

On page 1 of said bill, strike out lines 1 to 23, inclusive; and on page 2 of said bill, strike out lines 1 to 11, inclusive.

Amendment No. 4

On page 2, line 12, of said bill, strike out "SEC. 2," and insert "SECTION 1."

Amendment No. 5

On page 2 of said bill, strike out line 15 and insert "State shall contribute for each State member of this system".

Amendment No. 6

On page 2, line 16, of said bill, strike out "by".

Amendment No. 7

On page 2 of said bill, strike out lines 17 to 24, inclusive, and insert "on military service, and who returns to State service within six months after discharge under conditions other than dishonorable or within six months after any period of rehabilitation afforded by the United States Government other than a period of rehabilitation for purely educational purposes,".

Amendment No. 8

On page 2, of said bill, strike out line 25, and insert "amounts equal to".

Amendment No. 9

On page 2 of said bill, strike out lines 28 to 39, inclusive, and insert "earnable at the commencement of his absence, if he had not been so absent.

Any such member who exercises or did exercise the right to contribute to the system during the period of military service shall have such contributions refunded or credited to his account as additional contributions under Section 20630.

Any such member who withdraws or has withdrawn his accumulated contributions during his military service and who does not or did not redeposit the amount withdrawn upon his return to State service is entitled to be credited with the State contribution provided for in this section, and to receive credit for service during the period he was absent on military service, the same as if he had not withdrawn his accumulated contributions, and his rate for future contributions shall be based upon his age at the commencement of his absence on military service.

The contributions made by the State pursuant to this section shall be available only for the purpose of retirement for service or for disability, and".

Amendment No. 10

On page 2, line 42, of said bill, after "withdraw", insert "under Sections 20652 and 20653".

Amendment No. 11

On page 2, line 43, of said bill, after "him", insert a period.

Amendment No. 12

On page 2 of said bill, between lines 43 and 44, insert:

"This section shall be retroactively applied to extend its benefits to all members of this system whose absence from State service on military service commenced on or after September 16, 1940, and who return or have returned to State service upon the termination of their military service.

This section does not apply to persons absent from State service by reason of service with the Merchant Marine of the United States, or on ships operated by or for the United States Government, anything to the contrary in Section 20890 notwithstanding."

Amendment No. 13

On page 2 of said bill, strike out lines 44 to 50, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Assembly Bill No. 37—An act authorizing suits against the State of California to quiet title to certain lands sold by the State as swamp and overflowed lands, and to natural accretions thereto.

Bill read second time, and ordered to third reading.

Assembly Bill No. 78—An act to amend Sections 152.5 and 152.6 of the State Civil Service Act and Sections 19390 and 19397 of the Government Code, relating to rights of civil service employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 980—An act to amend Section 172 of the State Civil Service Act and Section 19533 of the Government Code, relating to demotions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1016—An act to amend Section 16304 of the Government Code, relating to the reversion of unexpended balances of certain appropriations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1568—An act to add Section 151.1 to the State Civil Service Act and Section 18103 to the Government Code, relating to sick leave.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1913—An act to amend Section 73 of the State Civil Service Act and Section 18021 of the Government Code, relating to overtime compensation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1373—An act to amend Section 9701 of the Elections Code, relating to municipal elections and notice thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 497—An act to amend Section 3828 of the Elections Code, relating to ballots.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 3828", and insert "Sections 3828, 3922 and 3944".

Amendment No. 2

On page 1, line 31, of the printed bill, strike out "the word "place" or the word".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of the printed bill, strike out lines 32 and 33 and insert "mark a cross (+) with pen or pencil.

SEC. 2. Section 3922 of the Elections Code is amended to read:

3922. At least three-eighths of an inch below the district designation shall be printed in 10-point Gothic type, double leaded, the following instructions to voters: "To vote for a person whose name appears on the ballot, stamp a cross (+) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose." If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another. *On absent voter ballots mark a cross (+) with pen or pencil.*" The instructions to voters shall be separated from the list of candidates and the designation of the several officers to be nominated for by one light and one heavy line of rule.

SEC. 3. Section 3944 of the Elections Code is amended to read:

3944. On each ballot a perforated line shall extend across the top of the ballot one inch from the top thereof. The same number as appears on the stub shall be printed above such perforated line within two inches of the perforated line on the left side of the ballot, and above this number shall be printed in parentheses in small type as follows: "(This number to be torn off by inspector)"; and one-half inch to the right of this ballot number there shall be a short perforated line extending from the perforated line along the top of the ballot to the top edge of the ballot. Immediately above this perforated line shall be printed in black-face lower case type, at least 12-point in size, and enclosed in parentheses, the following: "Fold ballot to this perforated line, leaving top margin exposed." Above this printed direction, and midway between it and the top edge of the ballot, shall be printed in black-face capital type, at least 12-point in size, if possible, and with the four middle words underlined or otherwise made prominent, the following: "*Except on absent voter ballots mark* [Mark] crosses (+) on ballot only with rubber stamp; [never] *not* with pen or pencil. *On absent voter ballots mark crosses (+) with pen or pencil.*" "

Amendments read and adopted.

Bill ordered printed, and to third reading.

UNFINISHED BUSINESS

Senate Bill No. 82—An act to amend Section 1 of an act entitled "An act relating to the relief of gold and silver mining operators, per-

mitting postponement of sales under certain chattel mortgages, mortgages, deeds of trust or contracts of purchase on gold and silver mines and gold and silver mining machinery and equipment, or postponement of forfeitures and terminations under gold and silver mining contracts and leases, regulating appointment of receivers in certain cases, extending the time in which the purchase price may be paid and extending the statute of limitations, declaring the urgency thereof, to take effect immediately," approved April 24, 1943, relating to the gold and silver mining moratorium.

CONSIDERATION OF GOVERNOR'S VETO

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 82 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES—None.

NOES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 71—An act to amend Section 1161 of the Civil Code, relating to the recordation of instruments.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 71?

Amendment No. 1

On page 1, line 23, of the printed bill, as amended in the Senate on March 16, 1945, before the period, insert "and such assignment contains a reference to the correct book and page where such original instrument is recorded, except that no such reference is required if the original instrument and the assignment are presented for recordation concurrently".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 71 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Above bill ordered enrolled.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 463—An act to amend Sections 20082 and 20083 of, and to add Sections 20084, 20085, 20086 and 20087 to, the Water Code, relating to supervision of districts.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 463?

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "Section 20083 of and to add to Article 5 of Chapter 1 of Division 10 of the Water Code new", and insert "Sections 20082 and 20083 of, and to add".

Amendment No. 2

In line 3 of the title of said bill, after "20087", and before the third comma, insert "to, the Water Code".

Amendment No. 3

On page 1, line 1, of said bill, strike out "20083", and insert "20082".

Amendment No. 4

On page 1 of said bill, between lines 2 and 3, insert

"20082. No expenditures from the proceeds of certified bonds shall be made *by the treasurer, or any other person in custody of the proceeds, of a district* for any purpose not specified in the approved schedule or for any approved purpose in excess of the amount allowed therefor in the approved schedule without the consent of the commission *or the State Engineer on behalf of the commission. A certified copy of such approved schedule shall be filed with the treasurer, or person in custody of the proceeds, of the district before any expenditures from the proceeds of certified bonds may be made.*

SEC. 1.5. Section 20083 of said code is amended to read:".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 463 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Knchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Above bill ordered enrolled.

RECESS

At 2.15 p.m., on motion of Senator Collier, the Senate recessed for the purpose of meeting jointly with the Assembly to be addressed by The Honorable Earl Warren, Governor of California; The Honorable Earl W. Snell, Governor of Oregon, and The Honorable Ernest Gruening, Governor of the Territory of Alaska.

PROCEEDINGS IN JOINT MEETING

The Honorable Earl Warren and Mrs. Warren were escorted to the rostrum of the Assembly by Senators Seawell and Rich, and Assemblymen Watson and Robertson.

The Honorable Earl W. Snell was escorted to the rostrum of the Assembly by Senators Slater and DeLap, and Assemblymen Denny and Burns.

The Honorable Ernest Gruening was escorted to the rostrum by Senators Collier, Powers and Weybret, and Assemblymen Dills and Collins.

The Honorable Robert W. Kenny, Chairman, California Interstate Commission on Cooperation, and the Honorable George Flagg, member of the Oregon Interstate Commission on Cooperation, were escorted to the rostrum by Senators Mixter and McCormack, and Assemblymen Knight and Debs.

The joint meeting was addressed by the Honorable Earl Warren, Governor of the State of California, and by the Honorable Earl W. Snell, Governor of the State of Oregon, and by the Honorable Ernest Gruening, Governor of the Territory of Alaska.

REASSEMBLED

At 3.30 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried.

Time, 3.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF DAILY FILE (RESUMED)

CONSIDERATION OF ASSEMBLY AMENDMENTS (RESUMED)

Senate Bill No. 167—An act relating to relief from certain obligations and extensions of time for certain acts and proceedings including provisions to extend the period of the operative effect of Chapter 207 of the Statutes of 1943 relating to gold and silver mining by amending Sections 1, 7, 8, 10, 12, 13, 17, 21 and 27 of said Chapter 207 and to repeal certain acts, relating to chattel mortgage, mortgage and trust deed moratoria.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 167?

Amendment No. 1

In line 1 of the title of the printed bill, after "act", insert "relating to relief from certain obligations and extensions of time for certain acts and proceedings including provisions to extend the period of the operative effect of Chapter 207 of the Statutes of 1943 relating to gold and silver mining by amending Sections 1, 7, 8, 10, 12, 13, 17, 21 and 27 of said Chapter 207 and to".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 1 of Chapter 207 of the Statutes of 1943 is amended to read:

Section 1. Due to the necessity of conserving labor and strategic materials in connection with the war effort, the United States War Production Board has issued an order directing the cessation of operations of gold mines throughout the United States. The issuance of this order has caused widespread distress among the gold miners of California, and the Legislature finds that as a war measure it is necessary to provide for the relief of said distress in the following manner until causes of said distress have been removed by cessation of the war.

This act, shall, therefore, be effective until six months after the termination of hostilities between the United States and all nations with which the United States is at war as determined by an act of Congress or proclamation of the President of the United States, or until October 1, [1945] *1947*, whichever first occurs.

SEC. 2. Section 7 of said chapter is amended to read:

SEC. 7. Upon application of the petitioner, after service of such petition, or upon application of any other interested party after the filing of the petition, a hearing shall be had thereon within 20 days after such application, upon such notice as the court shall reasonably prescribe; provided, however, that the court if it finds equitable grounds therefor, may postpone such hearing for not to exceed 10 days.

After the filing of such petition and the recording and mailing of the notice of the pendency thereof as provided in Sections 5 and 6 of this act, no sale under the power of sale conferred by such deed of trust or such mortgage or other instrument shall be held nor shall any forfeiture be effected under any of the instruments set forth in Section 2 hereof until the court makes its order in the matter, but nothing herein

contained shall prevent such sale or forfeiture at any time after October 1 [1945] *1947*, or six months after termination of the war, whichever shall first occur.

SEC. 3. Section 8 of said chapter is amended to read:

SEC. 8. Upon such hearing the court may make its order, if it finds equitable grounds for relief, and finds that the security will not be unreasonably jeopardized thereby, ordering that such sale shall not be held or forfeiture declared until after such date as the court considers just and equitable, but in no event shall such date be beyond October 1, [1945] *1947*, or six months after termination of the war, whichever first occurs, or may make its order dismissing such proceedings.

If the court orders the sale or forfeiture postponed it shall determine the reasonable value of the income from such property, or if the property has no income, then the reasonable rental value of such property, or if the property is unimproved, a reasonable sum to be paid by the trustor or mortgagor, or holder under other instrument set forth in Section 2 hereof, as determined by the court, and by such order shall require the trustor or mortgagor to pay all or at least a reasonable part of such income, rental value, or sum so determined by the court, in or toward the payment of taxes, insurance, interest, or principal of the indebtedness at such times and in such manner as are determined to be just and equitable under the circumstances.

SEC. 4. Section 10 of said chapter is amended to read:

SEC. 10. When any mortgage or deed of trust upon property, or upon machinery and equipment attached to or used in operating gold or silver mining property or other instrument, has been foreclosed, and the property covered thereby has been sold in whole or in part under decree of foreclosure, and the period of redemption has not yet expired, the mortgagor or trustor thereof, or holder under other instrument set forth in Section 2 hereof, having the right of redemption, may at any time not later than October 1 [1945] *1947*, or six months after termination of the war, whichever first occurs, file a petition in the superior court of the county in which the property so sold or the major portion thereof is situated, praying for an order extending such period of redemption.

SEC. 5. Section 12 of said chapter is amended to read:

SEC. 12. Upon application of the petitioner after service such petition, or upon application of any other interested party, after the filing of the petition, a hearing shall be had thereon within 20 days after such application, upon such notice as the court shall reasonably prescribe; provided, however, that the court, if it finds equitable grounds therefor, may postpone such hearing for not to exceed 10 days.

Upon the filing of such petition and the recording and mailing of the notice of pendency thereof as provided in Sections 10 and 11 of said act, the period of redemption, if such period would sooner terminate, shall be extended until 10 days after the court makes its order in the matter, but in no event beyond October 1 [1945] *1947* or six months after termination of the war, whichever first occurs.

SEC. 6. Section 13 of said chapter is amended to read:

SEC. 13. Upon such hearing the court may make its order, if it finds equitable grounds for relief and finds that the security will not be unreasonably jeopardized thereby, extending such period of redemption for such additional time as the court considers just and equitable, but in no event beyond October 1, [1945] *1947*, or six months after termination of the war, whichever first occurs, or may make its order dismissing such proceeding.

If the court by its order extends the period of redemption, it shall determine the reasonable value of the income from such property, or if the property has no income, then the reasonable rental value of such property, or if the property is unimproved, a reasonable sum to be paid by the operator as determined by the court.

The court shall require the operator to pay all or at least a reasonable part of such income, rental value, or sum so determined by the court, in or toward the payment of taxes upon such property, the cost of insurance and the sums to which the purchaser of such property at such foreclosure sale, or the last redemptioner, as the case may be, is entitled under the provisions of Section 707 of the Code of Civil Procedure, at such times and in such manner determined to be just and equitable under the circumstances.

SEC. 7. Section 17 of said chapter is amended to read:

Sec. 17. In any decree rendered prior to October 1, [1945] *1947*, foreclosing a mortgage or deed of trust upon real property, the court may provide that the sale of the property shall not be held until on or after such date as the court considers just and equitable, but in no event later than October 1, [1945] *1947*. If the court provides in such decree that the sale shall not be held until on or after such date as it shall fix, it shall determine the reasonable value of the income from such property, or if the property has no income, then the reasonable rental value of such property, or if the property is unimproved, a reasonable sum to be paid by the trustor or mortgagor or holder under other instrument set forth in Section 2 hereof, as determined by the court, and shall require the trustor or mortgagor or holder under other instrument set forth in Section 2 hereof to pay all or at least a reasonable part of such income, rental value, or sum so determined by the court, in or toward the payment of taxes, insurance, interest, or principal of the indebtedness at such times and in such manner determined to be just and equitable under the circumstances. The court may include in such order provisions requiring main-

tenance and repair regulating the disposition of any incomes from the property, and such other provisions as it deems just and equitable for the protection of the security.

After such hearing the court, if it shall determine that it is equitable and just so to do and that the security will not be unreasonably jeopardized thereby, may make its order postponing to a date not later than October 1, [1945] *1947*, or six months after termination of the war, whichever shall first occur, the foreclosure, termination or forfeiture of the petitioners' interest under such contract of purchase on substantially the same terms and conditions as those prescribed in Sections 5, 6, 7, 8 and 9 of this act, or the court may make its order dismissing such proceeding.

SEC. 8. Section 21 of said chapter is amended to read:

Sec. 21. Whenever the time within which an action may be commenced upon any obligation founded upon a written instrument secured by chattel mortgage, mortgage, deed of trust or contract of purchase, or founded upon any guarantee of such obligation or any contract of suretyship therefor or any endorsement of such instrument, would expire by virtue of Section 337 of the Code of Civil Procedure, or any other provision of law, during the period commencing with the effective date of this act and ending on the date upon which this act shall cease to be in effect, with respect to any property or chattel relating to which a petition has been filed under this act, such time is hereby extended so as not to expire until December 31, [1945] *1947*, or nine months after cessation of the war, whichever shall first occur.

SEC. 9. Section 27 of said chapter is amended to read:

Sec. 27. Until October 1, [1945] *1947*, or six months after termination of the war, whichever shall first occur, no receiver shall be appointed at the instance of the mortgagee of any mortgage or the trustee or beneficiary of any deed of trust, with respect to real property or chattels attached to real property subject to mortgage or deed of trust, except in a suit or action for the foreclosure of such mortgage or deed of trust or for the enforcement of the covenants, or any thereof, contained in such mortgage or deed of trust, or in a proceeding ancillary to any such suit or action, or until after recording notice of default.

SEC. 10. The following acts are repealed:".

Amendment No. 3

On page 1 of said bill, between lines 6 and 7, insert

"1935 ------ 348 ------ 1208".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 167 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Denel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Knehel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Above bill ordered enrolled.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 639—An act to amend Sections 721, 722, 724, and to repeal Section 724.3 of the Fish and Game Code, and to add Section 724.7 to the Fish and Game Code, relating to catfish, declaring the urgency of this act, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 639?

Amendment No. 1

In line 3 of the title of the printed bill, as amended, after "catfish", insert ", declaring the urgency of this act, to take effect immediately".

Amendment No. 2

On page 1 of said bill, after line 24, insert

"SEC. 6. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of Section 1 of Article IV of the Constitution and shall therefore take effect immediately. The following constitutes a statement of the facts constituting such necessity:

The influx of a large number of war workers into this State, especially those from the Southern States, together with a shortage of other food stuff, has increased the demand for catfish. This act provides for and regulates the sale and importation of

catfish and consequently will increase the availability of a desirable food fish and thereby augment the food supply of the people of the State."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 639 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jerpersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—37.
NOES—None.

Above bill ordered enrolled.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 72—An act to add Section 541.1 to the Probate Code and to amend Section 51 of the Bank Act, relating to the deposit of money or securities of decedents.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 72?

Amendment No. 1

On page 1, lines 26 and 27, of the printed bill, as amended, strike out "or securities".

Amendment No. 2

On page 2, line 3, of said bill, strike out "or securities".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 72 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Above bill ordered enrolled.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 237—An act to add Section 301 to the Military and Veterans Code, relating to the granting of honorable discharges to members of the military forces of the State.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 237?

Amendment No. 1

In lines 2 and 3 of the title of the printed bill, as amended, strike out "and service medals".

Amendment No. 2

On page 1, line 9, of said bill, after "from the", insert "State Guard or".

Amendment No. 3

On page 1, line 3, of the printed bill, after "the", insert "State Guard or".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 237 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Above bill ordered enrolled.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 547—An act amending Sections 3017, 3018, 3019, 3020, 3021, 3022 and 3024 of the Civil Code, relating to the giving of notice of assignment of accounts receivable.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 547?

Amendment No. 1

On page 1 of the printed bill, commencing in line 23, strike out ", or if the assignor has no place of business nor of residence within the State, then the county recorder of Sacramento County".

Amendment No. 2

On page 3, line 7, of the printed bill, following "filing", insert a comma.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 547 by the following vote:

AYES—Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.
NOES—None.

Above bill ordered enrolled.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3.53 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

UNANIMOUS CONSENT REQUESTED

Senator Hatfield asked for, and was granted, unanimous consent to have the following opinion from the Legislative Counsel, on the constitutionality of Senate Bill No. 407, relative to conscientious objectors, printed in the Journal.

Constitutionality of Senate Bill No. 407 as Amended in Assembly April 11, 1945

OFFICE OF LEGISLATIVE COUNSEL

This bill makes certain conscientious objectors ineligible to any State or local office or employment.

The conscientious objectors affected are those who claimed or hereafter claim exemption from military service during World War II.

The bill applies only to those who object to all service in the armed forces of the United States, including noncombatant service.

The bill excepts those who, having claimed such exemption, nevertheless have performed military service, either combatant or noncombatant, in the armed forces of the United States.

In order to understand the operation of the bill, the provisions of the Federal Selective Training and Service Act of 1940, Title 50, United States Code, must be considered.

Subdivision (g) of Section 309, Title 50, United States Code, provides "Nothing contained in this act shall be construed to require any person to be subject to combatant training and service in the land or naval forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form."

The subdivision then goes on to provide a procedure whereby the local board makes the initial determination, from which the claimant may appeal to an appeal board, which refers the matter to the Department of Justice. The Department of Justice investigates and holds a hearing after notice to the claimant.

After the hearing, if the claim is sustained, the Department of Justice recommends to the appeal board (1) if the objector is inducted he be assigned to noncombatant service as defined by the President, or (2) if the objector is found to be opposed to participation in such noncombatant service, he shall, in lieu of induction, be assigned to "work of national importance under civilian direction."

The appeal board is not bound to follow the recommendations of the Department of Justice, but is required to consider them and also the records of the local board.

From the foregoing it appears that the bill applies to those conscientious objectors who were found to be opposed to all service in the armed forces and were assigned to work of national importance under civilian direction.

It applies to these objectors regardless of whether they performed this civilian work or refused to do so. Refusal to report or to perform such civilian work is a violation of the Federal act and punishable by indictment in the civilian courts (*United States* v. *Pace*, 46 Fed. Supp. 316; *Weightman* v. *United States*, 142 Fed. (2d) 188).

As to those who do report and do the work assigned there is no Federal offense involved. It is the application of the bill to this class of objector which raises most of the constitutional difficulties, although it may be remarked that of the various types of violators of the Selective Training and Service Act the bill singles out those who violate the act for failure to report or perform the civilian work ordered and does not apply to those who fail to register at all, nor to those who violate the act in other respects.

However, the bill does not disqualify these conscientious objectors because of violation of the Federal law; it disqualifies them for being conscientious objectors.

Section 4 of Article I of the California Constitution provides that:

> "The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State * * *"

The bill on its face discriminates against persons seeking office and appointments solely on the basis of their having claimed exemption as conscientious objectors, which by the terms of the Federal statute comprises those "who, *by reason of religious training and belief*, are conscientiously opposed to participating in war in any form."

It is true that conscientious objectors under the Federal act do not necessarily have to belong to a religious sect which is opposed to war (*United States* v. *Downer*, 155 Fed. (2d) 521) and a person may claim the exemption upon the basis of a personal humanitarian concept.

The protection of Section 4 of Article I of the State Constitution also extends farther than the protection of the doctrines of particular sects, and includes moral objections to participating in dancing exercises, regardless of affiliation with any religious sect (*Hardwick* v. *Board of School Trustees*, 54 Cal. App. 696 (rehearing in Supreme Court denied).

That the right to hold public office is a valuable political right is unquestionable (*Carter* v. *Commission on Qualifications of Judicial Officers*, 14 Cal. (2d) 179, citing *Mechem on Public Officers*, Section 67). The bill deprives a class of persons of this right solely because they have claimed a preference granted them by the United States Congress on the basis of their religious beliefs.

We have considered the cases in which naturalization was refused because of views on war similar to those of conscientious objectors and do not find in them any support for the bill.

In *United States* v. *Macintosh*, 283 U. S. 605, naturalization was refused because of the applicant's refusal to answer unequivocally the question "If necessary, are you willing to take up arms in defense of this country?"

In that case the court points out that the native born citizen is subject to military service regardless of his religious or political convictions and his exemption on religious grounds comes, if at all, from Congress. The court pertinently said:

> "The applicant * * * is unwilling to leave the question of his future military service to the wisdom of Congress, where it belongs, and where every native born and admitted citizen is obliged to leave it."

The basis of refusing naturalization was not so much the existence of the conscientious objections as to the unwillingness to swear to obey the laws of Congress in regard to military service on the same footing that native born citizens are required to do.

In the *Macintosh* case, and in the similar case of *United States* v. *Schwimmer*, 279 U. S. 644, where naturalization was refused on the same ground, it is made clear that the duty of bearing arms is unqualified except as Congress provides. However, Congress has, in all of the important wars, made provision for those who have religious scruples against bearing arms. (See *U. S.* v. *Macintosh*, 283 U. S. at p. 633, where the statutes are collected).

In the case of conscientious objectors in the present war there has been no refusal to bear arms as required by Congress. There has been no lack of submission to the will of Congress in the matter. There has been no failure to perform military duty as required by Congress because Congress itself has not required it.

The conscientious objector has not, like the applicants for naturalization in the *Macintosh* and *Schwimmer* cases, attempted to put himself on a different footing from other citizens in respect to leaving the question of his military service to Congress. He has left it to Congress and has availed himself of a privilege which Congress itself has provided.

Had Congress made no such provision (and it need not have done so), and had the conscientious objectors then refused to serve, the situation would have been comparable to the naturalization cases.

In view of the foregoing it is difficult to see how a court could fail to find that the bill is discriminatory as to persons on the sole basis of a religious conviction or belief and thus in contravention to Section 1 of Article IV of the State Constitution.

The bill is probably unconstitutional on the further ground that it singles out conscientious objectors of World War II and does not apply to those of World War I.

Except that conscientious objectors in World War I were required to be members of an organized religious sect and those of World War II are not so required, the provisions of the Selective Service Act of 1917 and those of the 1940 act are quite similar in language and effect.

The fundamental quality which the bill establishes as a ground for ineligibility is a state of mind—the condition of being opposed to war. If a person who is or has been of that state of mind is unfit for public office all persons are unfit who are or have ever been of that state of mind. The bill purports to go back to 1940. Is there any basis for not going back to 1917? We doubt if there can be found any basis for distinguishing between the conscientious objectors in the two wars.

This difficulty could readily be overcome by broadening the application of the bill to include both wars.

We do not perceive, however, how the bill could be changed to overcome the principal objection.

The bill discriminates against a class of persons not because of their acts but because of their beliefs. Admittedly, in the case of those who complied with the Federal law, no illegal act has been committed. The Federal law provides for the testing of the honesty of the religious convictions in question. Presumably, then, all persons found to be conscientiously opposed to all participation in war are, in fact, so opposed.

Under the Constitution of the State, any person is entitled to hold such religious convictions. Under the act of Congress he is entitled to serve his country in a civilian capacity if he so elects.

FRED B. WOOD, Legislative Counsel
By JOSEPH W. PAULUCCI, Chief Deputy

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Quinn:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 23, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act authorizing the State Lands Commission to grant, convey and sell by deed, or any other proper legal conveyance, all the right, title and interest of the State of California in and to a portion of the abandoned channel of Centerville Slough in the County of Humboldt.

Respectfully submitted.

SENATOR QUINN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 23, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Governmental Efficiency.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1276: By Senator Quinn—An act authorizing the State Lands Commission to grant, convey and sell by deed, or any other

proper legal conveyance, all the right, title and interest of the State of California in and to a portion of the abandoned channel of Centerville Slough in the County of Humboldt.

Referred to Committee on Governmental Efficiency.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 47: By Senators Mayo, Deuel, Slater, Weybret, Kuchel, Judah—Relative to freedom of the world press and radio.

Without reference to committee.

Request for Unanimous Consent

Senator Mayo asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 47, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 47

Senate Concurrent Resolution No. 47—Relative to freedom of the world press and radio.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Ward, and Weybret—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 502	Assembly Bill No. 1223
Assembly Bill No. 1751	Assembly Bill No. 1224
Assembly Bill No. 1487	Assembly Bill No. 1203
Assembly Bill No. 1221	Assembly Bill No. 1374

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 45

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWBRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 420	Assembly Bill No. 1098
Assembly Bill No. 602	Assembly Bill No. 1397
Assembly Bill No. 731	Assembly Bill No. 1646
Assembly Bill No. 798	Assembly Bill No. 1727
Assembly Bill No. 809	Assembly Bill No. 1812
Assembly Bill No. 825	

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 420—An act to amend Section 2140 of the Welfare and Institutions Code, relating to aid to the aged, and prohibiting discrimination against practitioners of particular types of healing arts in the rules for the administration thereof.

Referred to Committee on Social Welfare.

Assembly Bill No. 602—An act to amend Section 1597 of the Education Code and to add Section 1597.1 to said code, relating to the liability of school districts to taxation for bonded indebtedness.

Referred to Committee on Education.

Assembly Bill No. 731—An act to amend Sections 5363 and 5364 of the Education Code and to add Section 5363.1 to said Code, relating to the tuition and transportation of high school pupils attending high school in an adjoining State.

Referred to Committee on Education.

Assembly Bill No. 798—An act to amend Sections 19071 and 19202 of the Education Code, relating to books and apparatus for school libraries.

Referred to Committee on Education.

Assembly Bill No. 809—An act to add Section 18312 to the Education Code, relating to junior college buildings.

Referred to Committee on Education.

Assembly Bill No. 825—An act to amend Section 13841.1 of the Education Code, relating to leaves of absences for persons employed by school districts in positions requiring certification qualifications.

Referred to Committee on Education.

Assembly Bill No. 1098—An act to amend Section 18192 of the Education Code, relating to the plans, supervision, and construction of school buildings and the definition of school building.

Referred to Committee on Education.

Assembly Bill No. 1397—An act to add Section 1503.3 to the Education Code, relating to the contracts between governing boards of elementary school districts for the education of pupils.

Referred to Committee on Education.

Assembly Bill No. 1646—An act to amend Section 8 of an act entitled "An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties, to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing

authorities; and to declare an emergency," approved March 21, 1938, relating to the powers and duties of housing authorities and to the powers and duties of governing bodies of cities, cities and counties, and counties with respect thereto.

Referred to Committee on Local Government.

Assembly Bill No. 1727—An act to amend Sections 6301 to 6306, inclusive, and Section 6334 of the Education Code, relating to school district budgets.

Referred to Committee on Education.

Assembly Bill No. 1812—An act to add Chapter 17, comprising Sections 9000 to 9044, inclusive, to Division 3 of the Business and Professions Code, relating to the government, examination and registration of social workers.

Referred to Committee on Business and Professions.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 305
Assembly Bill No. 799
Assembly Bill No. 824

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 305—An act to add Section 1238.1 to the Code of Civil Procedure, relating to eminent domain.

Referred to Committee on Judiciary.

Assembly Bill No. 799—An act to amend Sections 2160, 2160.7, and 2163 of the Welfare and Institutions Code, relating to aid to the aged, revising the provisions for payments to and in respect to persons in public institutions, and modifying the personal property qualification for such aid.

Referred to Committee on Social Welfare.

Assembly Bill No. 824—An act to amend Section 10203 of the Insurance Code, relating to group life insurance.

Referred to Committee on Financial Institutions.

REPORTS OF STANDING COMMITTEES

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, April 23, 1945

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 1274
Assembly Bill No. 488
Assembly Bill No. 215

Has had the same under consideration, and reports the same back with recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, April 23, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 830

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bill ordered to second reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 38

Senator Burns moved that Senate Bill No. 38 be withdrawn from Committee on Local Government for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 38

Senate Bill No. 38—An act to amend Section 4234 of the Political Code, relating to compensation for public service in counties of the fifth class.

Bill read second time.

Motion to Amend

Senator Burns moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 4234 of", and insert "add Section 4041.24 to".

Amendment No. 2

In the title of the printed bill, strike out lines 2 and 3, and insert "to the jurisdiction and powers of boards of supervisors."

Amendment No. 3

On page 1 of the printed bill, strike out lines 1 to 27, inclusive; and on page 2, strike out lines 1 to 19, inclusive, and insert

"SECTION 1. Section 4041.24 is added to the Political Code, to read:

4041.24. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to lease space in county buildings to private persons, firms or corporations for news, soft drink, tobacco or confectionary stands, or for restaurants or cafeterias for the convenience of county employees, upon the following terms and conditions:

The board of supervisors shall advertise for bids for the award of said lease in a newspaper of general circulation published in the county. Such advertisement shall be published for at least 10 consecutive times in a daily newspaper of general circulation published in the county or for at least two consecutive times in a weekly newspaper published in the county. In case there is no newspaper published in said county, then such notice shall be given by posting in three public places for at least two weeks.

The notice calling for bids shall describe the space proposed to be leased in such manner as to identify it and shall specify the minimum price or rental, and the terms upon which it will be leased and shall fix the time when sealed proposals to lease will be received and considered. The board shall award the lease to the highest responsible bidder and may reserve the right to reject any or all bids or to waive informalities in the bids. No lease shall be entered into for a longer period than five years."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

ADJOURNMENT

At 4.57 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m. Tuesday, April 24, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FIFTY-THIRD LEGISLATIVE DAY

ONE HUNDRED SEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Tuesday, April 24, 1945

The Senate met at 1.30 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Chief Assistant Secretary Cleve V. Taylor at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. M. Brown, Jr., of Redlands, and Arthur Clark, of Los Angeles.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ethel A. Sheehy, of Fontana.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William J. Hirni, County Auditor of Tulare County.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to District Attorney and Mrs. Charles J. McGoldrick, of Santa Rosa.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 23, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 166
Senate Bill No. 283
Senate Bill No. 284
Senate Bill No. 520
Senate Bill No. 533
Senate Bill No. 587
Senate Bill No. 633
Senate Bill No. 1270

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 23, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 314
Senate Bill No. 331
Senate Bill No. 1008
Senate Concurrent Resolution No. 47

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 698

And reports the same correctly re-engrossed.

SEAWELL, Chairman

Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried.

Time, 1.39 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 363

Has had the same under consideration, and reports the same back without recommendation for the following reason:

This bill was originally sent to Committee on Governmental Efficiency which committee, after due consideration, recommended the Senate pass the bill. That committee also recommended it be sent to the Finance Committee because it appeared to carry an appropriation. We are advised by the Legislative Counsel that it carries no appropriation.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

Committee on Public Utilities

SENATE CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Senate Bill No. 822

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

PARKMAN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Senate Bill No. 1036

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

PARKMAN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1945

MR. PRESIDENT: Your Committee on Public Utilities, to which were referred:

Senate Bill No. 137
Senate Bill No. 799
Senate Bill No. 997

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

PARKMAN, Chairman

Above reported bills ordered to second reading.

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, April 23, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 172
Senate Bill No. 795

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bills re-referred to Committee on Finance.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 19, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 371

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

DELAP, Chairman

Above reported bill ordered to second reading.

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, April 23, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Assembly Bill No. 661
Assembly Bill No. 744
Assembly Bill No. 1363
Assembly Bill No. 1480

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bills ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 160

Has had the same under consideration, and reports the same back without recommendation.

Committee membership 9.

COLLIER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 831
Senate Bill No. 651
Senate Bill No. 1023
Senate Bill No. 579

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 582
Senate Bill No. 577
Senate Bill No. 372
Assembly Bill No. 91

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 726

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bill ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 1274—An act to create a flood control district to be called San Luis Obispo County Flood Control and Water Conservation District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, water sheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 830—An act to add Section 10250.5 to the Health and Safety Code, relating to adopted children.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 10250.5", and insert "Sections 10601.5 and 10605.5".

Amendment No. 2

In line 2 of the title of said bill, strike out "adopted children", and insert "birth certificates of persons whose time and place of birth are unknown".

Amendment No. 3

On page 1, line 1, of said bill, strike out "10250.5", and insert "10601.5".

Amendment No. 4

On page 1, between lines 2 and 3, of said bill, insert

"10601.5. If the time and place of birth are not known, the petition shall contain all of the facts known to the petitioner or otherwise available and a statement of the probable time and place of birth as accurately as the circumstances permit. Such petition shall be verified as to the known facts only.

SEC. 2. Section 10605.5 is added to said code, to read:

10605.5. If the time and place of birth are not known, the court shall receive and consider such evidence and testimony as may be available and from the facts adduced may, by order, fix the time and place which the court finds to be a probable time and place of birth of the person in relation to whom the petition has been filed as the time and place of such birth. The time and place so fixed shall thereafter for all purposes be the time and place of birth of such person."

Amendment No. 5

On page 1 of said bill, strike out lines 3 to 9, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 488—An act to add Section 23955 to the Water Code, relating to irrigation districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 215—An act to amend Section 2d of the California Water District Act, providing for the term of office of the board of directors.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 319—An act to add Article 5, comprising Sections 540 to 542, inclusive, to Chapter 1 of Part 2 of Division 1 of the Health and Safety Code, relating to the registration and examination of sanitarians employed full time in State and local departments of public health.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, McBride, McCormack, Mixter, Parkman, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—24.

NOES—Senators Breed, Hulse, Kuchel, Mayo, Rich, and Weybret—6.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1236—An act to amend Section 1161 of the Code of Civil Procedure, relating to unlawful detainer proceedings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 771—An act to add Section 1912 to the Harbors and Navigation Code, relating to regulation of traffic upon property and thoroughfares under the control and jurisdiction of the Board of State Harbor Commissioners for San Francisco Harbor and making an appropriation, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—37.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.
NOES—None.

Motion to Amend Title

Senator Shelley moved the adoption of the following amendment:

Amendment No. 1

In the title of the printed bill, as amended, lines 4 and 5, strike out "and making an appropriation", and insert ", declaring the urgency hereof".

Amendment read and adopted.

Bill ordered reprinted and transmitted to the Assembly.

Senate Bill No. 779—An act to amend Section 3081, and to repeal Sections 3083 and 3085, of the Harbors and Navigation Code, relating to certain tolls and charges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.
NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2.58 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 815—An act to add Sections 7.1, 7.3, 37.1, 56.1, 57.2 and 58.1, and to amend Sections 6, 6.5 and 7 of the Unemployment Insurance Act, relating to the coverage of seamen under this act.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Breed, Brown, Burns, Desmond, Deuel, Dilworth, Gordon, Hatfield, Hulse, Kuchel, Mayo, Mixter, Rich, Ward, and Weybret—15.
NOES—Senators Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Fletcher, Jespersen, Judah, Keating, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Tenney—23.

Motion to Reconsider

Senator Rich moved to reconsider the vote whereby Senate Bill No. 815 was refused passage.

Postponement of Reconsideration

On motion of Senator Rich, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 815 was refused passage, was continued until the next legislative day.

MOTION TO RETURN ABSENT SENATORS

At 3.01 p. m., Senator Seawell moved that the Sergeant-at-Arms be instructed to return the absent Senators to the Senate Chamber, to determine the desires of the members of the Senate, relative to attending the United Nations Peace Conference in San Francisco on Friday, April 27, 1945.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 759—An act to amend Section 875.5 of the Fish and Game Code, relating to nets.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 293—An act to amend Section 647 of the Agricultural Code, relating to conveyances for the hauling of milk.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 3.29 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Senator Powers Presiding

At 3.32 p.m., Senator Harold J. Powers, of the First District, presiding.

Senate Bill No. 359—An act to amend Sections 643 and 644 of the Agricultural Code, relating to sterilization on dairies and in milk plants.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 835—An act to amend Section 736.3 and to repeal Chapter 11, consisting of Sections 740, 741, 743 to 750, inclusive, and 750.5, of Division 4, and to add Chapter 11 to Division 4, of the Agricultural Code, relating to milk and milk products, including provisions for the investigation of the uses of milk and milk products, programs for stimulating the use of milk and milk products by educational and advertising programs, providing for a California Dairy Industry Advisory Board, prescribing its powers and duties and the duties of the Director of Agriculture under this act, and providing for the financing of the provisions of this act.

Motion to Refer Bill to Inactive File

Senator Hatfield moved that Senate Bill No. 835 be placed on the inactive file.

Motion carried.

Senate Bill No. 462—An act to amend Sections 202, 1050.5 and 6050 of, and to add Sections 8305, 8698, 8699, 20544 and 20545 to the Water Code, relating to administration of the provisions of said code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 138—An act to amend Sections 3477 and 3479 of the Revenue and Taxation Code, relating to property tax sales to private parties before deed to the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 796—An act to add Sections 3511.4 and 4339 to the Revenue and Taxation Code, relating to redemption of tax deeded property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 328—An act to amend Section 14345 of, and to add Section 14345.5, to, the Revenue and Taxation Code, relating to inheritance taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1187—An act to amend Section 8 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 545—An act to amend Section 11860 of the Insurance Code, relating to audits of the State Compensation Insurance Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Judah, Keating, Kuchel, Mayo, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senator Breed Presiding

At 4.07 p.m., Senator Arthur H. Breed, Jr. of the Sixteenth District, presiding.

Senate Bill No. 829—An act to amend Section 340 of the Code of Civil Procedure, relating to the time of commencing civil actions.

Bill read third time.

Motion to Amend

Senator Carter moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section", and insert "Sections 337, 339 and ".

PRINTER'S NOTE. There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out line 1 and insert

"SECTION 1. Section 337 of the Code of Civil Procedure is amended to read:

337. Within four years. 1. An action upon any contract, obligation or liability founded upon an instrument in writing, except as provided in Section 336a of this code; provided that the time within which any action for a money judgment for the balance due upon an obligation for the payment of which a deed of trust or mortgage with power of sale upon real property or any interest therein was given as security, following the exercise of the power of sale in such deed of trust or mortgage, may be brought shall not extend beyond three months after the time of sale under such deed of trust or mortgage.

[2. An action to recover (1) upon a book account whether consisting of one or more entries; (2) upon an account stated; (3) a balance due upon a mutual, open and current account; provided, however, that where an account stated is based upon an account of one item, the time shall begin to run from the date of said item, and where an account stated is based upon an account of more than one item, the time shall begin to run from the date of the last item.]

SEC. 2. Section 339 of said code is amended to read:

339. Within two years. [1. An action upon a contract, obligation or liability not founded upon an instrument of writing, other than that mentioned in subdivision two of section three hundred thirty seven of this code; or an action founded upon a contract, obligation or liability, evidenced by a certificate, or abstract or guaranty of title of real property, or by a policy of title insurance; provided, that the cause of action upon a contract, obligation or liability evidenced by a certificate, or abstract or guaranty of title of real property or policy of title insurance shall not be deemed to have accrued until the discovery of the loss or damage suffered by the aggrieved party thereunder.]

[2.] An action against a sheriff, coroner, or constable upon a liability incurred by the doing of an act in his official capacity and in virtue of his office, or by the omission of an official duty including the nonpayment of money collected upon an execution. But this subdivision does not apply to an action for an escape.

SEC. 3. Section 340 of said code is"

Amendment No. 3

On page one, of said bill, between lines 20 and 21, insert

"*6. An action to recover (1) upon a book account whether consisting of one or more entries; (2) upon an account stated; (3) a balance due upon a mutual, open and current account; provided, however, that where an account stated is based upon an account of one item, the time shall begin to run from the date of said item, and where an account stated is based upon an account of more than one item, the time shall begin to run from the date of the last item.*

7. An action upon a contract, obligation or liability not founded upon an instrument of writing, or an action founded upon a contract, obligation or liability, evidenced by a certificate, or abstract or guaranty of title of real property, or by a policy of title insurance; provided, that the cause of action upon a contract, obligation or liability evidenced by a certificate, or abstract or guaranty of title of real property or policy of title insurance shall not be deemed to have accrued until the discovery of the loss or damage suffered by the aggrieved party thereunder."

Amendment No. 4

On page 1, line 26, of said bill, strike out "6", and insert "8".

Amendment No. 5

On page 2, line 3, of said bill, strike out "2", and insert "4".

Amendment No. 6

On page 2, line 6, of said bill, strike out "3", and insert "5".

Amendment No. 7

On page 2, line 9, of said bill, strike out "4", and insert "6".

Amendment No. 8

On page 2, line 13, of said bill, strike out "5", and insert "7".

Amendments read.

Roll Call Demanded

Senators Carter, Ward, and Fletcher demanded a roll call.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Carter, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, and Shelley—8.

NOES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Dorsey, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—27.

FURTHER CONSIDERATION OF SENATE BILL NO. 829

The roll was called and the bill refused passage by the following vote:

AYES—Senators Breed, Brown, Hatfield, Hulse, Kuchel, Mixter, Quinn, Rich, Sutton, Swing, and Ward—11.

NOES—Senators Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Tenney, and Weybret—25.

Motion to Reconsider

Senator Ward moved to reconsider the vote whereby Senate Bill No. 829 refused passage.

Postponement of Reconsideration

On motion of Senator Ward, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 829 refused passage, was continued until the next legislative day.

Senate Bill No. 420—An act to add Section 171c to the Civil Code, relating to the management and control of community property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 4.35 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Carter:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 70.5 to the Public Utilities Act, relating to the valuation of water systems of water corporations.

Respectfully submitted.

SENATOR CARTER

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 24, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Public Utilities.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, and Weybret—33.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1277: By Senator Carter—An act to add Section 70.5 to the Public Utilities Act, relating to the valuation of water systems of water corporations.

Referred to Committee on Public Utilities.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 63

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed.

Assembly Bill No. 54
Assembly Bill No. 76
Assembly Bill No. 327
Assembly Bill No. 410
Assembly Bill No. 411
Assembly Bill No. 453
Assembly Bill No. 520
Assembly Bill No. 531
Assembly Bill No. 535
Assembly Bill No. 844
Assembly Bill No. 866
Assembly Bill No. 1064
Assembly Bill No. 1307
Assembly Bill No. 1369
Assembly Bill No. 1421
Assembly Bill No. 1431
Assembly Bill No. 1493
Assembly Bill No. 1511
Assembly Bill No. 1524
Assembly Bill No. 1706
Assembly Bill No. 1925
Assembly Bill No. 1928
Assembly Bill No. 2148
Assembly Bill No. 2165
Assembly Bill No. 2174

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 54—An act to amend Section 1 of the Annexation of Uninhabited Territory Act of 1939, relating to the alteration of boundaries of municipalities.

Referred to Committee on Local Government.

Assembly Bill No. 76—An act to amend Section 737w of the Political Code, relating to the salary of the judge of the superior court of the County of Mendocino.

Referred to Committee on Local Government.

Assembly Bill No. 327—An act to amend Section 4 of the Housing Authorities Law, relating to housing authorities.

Referred to Committee on Local Government.

Assembly Bill No. 410—An act to amend Section 690.11 of the Code of Civil Procedure, relating to exemptions from execution.

Referred to Committee on Judiciary.

Assembly Bill No. 411—An act to amend Section 690 of, and add Section 690.26 to, the Code of Civil Procedure, relating to exemptions from executions.

Referred to Committee on Judiciary.

Assembly Bill No. 453—An act to amend Section 17704 of the Health and Safety Code, relating to apartment houses and hotels.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 520—An act to amend Section 261b of the Code of Civil Procedure, relating to fees for phonographic reporting.

Referred to Committee on Local Government.

Assembly Bill No. 531—An act to amend Section 154.3 of the Agricultural Code, relating to crop seed screenings.

Referred to Committee on Agriculture.

Assembly Bill No. 535—An act to add a new section, to be numbered 67, to the Agricultural Code, relating to duties of the director.

Referred to Committee on Agriculture.

Assembly Bill No. 844—An act to amend Section 698.1 of the Fish and Game Code, relating to District 22.

Referred to Committee on Fish and Game.

Assembly Bill No. 866—An act to add Division 2b, Chapter 1, comprising Sections 296 to 296.8, inclusive, to the Probate Code, and to amend Section 1963 of the Code of Civil Procedure, providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously, and to make uniform the law relating thereto.

Referred to Committee on Judiciary.

Assembly Bill No. 1084—An act to amend Section 3931 of the Elections Code, relating to ballots.

Referred to Committee on Elections.

Assembly Bill No. 1307—An act to add Section 83.6 to the Agricultural Code, relating to the board of directors of 1A District Agricultural Association.

Referred to Committee on Agriculture.

Assembly Bill No. 1369—An act to amend Section 120 of the Agricultural Code, relating to nursery licensees.

Referred to Committee on Agriculture.

Assembly Bill No. 1421—An act to amend Section 235 of the Code of Civil Procedure, relating to the summoning of juries of inquest and of juries in justices' courts.

Referred to Committee on Judiciary.

Assembly Bill No. 1431—An act to add Section 7a to "An act to control and regulate the possession, sale and use of pistols, revolvers, and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject, approved June 13, 1923."

Referred to Committee on Judiciary.

Assembly Bill No. 1493—An act to amend Section 6 of the Municipal Court Act of 1925, relating to municipal courts in cities of the first class.

Referred to Committee on Local Government.

Assembly Bill No. 1511—An act to amend Section 1018 of the Code of Civil Procedure, relating to service of process.

Referred to Committee on Judiciary.

Assembly Bill No. 1524—An act to amend Sections 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1668, and 1669 of the Probate Code, to repeal Sections 1664 and 1665 thereof, and to add Sections 1650.5, 1661.5, 1662.5, and 1665 thereto, relating to the guardianship of incompetent veterans and other incompetent and minor beneficiaries of the Veterans Administration, providing for commitment to the Veterans Administration or other agency of the United States of persons eligible for care or treatment, and to make uniform the law with reference thereto.

Referred to Committee on Judiciary.

Assembly Bill No. 1706—An act to amend Section 131.5 of the Civil Code, relating to interlocutory judgments of divorce.

Referred to Committee on Judiciary.

Assembly Bill No. 1925—An act to amend Section 2450 and Section 2452 of the Business and Professions Code, relating to chiropody.

Referred to Committee on Business and Professions.

Assembly Bill No. 1928—An act to amend Sections 102, 103 and 104 of the Health and Safety Code, relating to membership on the State Board of Public Health.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2148—An act to amend Sections 502 and 503 of the Elections Code, relating to precincts.

Referred to Committee on Elections.

Assembly Bill No. 2165—An act to add Section 6007 to the Government Code, relating to newspapers of general circulation, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2174—An act to add Section 7393.5 to the Business and Professions Code, relating to schools of cosmetology.

Referred to Committee on Business and Professions.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 53
Assembly Bill No. 302
Assembly Bill No. 392
Assembly Bill No. 413
Assembly Bill No. 439
Assembly Bill No. 537
Assembly Bill No. 711
Assembly Bill No. 772
Assembly Bill No. 988
Assembly Bill No. 989
Assembly Bill No. 1616
Assembly Bill No. 1713
Assembly Bill No. 2145

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 53—An act to add Section 1c to the Annexation Act of 1913, relating to annexation of subdivisions.

Referred to Committee on Local Government.

Assembly Bill No. 302—An act to add Article 4, comprising Section 5470, to Chapter 6 of Part 3 of Division 5 of the Health and Safety Code, authorizing cities and cities and counties to prescribe, revise and collect, fees, tolls, rates, rentals and other charges for services and facilities furnished in connection with sanitation or sewerage systems.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 392—An act to amend Section 15 of the Los Angeles County Flood Control Act, relating to work performed by force account.

Referred to Committee on Water Resources.

Assembly Bill No. 413—An act to add Section 4041.5a to the Political Code, relating to the power of the board of supervisors to provide operas and other musical entertainment.

Referred to Committee on Local Government.

Assembly Bill No. 439—An act to amend Section 2 of the Planning Act, relating to city planning commissions.

Referred to Committee on Local Government.

Assembly Bill No. 537—An act to amend Section 4041.11 of the Political Code, relating to the powers of boards of supervisors.

Referred to Committee on Local Government.

Assembly Bill No. 711—An act to add Section 5014.2 to the Public Resources Code, relating to the designation of the areas to which funds may be allocated.

Referred to Committee on Natural Resources.

Assembly Bill No. 772—An act to amend Section 2163.2 of the Welfare and Institutions Code, relating to aid to the aged in respect to property qualifications of applicants and recipients.

Referred to Committee on Social Welfare.

Assembly Bill No. 988—An act to amend Sections 2507 and 2508 of the Revenue and Taxation Code, relating to the handling of negotiable paper received in payment of taxes.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 989—An act to amend Section 4288 of the Political Code, relating to the payment of the salary of the county assessor.

Referred to Committee on Local Government.

Assembly Bill No. 1616—An act to amend Section 4653.1 of the Revenue and Taxation Code, relating to the distribution of the proceeds from the sale and redemption of tax-sold and tax-deeded property.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1713—An act to amend Section 4260 of the Political Code, relating to compensation for public service in counties of the thirty-first class.

Referred to Committee on Local Government.

Assembly Bill No. 2145—An act to add Section 5160 to the Public Resources Code, relating to the power of boards of supervisors to dedicate park property to highway purposes.

Referred to Committee on Natural Resources.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 886 Assembly Bill No. 1505

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 670

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 803

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 897

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 478

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 1241

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 6; noes 5.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 899

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 224
Assembly Bill No. 668
Assembly Bill No. 683
Assembly Bill No. 900
Assembly Bill No. 1795

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

McCORMACK, Chairman

Above reported bills ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 581
Senate Bill No. 935

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 23, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1251

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 11—An act to amend Section 4279 of the Political Code, relating to compensation for public services in counties of the fiftieth class;

Senate Bill No. 14—An act to amend Section 4282 of the Political Code, relating to compensation for public service in counties of the fifty-third class;

Senate Bill No. 15—An act to amend Section 4275 of the Political Code, relating to compensation for public services in counties of the forty-sixth class;

Senate Bill No. 62—An act to add Section 18679.5 to the Business and Professions Code, relating to the regulation of boxing and wrestling;

Senate Bill No. 102—An act to amend Section 131 of the Civil Code, relating to actions for divorce;

Senate Bill No. 104—An act to amend Section 4237.1 of the Political Code, relating to court phonographic reporters in counties of the eighth class;

Senate Bill No. 105—An act to amend Section 55 of the Civil Code, relating to marriages;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fourth day of April, 1945, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 106—An act to add a new section to the Civil Code, relating to marriages performed under Section 79 of the Civil Code;

Senate Bill No. 112—An act to amend Section 860 of the Fish and Game Code, relating to the taking of salmon;

Senate Bill No. 115—An act to amend Section 6062 of the Business and Professions Code, relating to attorneys;

Senate Bill No. 117—An act to amend Section 6031 of the Business and Professions Code, relating to attorneys;

Senate Bill No. 180—An act to add Section 12.16 to the County Water District Act, relating to the powers of county water districts as to recreational facilities;

Senate Bill No. 190—An act to amend Section 48 of Chapter 4, Division 1 of the Fish and Game Code, relating to the disposition of fines and forfeitures imposed or collected for violations of any of the provisions of said Code;

Senate Bill No. 191—An act to amend Section 1029 of the Code of Civil Procedure, relating to award of costs against counties, cities, districts and other public agencies or entities;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fourth day of April, 1945, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 252—An act to transfer to the City of Oakland a surface easement over certain tide and submerged lands and to define the powers and duties of the city in relation thereto;

Senate Bill No. 295—An act to amend Section 203 of the Welfare and Institutions Code, relating to county hospitals;

Senate Bill No. 304—An act to amend Section 5438 of the Public Resources Code, relating to the governing body of a county recreation district, and to validate the organization, boundaries, trustees, acts, proceedings and bonds of recreation districts;

Senate Bill No. 308—An act to add Section 2559.5 to the Health and Safety Code, relating to functions of health officers;

Senate Bill No. 310—An act declaring portions of the lands conveyed to the City of San Diego by an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the City of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and excluding such portions from use for navigation, commerce and fisheries, and authorizing the use of said portions of said lands by the State of California for the erection thereon of a State building;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fourth day of April, 1945, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 311—An act to repeal Sections 3800 and 3801 of, and to add Sections 3800 and 3801 to, the Harbors and Navigation Code, relating to the administration of the Port of Eureka, creating a Board of Harbor Commissioners for Humboldt Bay and transferring the powers and duties of the Department of Public Works over such port and bay to said Harbor Commission;

Senate Bill No. 313—An act to add Section 705.5 to the Vehicle Code, relating to transportation of saw logs, declaring the urgency of this act, to take effect immediately;

Senate Bill No. 352—An act to amend Section 103.7 of the Fish and Game Code, relating to District 103.7;

Senate Bill No. 356—An act to amend Section 9141 of the Education Code, relating to vocational rehabilitation;

Senate Bill No. 367—An act to add Section 4231.1 to the Education Code and to amend Section 4232 of said code, relating to junior college districts;

Senate Bill No. 406—An act granting certain salt marsh, tide and submerged lands of the State of California to the City of Eureka, including the management, use, and control thereof;

Senate Bill No. 413—An act to amend Sections 427, 428, and 990 of the Fish and Game Code, relating to hunting and fishing, and the issuance of licenses therefor;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fourth day of April, 1945, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 431—An act to amend Section 2957 of the Civil Code, relating to chattel mortgages;

Senate Bill No. 452—An act to amend Sections 615.6, 615.7, and 615.8 of the Fish and Game Code, relating to trout;

Senate Bill No. 464—An act to add new Sections 20051, 20052 and 20053 to Article 3 of Chapter 1 of Division 10 of the Water Code, relating to revocation of bond approval;

Senate Bill No. 542—An act to amend Section 1192 of the Insurance Code, relating to excess funds investments of incorporated insurers;

Senate Bill No. 543—An act to amend Section 11526 of the Insurance Code, relating to voluntary mutualization of incorporated life and life and disability insurers;

Senate Bill No. 593—An act to amend Section 101 of the Fish and Game Code, relating to District 101;

Senate Bill No. 624—An act to add Section 6060.7 to the Business and Professions Code, relating to admission to the practice of law;

Senate Bill No. 638—An act to amend Sections 709, 711 and 712 of the Fish and Game Code, relating to fish;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fourth day of April, 1945, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 640—An act to amend Section 65.5 of the Fish and Game Code, relating to districts;

Senate Bill No. 641—An act to amend Section 66.5 of the Fish and Game Code, relating to Lake County;

Senate Bill No. 648—An act to amend Section 656.5 of the Fish and Game Code, relating to salmon;

Senate Bill No. 688—An act to amend Sections 820 and 987 of the Military and Veterans Code, relating to the rate of interest on veteran farm and home loans, declaring the urgency thereof, to take effect immediately;

Senate Bill No. 752—An act authorizing municipalities to purchase Federal surplus property and providing for the suspension of certain laws in connection therewith, declaring the urgency thereof and providing this act shall take effect immediately;

Senate Bill No. 758—An act to amend Section 63 of the Fish and Game Code, relating to District 1¼;

Senate Bill No. 816—An act to add Section 8772 to the Water Code, relating to assessments of the Sacramento and San Joaquin Drainage District now outstanding on lands in public ownership;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fourth day of April, 1945, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 817—An act to amend Section 8710 of the Water Code, relating to approval by the Reclamation Board of plans of reclamation and other works along or near the Sacramento and San Joaquin Rivers, pertaining to definition thereof;

Senate Bill No. 818—An act to add Section 8723 to the Water Code, relating to approval by the Reclamation Board of plans of reclamation and other works along or near the Sacramento and San Joaquin Rivers, pertaining to refusal of approval of such plans;

Senate Bill No. 819—An act to add Sections 8773 and 8774 to the Water Code, relating to Assessments Numbered 7 and 8 of the Sacramento and San Joaquin Drainage District;

Senate Bill No. 840—An act to add Section 16482.1 to the Education Code, relating to the authorization of persons to test the hearing of public school pupils;

Senate Bill No. 888—An act to amend Section 6061 of the Business and Professions Code, relating to exceptions to qualifications for admission to the bar;

Senate Bill No. 902—An act to amend Section 8.8 of the California Toll Bridge Authority Act, relating to the use of toll bridges or other toll highway crossings on a credit basis;

Senate Bill No. 983—An act to amend Section 62 of the Fish and Game Code, relating to District 1;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fourth day of April, 1945, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 503—An act to add Section 560.5 to the Vehicle Code, relating to the punishment for violations of pedestrians' rights of way at crosswalks;

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-fourth day of April, 1945, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 25—Relative to purchase of an airplane for Division of Fish and Game, Department of Natural Resources;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the twenty-fourth day of April, 1945, at 3 p.m.

SEAWELL, Chairman

ADJOURNMENT

At 4.54 p.m., on motion of Senator Deuel, the President declared the Senate adjourned until 1.30 p.m., Wednesday, April 25, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FIFTY-FOURTH LEGISLATIVE DAY

ONE HUNDRED EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Wednesday, April 25, 1945

The Senate met at 1.30 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Jespersen, on motion of Senator DeLap, account of legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. A. Henry, Principal of Patterson High School; Ray Tallman, Principal of Hughson High School; R. C. Ferguson, Principal of Newman High School; Robert M. Graham, Teacher of Ceres High School; Miss Adeline M. Rosebrook, Teacher of Modesto High School; Mrs. Dorothy Wilds, Teacher of Oakdale High School; Mrs. Esther Reed, Teacher of Turlock High School; Mrs. Edna Monson, Teacher of Patterson High School, and the following students of Stanislaus County High Schools: Kathleen Oliveira, John Mattos, Betty Thompson, Marie Tchobanoglous, Carolyn James, Shirley Arne, Mary Ann Ferguson, Mary Gail

Gordon, Dolly Gill, Darol Carlson, Carleen Lewis, Anne Bollakis, Kenneth Carr, Marion Hackett, Paul Terrell, Robert Benson, Ann Slaughter, Lee Witt, Cleo McBratney, Argene Santucci, Roger Murray, Ernest Hartsoe, Bruce Orvis, Lucile Selpher, Dorothy Galt, Beth Bronson, Ronald Dameron, Francis Avila, Melvin Lundell, Hermoine Lee, Fredolf Sondeno, and C. H. Gray.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ernest A. Woodward of Coronado, Regional Rent Training Specialist, OPA, and Mrs. Joe Brennan, Mrs. Gladys Taylor, Mrs. Frances Trow, all of San Diego, Mrs. Mildred Higgins of Vallejo, Mr. Joe Brennan, Port Director, of San Diego, and Judge C. N. Turrentine of National City.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. K. McBride of Gustine, Merced County.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Major K. F. Karel of Washington, D. C., Major D. H. Boggess of San Jose, and Major Hall H. Hoxie of Berkeley.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Harry Johnson of Porterville.

Call of the Senate

Senator Gordon moved a call of the Senate.

Motion carried.

Time, 1.32 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE
REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 25, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1274

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Assembly Bill No. 691
Assembly Bill No. 1282
Assembly Bill No. 1283
Assembly Bill No. 1284

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 0; absent 5.

GORDON, Chairman

Above reported bills ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 25, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 19

Has had the same under consideration, and reports the same back without recommendation because Legislative Counsel advises the bill carries no appropriation.

Committee membership 11; committee vote: Ayes 9; absent 2.

RICH, Chairman

Above reported bill ordered to second reading.

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Assembly Bill No. 689
Assembly Bill No. 1379

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

GORDON, Chairman

Above reported bills ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 25, 1945

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 85

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

RICH, Chairman

Above reported bill ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 91

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 382
Senate Bill No. 783

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Concurrent Resolution No. 42

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 532

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 313
Assembly Bill No. 608

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 25, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 1076
Assembly Bill No. 1079

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 25, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 1075
Assembly Bill No. 1077
Assembly Bill No. 1078
Assembly Bill No. 1080
Assembly Bill No. 1081

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 25, 1945

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 46

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered to third reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 1238
Assembly Bill No. 1717

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 523	Assembly Bill No. 1508
Assembly Bill No. 1017	Assembly Bill No. 1018
Assembly Bill No. 1503	Assembly Bill No. 1019

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 339

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1509

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 363—An act to amend Section 1 of an act entitled "An act providing for preparation for postwar State highway construction projects, and making an appropriation therefor," approved May 18, 1943.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 822—An act to amend Section 1 and to repeal Section 1.5 of the "Highway Carriers' Act," relating to highway carriers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1036—An act to amend Sections $2\frac{3}{4}$ and $50\frac{3}{4}$ of the Public Utilities Act, relating to public utilities.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Utilities:

Amendment No. 1

On page 2, line 6, after "carrier", strike out the period and insert "insofar as such pickup and delivery limits do not include territory in excess of three miles from the corporate limits of any incorporated city or town or three miles from the post office of any unincorporated point."

Amendment No. 2

On page 3, line 14, strike out the period after "zones", and insert "insofar as such pickup and delivery limits do not include territory in excess of three miles from the corporate limits of any incorporated city or town or three miles from the post office of any unincorporated point."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 137—An act to add Section 14.1 to "The Public Utility District Act," relating to public utility districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 799—An act to add Section 12¾ to the City Carriers Act, relating to the service of decisions and orders of the Railroad Commission.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 997—An act to amend Section 13¾ of the Highway Carriers' Act, relating to the service of decisions and orders of the Railroad Commission fixing rates of highway carriers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 371—An act to amend Sections 19485, 19597 and 19620 of the Business and Professions Code, relating to the regulation and licensing of horse racing and horse race meetings, wagering on the results thereof and the disposition of State revenues therefrom.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "and 19620", and insert ", 19620 and 19627".

Amendment No. 2

On page 2 of said bill, after line 13, insert

"SEC. 4. Section 19627 of said code is amended to read:

19627. All of the license fee for conducting a horse racing meeting not payable into the Fair and Exposition Fund under this article, *except the total breakage*, shall be paid into the General Fund. *The total breakage shall be paid into the State Park Fund and shall be available, when specifically appropriated by the Legislature, for the construction, operation, and maintenance of riding and hiking trails.*"

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 160—An act relating to the regulation of the practice of naturopathy.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 831—An act to add Section 10203 to the Health and Safety Code, relating to birth certificates.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 651—An act to add Section 1622 to the Health and Safety Code, relating to biologics.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1023—An act to add Section 6500.3 to the Welfare and Institutions Code, relating to State institutions.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 579—An act to add Section 7413 to the Health and Safety Code, relating to burial and removal permits.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 582—An act to add Article 8, comprising Section 420, to Chapter 2, Part 1, Division 1 of the Health and Safety Code.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "shall", and insert "may".

Amendment No. 2

On page 1, line 12, of said bill, strike out "shall", and insert "may".

Amendment No. 3

On page 1 of said bill, after line 14, insert

"This article does not authorize any form of compulsory medical or physical examination, treatment, or control of any person."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 577—An act to amend Sections 26517, 26560, 26561, 26562, 26564, 26566, 26582, and 26583 of the Health and Safety Code, relating to foods.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In line 3 of the title of the printed bill, after "foods", insert "and to add Sections 26517 (a) and 26517 (b)."

Amendment No. 2

On page 1, line 5, of said bill, after "refilled", strike out "nor shall any person refill, or cause to be refilled with distilled spirits, any distilled spirits package".

Amendment No. 3

On page 1 of said bill, after line 7, insert

"Section 26517 (a). No person shall refill for sale or cause to be refilled for sale any distilled spirits package."

Amendment No. 4

On page 1 following Amendment No. 3, insert

"Section 26517 (b). No person, who, in response to an inquiry or request for any brand, type, or character of alcoholic beverage, shall sell or offer for sale a different brand, type or character, without informing the purchaser of such difference."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 372—An act to add Section 4455.5 to the Health and Safety Code, relating to pollution of water.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 5, inclusive, and insert "4455.5. Nothing in this article shall be held to prevent the grazing of livestock in areas embracing any stream or watershed where such grazing would not tend to render such waters unwholesome or injurious to the public health."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 886—An act to amend Sections 20563 and 20565 of the Government Code, relating to the State Retirement System.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 670—An act to amend Section 19624 of the Business and Professions Code, relating to distribution of fees collected under the act relating to the regulation and licensing of horse racing.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 19624 of".

Amendment No. 2

In line 2 of the title of the printed bill, after the word "Code", insert "by adding a new section thereto to be known as Section 19624.5".

Amendment No. 3

On page 1 of the printed bill, strike out lines 1 to 27, inclusive; and on page 2, strike out lines 1 to 24, inclusive, and insert

"Section 19624.5 is hereby added to the Business and Professions Code, to read as follows:

SEC. 19624.5. Any year in which any fair or exposition has not been or is not held because the fair or exposition grounds or buildings have been taken over and occupied by the United States or the armed forces thereof, shall not be considered for the purpose of any requirement of Section 19624 of this code or of Section 94 of the Agricultural Code that a fair or exposition be conducted annually or conducted annually for a prescribed period of years."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 803—An act to provide for the mapping of the State of California; authorizing investigators, reports, recommendations, and plans for a mapping program; authorizing cooperation with governmental and other agencies; and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 1 to 5, inclusive, and insert

"An act to provide for basic topographic mapping of the State of California and making an appropriation therefor."

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. It is hereby declared to be the policy of the State of California to provide for basic topographic map coverage in aid of development and conservation of the natural and economic resources of the State.

SEC. 2. The Department of Public Works, hereinafter referred to as "department", acting by and through the State Engineer, shall investigate mapping; shall prepare a complete report thereon including plans and recommendations for an adequate mapping program for California; and shall adopt a general plan and program for the accomplishment of the policy declared in this act. The general plan and program so adopted, and as from time to time modified, amended or revised by the department, shall be the authorized general plan and program to be carried out by the department. The department may from time to time make such further investigations and reports upon mapping as deemed proper by it in pursuance of the policy declared in this act.

SEC. 3. All map production work to be undertaken hereunder shall be in cooperation with the Federal Government and with the approval of the Department of Finance, the department may enter into agreements or contracts with the Federal Government or any agency or agencies thereof for performance of map production work in accordance with the general plan and program adopted hereunder.

SEC. 4. For the purpose of carrying out the provisions of this act the sum of three hundred thousand dollars ($300,000) is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to the Map Fund, hereby created, for expenditure by the department. Moneys appropriated to the Map Fund and hereafter deposited therein shall be available for the purposes for which appropriated or deposited without regard to fiscal years and irrespective of the provisions of Section 16304 of the Government Code. Except for investigations, reports and other administrative expenses of the department in an amount not to exceed five per cent of the moneys hereby appropriated, none of the moneys hereby appropriated shall be expended unless and until moneys equal to or in excess of the amounts expendable from this appropriation shall have been made available (by a political subdivision, public district, municipality, county or public agency, including agencies of local and Federal Government but excluding agencies which are a part of the executive department of the State Government) for expenditure by the department for work of map production to the end that any sums expended from this appropriation shall be matched by like or greater amounts from sources other than the State Treasury or funds of any agency which is a part of the Executive Department of the State Government; provided that when the United States or any agency thereof matches funds it shall not be required that funds to be provided from Federal sources shall be paid into the State Treasury.

Moneys in the Map Fund shall be expendable for paying expenses incurred pursuant to an agreement hereunder or for reimbursing the United States or any agency thereof for expenses paid pursuant to such an agreement, but shall not be advanced to the Federal Treasury or to the funds of any Federal agency, or otherwise advanced.

SEC. 5. The department shall keep a record of all expenditures chargeable against each portion of the Map Fund derived from matching moneys and any unused balance in any such portion of the fund shall on approval by the Department of Finance be withdrawn therefrom and paid out or refunded as provided in the agreement relating to such matching moneys.

Amendment No. 3

On page 1, of said bill, strike out lines 2 to 23, inclusive; and strike out all of pages 2 and 3.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 1241—An act to add Sections 682 to 695, inclusive, to Article 2 of Chapter 3 of Division 1 of the Streets and Highways Code, relating to franchises on State highways.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 3, line 31, of the printed bill, as amended, after "effective", and before the period insert ". to the same extent that such city at the time of making the grant had power to grant a franchise authorizing the exercise of such privilege in, over and upon city streets".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 581—An act to amend Sections 1 and 9 of, and to add Section 6a to, an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Public Health," approved May 23, 1925, relating to canneries.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In the title of the printed bill as amended, strike out line 1 and insert
"An act to amend Sections 1, 2 and 9 of, and to add Sections 2A and"

Amendment No. 2

On page 1, line 21, of the printed bill, strike out "This"; and strike out lines 22 and 23; and on page 2 of said bill strike out lines 1 to 6 inclusive, and insert
"Food products which do not require the use of a pressure cooker but necessitate acidulation and pH determinations come within the provisions of this chapter."

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 2 of the printed bill, between lines 6 and 7, insert
"SEC. 2. Section 2 of said act is amended to read:
SEC. 2. The said State Board of Public Health shall issue to any person, firm, company, organization, association or corporation in the State of California, an annual license on the receipt of fifty dollars ($50) per annum, per plant, and such evidence as the Board may require to show that the said person, firm, company, organization, association or corporation is properly equipped with a retort or retorts or pressure cooker which are properly equipped with recording thermometers, indicating thermometers and pressure gauges to carry out such rules and regulations as the State Department of Public Health may adopt for the sterilization of such food products, fish or fish products, meat or meat products, which meat or meat products are not under the inspection of the Division of Animal Industry of the State Department of Agriculture, [or the Bureau of Animal Industry of the United States Department of Agriculture], *or the Meat Inspection Division, Livestock and Meat Branch of the Office of Marketing Services, War Food Administration,* or approved municipal inspection departments or establishments. All moneys received by the State Board of *Public* Health for fees shall be deposited at least once each month in the State Treasury to the credit of the Cannery Inspection Fund, which fund is hereby created to be used, exclusively for the payment of the expenses of enforcing the provisions of this act, and to be paid out only upon claims approved by the State Board of Public Health and the State Board of Control in the manner provided for by law. One thousand dollars *($1,000)* of the Cannery Inspection Fund may be used as a revolving fund for the purpose of carrying out the provisions of this act.

No person, firm, company, organization, association or corporation in the State of California shall permit any person, employee, or individual to operate a steam controlled retort or retorts used in the commercial canning industry for the sterilization of food products, fish or fish products, meat or meat products, which meat or

meat products are not under the inspection of the Division of Animal Industry of the State Department of Agriculture, [or the Bureau of Animal Industry of the United States Department of Agriculture], *or the Meat Inspection Division, Livestock and Meat Branch of the Office of Marketing Services, War Food Administration*, or approved municipal inspection departments or establishments, unless said person, employee or individual shall first obtain a permit from the State Board of Public Health which shall have power to pass upon and determine the qualifications of the applicant for the permit with a view to the preservation of the public health, and which permit when granted shall be revocable by the board whenever in its judgment the public health requires such action.

SEC. 3. Section 2A is added to said act, to read:

SEC. 2A. The operation of non-commercial canning centers by community canning centers, schools, churches, housewives, or other organizations packing hermetically sealed canned food products for their own consumption and where the canned food is not to be sold for profit, is exempt from the licensing provisions of this chapter and in lieu thereof a permit to operate such canning centers shall be issued, without cost, by said State Board of Public Health upon the submission of such evidence as the board requires to show that the said persons operating said canning centers are qualified and that said canning centers are properly equipped and meet all other provisions of this chapter.

SEC. 3. Section 6A is hereby added to said act, to read:"

Amendment No. 4

On page 2, line 7, of said bill, strike out "6a", and insert "6A".

Amendment No. 5

On page 2, line 13, of said bill, after "may", insert "after notice and opportunity for hearing".

Amendment No. 6

On page 2 of said bill, after line 32, insert

"The proceedings shall be conducted in accordance with Chapter 5, of Part 1, of Division 3, of Title 2 of the Government Code; and the board shall have all the powers granted therein."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 935—An act to amend Section 4475 of, and to add Chapter 6 of Division 20, comprising Sections 25000 to 25009 to, the Health and Safety Code, relating to cleaning septic tanks, cesspools and seepage pits.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1 of the printed bill, in lines 4 and 5, strike out "sludge, or accumulation of excreta", and insert "sewage sludge, or accumulation of human excreta".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 661—An act to add Section 9361 to the Public Resources Code, relating to funds for the use of soil conservation districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 744—An act to amend Section 2210, Public Resources Code, relating to the Division of Mines Revolving Printing Fund.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1363—An act to amend Section 5015 of, and to add Section 6307 to, the Public Resources Code, relating to the acquisition of ocean beaches and to beach and cliff erosion.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1480—An act to add Section 7057 to the Public Resources Code, relating to oil and gas and mineral leases by municipalities.

Bill read second time, and ordered to third reading.

Assembly Bill No. 91—An act to amend Sections 5 and 7 of the Housing Authorities Law, relating to the appointment, qualifications and tenure, and removal of commissioners.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 2, line 31, of the printed bill, strike out "legislative", and insert "governing".

Amendment No. 2

On page 2, line 32, of said bill, after "body", insert "of the city".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 726—An act to repeal Sections 19810 and 19811 of the Health and Safety Code, and to add Sections 19810, 19811, 19812, 19813, 19814, 19815, and 19816 thereto, relating to inflammable articles, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 2 of the printed bill, after line 50, insert

SEC. 9. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portions of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act, irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional.

Amendment No. 2

On page 2, line 51, strike out "9", and insert "*10*."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Public Health and Safety.

Assembly Bill No. 1505—An act to amend Section 3692 of the Political Code, relating to powers and duties of the State Board of Equalization.

Bill read second time, and ordered to third reading.

Assembly Bill No. 897—An act to add Section 44.2 to the Vehicle Code, relating to emergency utility vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 478—An act to add Section 131.5 to the Streets and Highways Code, relating to roadside parks.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 7, of the printed bill, as amended, after "thereof", insert "and providing that the department be reimbursed for any expenditure incurred by it".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 899 An act to amend Sections 130 and 140 of, and to add Sections 146.1 and 146.2 to, the Vehicle Code, relating to the registration and records of the department.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 3, line 28, of the printed bill, after "deposited", insert "aggregate liability of the surety to all such persons shall in no event exceed the amount of the bond."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 224—An act to add Sections 739.2 and 756 to the Vehicle Code, relating to offenses under said code.

Bill read second time, and ordered to third reading.

Assembly Bill No. 668—An act to amend Section 582, to repeal Section 585 and to add Sections 584.1, 585 and 585.1 to the Vehicle Code, relating to the parking or leaving of vehicles on highways and the authority of officers to remove the same for safekeeping, for notices to be given before lien may be claimed for the cost of storage.

Bill read second time, and ordered to third reading.

Assembly Bill No. 683—An act to amend Section 820 of the Streets and Highways Code, relating to assent to the provisions of the Federal Highway Act.

Bill read second time, and ordered to third reading.

Assembly Bill No. 900—An act to amend Sections 205, 206, 208 and 225 of the Vehicle Code, relating to special plates.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1795—An act to repeal Part 2 of Division 6 of the Harbors and Navigation Code, relating to the Board of State Harbor Commissioners for the Bay of San Diego.

Bill read second time, and ordered to third reading.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 1.46 p.m., on motion of Senator Gordon, further proceedings under the call of the Senate were dispensed with.

CONSIDERATION OF DAILY FILE (RESUMED)

Consideration of Motion to Reconsider

Senate Bill No. 829—An act to amend Section 340 of the Code of Civil Procedure, relating to the time of commencing civil actions.

MOTION TO RECONSIDER SENATE BILL NO. 829

Pursuant to his motion previously made, Senator Ward moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 829 was refused passage.

The roll was called, and Senate Bill No. 829 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Sutton, Swing, Ward, and Weybret—31.

NOES—Senators Donnelly, Shelley, Slater, and Tenney—4.

Motion to Re-refer Senate Bill No. 829

Senator Ward moved that Senate Bill No. 829 be re-referred to Committee on Judiciary.

Motion carried.

THIRD READING OF SENATE BILLS

Senate Bill No. 1093—An act to amend Sections 56 and 58 of the Unemployment Insurance Act, relating to unemployment insurance and the eligibility for benefits thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 268—An act to add Article 5A, comprising Sections 933 to 994.3, inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money

for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held on the month of November, 1946.

Motion to Refer Bill to Inactive File

Senator Hatfield moved that Senate Bill No. 268 be placed on the inactive file.

Motion carried.

Senate Bill No. 883—An act to amend Sections 1082 and 1084 of the Military and Veterans Code, relating to the Woman's Relief Corps Home of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 441—An act to amend Section 19484 of the Business and Professions Code, relating to fees for horse racing meetings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1194—An act to add Section 19540 to the Business and Professions Code, relating to horse racing.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Ward—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1046—An act to add Sections 2245.6 and 2326 to the Business and Professions Code, relating to chiropodists.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 144—An act to amend the County Water District Act, approved June 10, 1913, as amended, by amending Sections 3, 4, 5, 6, 8, and 14, relating to county water districts, and by adding new Sections 12.16, relating to payment of expenses of organization of districts; 14.5, relating to liability of district directors, officers, agents and employees; 14.6, relating to claims against districts, their directors, officers, agents and employees and actions thereon; 14.7, relating to liability of districts, their directors, officers, agents and employees; and 22d, relating to the use of various improvement acts in district improvements.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 347—An act to establish California academies for children who require special care and supervision, to provide for the government and administration thereof, and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Sutton, Tenney, Ward, and Weybret—28.

NOES—Senators Collier, DeLap, Dilworth, Hulse, Keating, Mayo, Rich, Slater, and Swing—10.

Motion to Amend Title

Senator Dorsey moved the adoption of the following amendment:

Amendment No. 1

In the title of the printed bill, in line 3, strike out the comma, and in lines 3 and 4 strike out "and making an appropriation".

Amendment read, and adopted.

Bill ordered reprinted and transmitted to the Assembly.

Senate Joint Resolution No. 19—Relative to memorializing Congress to maintain the existing gold reserve ratios and to enact legislation to increase the monetary value of gold.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 762—An act to amend Section 397 of the Military and Veterans Code, relating to the payment of tolls for passage through or over toll-gates, toll bridges and ferries.

Bill read third time.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 14, of the printed bill, strike out the period and insert "or bridge and highway district.".

Amendment No. 2

On page 1, line 19, of the printed bill, strike out the period and insert a comma "or any bridge and highway district.".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution No. 49—Approving a certain amendment to the charter of the City of Redondo Beach, County of Los Angeles, State of California, voted for and ratified by the electors of the City of Redondo Beach at the general municipal election held therein on April 10, 1945.

Resolution read, and presented by Senator Tenney.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—34.
NOES—None.

Resolution ordered transmitted to the Assembly.

Senator Shelley Presiding

At 3.45 p.m., Senator John F. Shelley, of the Fourteenth District, presiding.

Assembly Bill No. 233—An act to amend Section 10505 of the Business and Professions Code, relating to persons exempt from the provisions regulating mineral, oil and gas brokers and salesmen.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Fletcher, Gordon, Hatfield, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—31.
NOES—Senators Cunningham, Desmond, Donnelly, and Dorsey—4.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 971—An act to amend Section 20005 of the Education Code, relating to residence of students at the University of California.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 58—An act to add Section 1197.5 to the Labor Code, relating to wages for women.

Bill read third time.

Motion to Amend

Senator Kuchel moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out the period, and insert "; provided, however, that this section shall not be construed to prohibit any wage differentials which are based upon seniority rights of any employee or employees or upon any differential in the quantity and quality of the labor of a woman employee and that of the employee she succeeds."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 676—An act to amend Section 372 of the Vehicle Code, relating to weight fees for commercial vehicles.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE (RESUMED)

CONSIDERATION OF MOTION TO RECONSIDER

Senate Bill No. 815—An act to add Sections 7.1, 7.3, 37.1, 56.1, 57.2 and 58.1, and to amend Sections 6, 6.5 and 7 of the Unemployment Insurance Act, relating to the coverage of seamen under this act.

Motion to Reconsider Waived

Senator Rich waived his motion to reconsider the vote whereby Senate Bill No. 815 was refused passage.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 887—An act to amend Section 790 of and to add Section 813.7 to, the Agricultural Code, relating to standards for green corn.

Bill read third time, and presented by Senator Hulse.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 239—An act to amend Section 2808 of the Streets and Highways Code, relating to assessment proceedings for sanitary sewers which have been recommended by the health officer, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Salsman.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—31.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2112—An act to add Sections 8740.5 and 8793 to the Business and Professions Code, relating to land surveyors.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 159—An act to amend Sections 16271 and 16272 of the Revenue and Taxation Code and Section 74 of the Gift Tax Act of 1939, relating to interest on refunds of gift taxes, including those ordered in the judgment of any court, and to provide that this act shall take effect immediately.

Bill read third time.

Motion to Amend

Senator Ward moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "Sections", insert "15212,".

Amendment No. 2

In line 4 of the title of said bill, strike out "interest on refunds of".

Amendment No. 3

In line 5 of the title of said bill, strike out "including those ordered in the"; and on line 6 of said title, strike out "judgment of any court,".

Amendment No. 4

On page 1, line 1, of said bill, strike out "16271", and insert "15212".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 5

On page 1, between lines 2 and 3 of said bill, insert "15212. In determining a tax on any gift [in the case of a false or fraudulent return or in the case of a failure to file a return,] *pursuant to Section 15654 of this Part or in the case of a false or fraudulent return or in the case of a return which does not show all transfers made in the year for which the return is filed,* the Controller shall determine the tax as if the gift under consideration had been made immediately after all gifts made by the

donor in the preceding calendar year, except that the rates to be applied are those in effect at the date of the gift or those in effect at the date of the determination of the tax, whichever are higher.

SEC. 2. Section 16271 of the Revenue and Taxation Code is amended to read:"

Amendment No. 6

On page 1, line 14, of said bill, strike out "2.", and insert "3."

Amendment No. 7

On page 2, line 3 of said bill, strike out "3.", and insert "4."

Amendment No. 8

On page 2, line 23, of said bill, strike out "4.", and insert "5."

Amendment No. 9

On page 2, line 28, of said bill, strike out "5.", and insert "6."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Secretary J. A. Beek at the Desk

Assembly Constitutional Amendment No. 10—A resolution to propose to the people of the State of California to amend Sections 2 and 34 of Article IV of the Constitution of said State, relating to Legislature.

Resolution read.

Motion to Amend

Senator Seawell moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 18, of the printed measure, as amended, strike out "revenues", and insert "revenue acts".

Amendment No. 2

On page 1 of said measure strike out lines 20, 21, and 22 and insert "vote, acts calling elections, proposed constitutional amendments, the approval or rejection of charters and charter amendments of cities, counties, and cities and counties, and acts necessary to provide for the expenses of the session."

Amendments read and adopted.

Resolution ordered printed, and to third reading.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 260—An act to add Sections 4000.2, 4000.3, 4000.4, and 4000.5 to the Public Resources Code, relating to prevention and suppression of fires.

Bill read third time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

On page 1, in line 4, of the printed bill, as amended, after "State", insert ", without regard to any classification of lands made by or for any Federal agency or purpose,".

Amendment No. 2

On page 2 of said bill, after line 18, insert

"SEC. 5. The primary responsibility of the State of preventing and suppressing forest fires is not confined or limited to Clarke-McNary lands and the classification of lands for the purposes of the Clarke-McNary Act is no criterion whatsoever for the classification of lands for the purposes of determining areas in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the State."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 1048

Senator McBride moved that Assembly Bill No. 1048 be withdrawn from Committee on Financial Institutions for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF ASSEMBLY BILL NO. 1048

Assembly Bill No. 1048—An act to provide for the establishment of retirement systems for the purpose of creating benefits on account of members retiring by reason of age, length of service, disability or death, providing for licensing and supervision by the Commissioner of Corporations.

Bill read second time.

Motion to Amend

Senator McBride moved the adoption of the following amendments:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 1 to 3, inclusive.

Amendment No. 2

On page 2, line 4, of said bill, strike out "SEC. 4", and insert "SEC. 3".

Amendment No. 3

On page 2 of said bill, strike out line 7, and insert "SEC. 4. A retirement system shall have trustees, agents, or officers".

Amendment No. 4

On page 2, line 16, of said bill, strike out "SEC. 6", and insert "SEC. 5".

Amendment No. 5

On page 2, line 23, of said bill, strike out "SEC. 7", and insert "SEC. 6".

Amendment No. 6

On page 2, line 28, of said bill, strike out "SEC. 8", and insert "SEC. 7".

Amendment No. 7

On page 2, line 39, of said bill, strike out "SEC. 9", and insert "SEC. 8".

Amendment No. 8

On page 2, line 45, of said bill, strike out "SEC. 10", and insert "SEC. 9".

Amendment No. 9

On page 3, line 1, of said bill, strike out "SEC. 11", and insert "SEC. 10".

Amendment No. 10

On page 3, line 4, of said bill, strike out "SEC. 12", and insert "SEC. 11".

Amendment No. 11

On page 3, line 8, of said bill, strike out "SEC. 13", and insert "SEC. 12".

Amendment No. 12

On page 3, line 11, of said bill, strike out "SEC. 14", and insert "SEC. 13".

Amendment No. 13

On page 3, line 17, of said bill, strike out "SEC. 15", and insert "SEC. 14".

Amendment No. 14

On page 3, line 24, of said bill, strike out "SEC. 16", and insert "SEC. 15".

Amendment No. 15

On page 3, between lines 33 and 34 of said bill, insert

"SEC. 15.1. Whenever any retirement system of whose property, business and assets the commissioner has taken possession, as aforesaid, deems itself aggrieved thereby, it may at any time within thirty days after such taking possession apply to the Superior Court of the county in which the principal office of such retirement system is located, to enjoin further proceedings and said court after citing the commissioner to show cause why further proceedings should not be enjoined, and hearing the allegations and proofs of the parties and determining the facts, may upon the merits dismiss such application or enjoin the commissioner from further proceedings and direct him to surrender such business, property and assets to such retirement system. An appeal from such judgment enjoining the commissioner from further proceedings and directing him to surrender such business, property and assets to such retirement system shall not operate as a stay thereof, unless the trial court in its discretion, shall so order and no bond need be given if such appeal be taken by the commissioner; but if such judgment dismisses such application an appeal therefrom shall not operate as a stay thereof but the court rendering such judgment may, in its discretion, enjoin the commissioner, pending the appeal, from further proceedings and direct him, pending the appeal, to surrender such business, property and assets to such retirement system, provided a bond shall be given as required by Section 943 of the Code of Civil Procedure."

Amendment No. 16

On page 3, line 34, of said bill, strike out "SEC. 17", and insert "SEC. 16".

Amendment No. 17

On page 3, between lines 36 and 37 of said bill, insert

"SEC. 17. A fee of $50 shall be paid to the Commissioner of Corporations on the filing of the declaration provided for in Section 2."

Amendment No. 18

On page 4, of said bill, strike out lines 15 to 19, inclusive, and insert

"SEC. 25. A retirement system established by the Government of the United States, or by any territory or insular possession thereof, or by the State of California or any county, city and county, city, municipal corporation, school or public district or by any group of employees thereof, shall be exempt from the provisions of this act, other than Section 24."

Amendment No. 19

On page 4, lines 20 and 21, of said bill, strike out "shall not apply to a pension plan or", and insert ", other than Section 24, shall not apply to a".

Amendment No. 20

On page 4, lines 27 and 28, of said bill, strike out "shall not apply to a pension plan or", and insert ", other than Section 24, shall not apply to a".

Amendment No. 21

On page 4, line 33, of said bill, after "act", insert ", other than Section 24,".

Amendment No. 22

On page 4, line 38, of said bill, after "act", insert ", other than Section 24,".

Amendment No. 23

On page 1, line 9, of the printed bill, after the word "trust", insert "or trust fund".

Amendment No. 24

On page 1, line 10, of the printed bill, after the word "as", strike out the word "the", and insert "a".

Amendment No. 25

On page 2, line 45, of the printed bill, strike out the words "created hereunder", and insert "forming part of a retirement system".

Amendment No. 26

On page 4, line 32, of the printed bill, strike out the period and insert ", or that such funds shall be paid to a trustee or co-trustee that is a bank and a member of a Federal Reserve Bank."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Seawell moved that Senate Bill No. 362 be taken from the inactive file for the purpose of amendment and returned to the inactive file.

Motion carried.

Senate Bill No. 362—An act to amend Sections 1272, 1273, and 1274 of the Fish and Game Code, relating to deer.

Bill read third time.

Motion to Amend

Senator Seawell moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 11, of the amended bill, after "than", insert "Districts".

Amendment No. 2

On page 2, line 24, of said bill, strike out "as", and insert "the area".

Amendment No. 3

On page 2, line 26, of said bill, strike out "as", and insert "the area".

Amendment No. 4

On page 2, line 30, of said bill, strike out "amended to read:", and insert "repealed."

Amendment No. 5

On page 2 of said bill, strike out lines 31 to 33, inclusive.

Amendments read and adopted.

Bill ordered printed, and to inactive file.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 272

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 272—An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, and to amend Section 5.5 of the Corporation Income Tax Act, and Sections 6051, 6201, 17053.5, 17316, 17319.3, 17319.5, 19200, 19201, 19202, 19203, 19204, and 19205 of, and to add Sections 17108, 17325, 17326, 17327, 17328, 17329, 18135.1, and 18304.1 to the Revenue and Taxation Code, relating to State taxation and providing for rates and exemptions, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 24
Assembly Bill No. 89
Assembly Bill No. 585
Assembly Bill No. 652
Assembly Bill No. 1237
Assembly Bill No. 1327
Assembly Bill No. 1420
Assembly Bill No. 2049

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 24—An act to amend Section 446 of the Code of Civil Procedure, relating to the verification of pleadings.

Referred to Committee on Judiciary.

Assembly Bill No. 89—An act to add Section 29.1 to the Fish and Game Code, relating to bounties on crows.

Referred to Committee on Fish and Game.

Assembly Bill No. 585—An act to amend Sections 9754, 9756 and 9760 of the Elections Code, relating to elections.

Referred to Committee on Elections.

Assembly Bill No. 652—An act to add Section 2180.1 to the Welfare and Institutions Code, relating to applications for aid to the aged.

Referred to Committee on Social Welfare.

Assembly Bill No. 1237—An act to amend Sections 692, 693, 694, and 695 of the Fish and Game Code, relating to striped bass.

Referred to Committee on Fish and Game.

Assembly Bill No. 1327—An act to amend Sections 10970, 11061, 11118, 11344, and 11345 of the Insurance Code, relating to fraternal benefit societies.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1420—An act to amend Section 2969 of the Civil Code, relating to levy of attachments and executions on personal property.

Referred to Committee on Judiciary.

Assembly Bill No. 2049—An act to repeal all of the provisions of the California War Powers Act, Division 7 of the Military and Veterans Code, except Sections 1570, 1571, 1591 and 1595 to 1598 thereof, providing for the winding up of certain of the affairs of the California State War Council and its director, and transferring to the State Department of Finance those functions of the council and its director which are not hereby terminated.

Referred to Committee on Governmental Efficiency.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 573
Assembly Bill No. 987
Assembly Bill No. 1386
Assembly Bill No. 1724
Assembly Bill No. 1877
Assembly Bill No. 2005
Assembly Bill No. 2060

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 573—An act to add Section 86a to the Code of Civil Procedure, relating to destruction of old records.

Referred to Committee on Judiciary.

Assembly Bill No. 987—An act to amend Section 2182 of the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Social Welfare.

Assembly Bill No. 1386—An act to add Section 88.6 to the Agricultural Code, relating to the exercise of the power of eminent domain by district agricultural associations.

Referred to Committee on Agriculture.

Assembly Bill No. 1724—An act to amend Sections 4, 10, 11 and 12, of, and to add Section 11.1 to, an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and county fire protection district officers and employees, namely county foresters, firewardens and county fire protection district firemen as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 19, 1939, Statutes 1939, Chapter 174, relating to the county foresters, firewardens and firemen's pension system.

Referred to Committee on Local Government.

Assembly Bill No. 1877—An act providing for the publication and distribution of a State Blue Book.

Referred to Committee on Rules.

Assembly Bill No. 2005—An act to amend Sections 1011, 1012, and 1013 of, and to add Sections 1010, 1012.5 and 1012.6 to, the Agricultural Code, relating to apples.

Referred to Committee on Agriculture.

Assembly Bill No. 2060—An act to amend Sections 1014, 1015, 1128, 1151, 1175, 1710, 1723, 1742, 1752, 1752.5, 1752.6, 1752.7, 1753, 1754, 1757, 1760, 1760.5, 1760.6, 1760.7, and 1768 of the Welfare and Institutions Code, to repeal Section 1725 thereof and to add Sections 899, 1000.7, 1725, and 1726 thereto, and to amend Section 6002 of the Penal Code, relating to the Youth Authority, redefining the organization, powers, and duties of the Youth Authority and the officers and employees thereof and the rights, liabilities, powers, and duties of other agencies and persons in relation thereto.

Referred to Committee on Institutions.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 162
Senate Bill No. 358
Senate Bill No. 664

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 25, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 455

And reports the same correctly engrossed.

SEAWELL, Chairman

ADJOURNMENT

At 4.40 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Thursday, April 26, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FIFTY-FIFTH LEGISLATIVE DAY
ONE HUNDRED NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Thursday, April 26, 1945

The Senate met at 1.30 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Jespersen, on motion of Senator Hatfield, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. James H. Weisel of Bakersfield, Mrs. Gladys E. Morris of Los Angeles, Mrs. Matilda Wills of Sacramento, and Mrs. Eva C. Wheeler of Los Angeles.

On request of Senators Breed and DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. J. Buchanan, Chairman, Board of Supervisors of Contra Costa County.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry J. Johnson and J. D. Frost, members of the City Council of Porterville.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to D. B. Walls of Petaluma.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert Stanley Dollar of Walnut Creek.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Edna May Lyon of Oakland, Mrs. A. H. Robertson of Sacramento, Bob Jackson, Walter Lanferman, Harry Pottol, Carl Colbie, Bob Cole, Lawrence Tuffs, Don Fuller, Herbert Wegner, Bill Holmes, Ann Perry, Grace Roberts, Warren Schoonover, Bill Trampleasure, Shirley Simpson, Don Fowle, and Donna Humphrey, all of Berkeley.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 25, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 137	Senate Bill No. 822
Senate Bill No. 160	Senate Bill No. 831
Senate Bill No. 363	Senate Bill No. 886
Senate Bill No. 523	Senate Bill No. 997
Senate Bill No. 579	Senate Bill No. 1023
Senate Bill No. 651	Senate Concurrent Resolution No. 46
Senate Bill No. 799	

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, April 25, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Assembly Bill No. 385	Assembly Bill No. 1043
Assembly Bill No. 1694	Assembly Bill No. 820
Assembly Bill No. 762	Assembly Bill No. 821
Assembly Bill No. 693	Assembly Bill No. 822
Assembly Bill No. 1041	Assembly Bill No. 823
Assembly Bill No. 1042	Assembly Bill No. 824

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

McBRIDE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 25, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Assembly Bill No. 1040

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and place on inactive file.

Committee membership 9; committee vote: Ayes 8; absent 1.

McBRIDE, Chairman

Above bill ordered placed on the inactive file.

SENATE CHAMBER, SACRAMENTO, April 25, 1945

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Assembly Bill No. 36
Assembly Bill No. 174

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

McBRIDE, Chairman

Above reported bills ordered to second reading.

Committee on Institutions

SENATE CHAMBER, SACRAMENTO, April 25, 1945

MR. PRESIDENT: Your Committee on Institutions, to which was referred:

Assembly Bill No. 1207

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

BREED, Chairman

Above reported bill ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committtee on Finance, to which was referred:

Senate Bill No. 1003

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee:

Committee membership 11; committee vote: Ayes 9; absent 2.

RICH, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 68

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 8; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 367

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 7; noes 3; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 421

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 9; noes 1; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 1255
Senate Bill No. 986
Assembly Bill No. 947
Assembly Bill No. 1435

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 10; absent 2.

KEATING, Chairman

Above reported bills ordered to second reading.

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Senate Bill No. 28
Senate Bill No. 474
Senate Bill No. 476
Senate Bill No. 512
Senate Bill No. 1208

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which were referred:

Senate Bill No. 522
Assembly Bill No. 925

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 519

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 615

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 3.

MAYO, Chairman

Above reported bill ordered to second reading.

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 44

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Joint Resolution No. 30

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported resolution ordered to third reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 895

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 515
Assembly Bill No. 957
Assembly Bill No. 1992

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 383
Senate Bill No. 629
Assembly Bill No. 695
Assembly Bill No. 968

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Concurrent Resolution No. 41

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 551
Senate Bill No. 607

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended, and re-refer to the Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 25, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 371
Senate Bill No. 372
Senate Bill No. 577
Senate Bill No. 581
Senate Bill No. 582
Senate Bill No. 670
Senate Bill No. 935
Senate Bill No. 1036
Senate Bill No. 1241

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 25, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 260
Senate Bill No. 762

And reports the same correctly re-engrossed.

SEAWELL, Chairman

RESOLUTIONS

The following resolution was offered by Senator Powers:

Senate Resolution No. 97

RESOLVED, That the position of Harry L. Jordan, Bookkeeper to Sergeant-at-Arms, heretofore established at $10.00 per diem, be and the same is hereby increased to $12.00 per diem, beginning April 22, 1945, as per resolution of the Rules Committee effecting compensation for this position and the Controller is hereby directed to draw his warrants in favor of the respective person for the respective amount, and the Treasurer is hereby directed to pay the same.

Per day.

Harry L. Jordan, Bookkeeper to Sergeant-at-Arms—$12 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Dillinger, Fletcher, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—22.

NOES—None.

COMMUNICATIONS

The following communication, and excerpt from the Sacramento Union, was received and read: and on motion of Senator Tenney, ordered printed in the Journal:

CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR NORTHERN CALIFORNIA

SAN FRANCISCO, April 25, 1945

The Honorable Jack B. Tenney, Chairman Joint Fact-Finding Committee on Un-American Activities in California,
State Capitol.
Sacramento, California

DEAR SIR: The report of your committee, as printed in the Senate and Assembly Daily Journals of April 16, 1945, contains testimony by witnesses in connection with your investigation of "Mankind United" or "Christ's Church of the Golden Rule" which gives an incorrect impression of Christian Science and the Christian Science Church. Accordingly, we would appreciate it if you would ask to have this letter also printed in the Legislative Journals.

Arthur L. Bell, organizer of "Mankind United," withdrew from The Mother Church, The First Church of Christ, Scientist, in Boston, Massachusetts, on March 21, 1940. His wife, Ruby V. Chapman, withdrew her membership on May 4, 1944. Although Mrs. Bell, also known as Ruby V. Chapman, testified that she was a Christian Science practitioner, neither she nor Mr. Bell has ever had a card as a Christian Science practitioner in The Christian Science Journal, the official organ of The Mother Church.

The enterprise with which the Bells are now associated, called "Mankind United" or "Christ's Church of the Golden Rule," is in no way connected with the Christian

Science Church or its religious teachings. As we are sure you appreciate, it is misleading for them to claim that the organization with which they are now connected is similar to the Christian Science Church.

Very truly yours

JAMES A. VINCENT
Christian Science
Committee on Publication
for Northern California

JOHN J. SELOVER
Christian Science
Committee on Publication
for Southern California

Excerpt from Sacramento Union April 26, 1945

GETS $25,000 ON $1 PURCHASE
(By Valley News Service)

WEIMAR—Same property that was bought here a month ago by Christ Church of the Golden Rule for $1 was sold by the church yesterday for more than $25,000.

The deeds were signed by A. L. Bell as president of the church. Bell, known as "The Voice" of Mankind United, is out on bail on sedition charges.

The property was sold to the church by John Kirby, former stationery engineer at the sanatorium here. Kirby also sold to the church for $1 a sawmill and timber stands in Forest Hill area. Kirby moved from this district about a year ago.

The acreage was sold in two parcels. Five and two-tenths acres of land, containing about 20 small cabins, was purchased by Clark Blakesly, and Budapest Inn, dine and dance resort, was sold to Alfred Dalpino, each sale amounting to $12,500.

RESOLUTIONS

The following resolution was offered:

By Senator Crittenden:

Senate Resolution No. 98

WHEREAS, It has been stated before the Senate Committee on Revenue and Taxation, in substance, that any reductions in California income tax will be reflected to the extent of 60 per cent of said reduction in the increase of Federal income tax and will not be enjoyed by the people of California; and

WHEREAS, It has been stated that a very large percentage of the saving of any reduction in the sales tax will be immediately reflected in the increase of the Federal income tax of the people of the State, and will not be enjoyed by the people; and

WHEREAS, It has been stated that any so-called reduction of State taxes will be immediately reflected to a very large extent in the increase of the Federal income tax paid by the people; now, therefore, be it

Resolved, That the Tax Department of the Board of Equalization of the State of California, and the Department of Finance of the State of California be requested at once, and are hereby requested to file a report immediately with the Secretary of the Senate of the State of California, showing the amount of any reduction in California taxes that will be immediately reflected in the increase of Federal income taxes if any.

Resolution read and on motion of Senator Crittenden adopted.

MOTION TO READ ASSEMBLY BILL NO. 43 THIRD TIME

Senator Swing moved that Assembly Bill No. 43 be given third reading out of order, for the purpose of adopting the amendments offered by himself.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 43—An act to amend Sections 736b, and 737a to 737z, inclusive, 737aa to 737zz, inclusive, and 737aaa to 737fff, inclusive, of the Political Code, relating to the salaries of judges of the superior court.

Bill read third time.

Motion to Amend

Senator Swing moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 6, of the printed bill, as amended, strike out "six", and insert "five".

Amendment No. 2

On page 1, line 10, of said bill, strike out "six", and insert "five".

Amendment No. 3

On page 1 of the printed bill, as amended, lines 17 and 18, strike out "seven thousand five hundred dollars ($7,500)", and insert "six thousand five hundred dollars ($6,500)".

Amendment No. 4

On page 2 of said bill, lines 3 and 4, strike out "eight thousand dollars ($8,000)", and insert "seven thousand dollars ($7,000)".

Amendment No. 5

On page 2 of said bill, lines 27 and 28, strike out "eight thousand dollars ($8,000)", and insert "seven thousand dollars ($7,000)".

Amendment No. 6

On page 2, lines 7 and 8, of the printed bill, as amended, strike out "nine thousand five hundred dollars ($9,500)", and insert "eight thousand five hundred dollars ($8,500)".

Amendment No. 7

On page 2, line 23, of the printed bill, as amended, strike out "seven hun-"; and in line 24, strike out "dred fifty ($6,750)", and insert "($6,000)".

Amendment No. 8

On page 2, lines 15 and 16, of said bill, strike out "eight thousand dollars ($8,000)", and insert "seven thousand dollars ($7,000)".

Amendment No. 9

On page 2, lines 35 and 36, of said bill, strike out "eight thousand dollars ($8,000)", and insert "seven thousand dollars ($7,000)".

Amendment No. 10

On page 2, lines 43 and 44, of the printed bill, as amended, strike out "eight thousand dollars ($8,000)", and insert "seven thousand dollars ($7,000)".

Amendment No. 11

On page 2, line 11, of the printed bill, as amended, strike out "eight", and insert "seven".

Amendment No. 12

On page 2, line 12, of said bill, strike out "($8,000)", and insert "($7,000)".

Amendment No. 13

On page 3, line 36, of said bill, strike out "eight", and insert "seven".

Amendment No. 14

On page 3, line 37, of said bill, strike out "($8,000)", and insert "($7,000)".

Amendment No. 15

On page 3, lines 3 and 4, of the printed bill, as amended, strike out "eight thousand five hundred dollars ($8,500)", and insert "seven thousand five hundred dollars ($7,500)".

Amendment No. 16

On page 3, line 10, of the printed bill, strike out "six thousand five hundred dol-"; and strike out all of line 11, and insert "seven thousand five hundred dollars ($7,500)".

Amendment No. 17

On page 4, line 6, of the printed bill, as amended, strike out "eight", and insert "seven".

Amendment No. 18

On page 4, line 7, of said bill, strike out "($8,000)", and insert "($7,000)".

Amendment No. 19

On page 4 of the printed bill, as amended, lines 43 and 44, strike out "nine thousand dollars ($9,000)", and insert "eight thousand dollars ($8,000)".

Amendment No. 20

On page 5 of the printed bill, as amended, lines 10 and 11, strike out "eleven thousand dollars ($11,000)", and insert "ten thousand dollars ($10,000)".

Amendment No. 21

On page 5 of the printed bill, as amended, lines 18 and 19, strike out "nine thousand dollars ($9,000)", and insert "eight thousand five hundred dollars ($8,500)".

Amendment No. 22

On page 6, line 6, strike out "eight", and insert "seven".

Amendment No. 23

On page 6, line 7, strike out "($8,000)", and insert "($7,000)".

Amendment No. 24

On page 6 of the printed bill, strike out lines 9, 10, and 11, and insert "737vv. The annual salary of each of the judges of the Superior Court in and for the County of Solano is eight thousand five hundred dollars ($8,500)."

Amendment No. 25

On page 6 of the printed bill, as amended, lines 14 and 15, strike out "nine thousand five hundred dollars ($9,500)", and insert "nine thousand dollars ($9,000)".

Amendment No. 26

On page 6 of the printed bill, strike out lines 22 and 23 and insert "in and for the County of Sutter is eight thousand five hundred dollars ($8,500)."

Amendment No. 27

On page 6 of the printed bill, strike out lines 50 and 51 and insert "Court in and for the County of Yuba is eight thousand five hundred dollars ($8,500)."

Amendment No. 28

On page 6 of said bill, lines 26 and 27, strike out "eight thousand dollars ($8,000)", and insert "seven thousand dollars ($7,000)".

Amendment No. 29

On page 6, lines 34 and 35, of the printed bill, as amended, strike out "eight thousand dollars ($8,000)", and insert "nine thousand dollars ($9,000)".

Amendment No. 30

On page 6, line 38, of said bill, strike out "eight", and insert "seven".

Amendment No. 31

On page 6, line 39, of said bill, strike out "(8,000)", and insert "($7,000)".

Amendment No. 32

On page 6, lines 46 and 47, of the printed bill, as amended, strike out "eight thousand five hundred dollars ($8,500)", and insert "seven thousand five hundred dollars ($7,500)".

Amendment No. 33

On page 5, line 34, of the printed bill, as amended, after "is", strike out "nine"; and strike out all of line 35, and insert "eight thousand five hundred dollars ($8,500)".

Amendment No. 34

On page 5, lines 45 and 46, of the printed bill, as amended, strike out "eight thousand five hundred dollars ($8,500)", and insert "seven thousand five hundred dollars ($7,500)".

Amendment No. 35

On page 6, lines 30 and 31, of said bill, strike out "eight thousand dollars ($8,000)", and insert "seven thousand dollars ($7,000)".

Amendments read and adopted.

Bill ordered printed, and to third reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 19—An act making a transfer of money from the General Fund to the Postwar Employment Reserve and providing that the money so transferred shall be available for appropriation by the Legislature for expenditure by The Regents of the University of California for the purpose of establishing and maintaining in the University of California instruction in the various methods of preservation and

processing of agricultural and meat products and for the purpose of erecting and equipping a building or buildings to be used in connection with such course of instruction.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 85—An act to amend Section 4750 and to add Sections 4751, 4752, 4753, and 4754 to the Labor Code, relating to disabled workmen who sustain subsequent injury and making an appropriation to carry out the purposes thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 2, line 9, of the printed bill, before the period, insert ", except that payments made to the employee or to which he is entitled as a pension or other compensation for disability incurred in service in the armed forces of the United States shall not be deducted therefrom".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 91—An act to amend Section 92 of the Agricultural Code, relating to the basis of allocation to county, district or combined county and district affairs.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 382—An act to amend Sections 735.3, 736.1, 736.2, 736.11, 736.14, 736.15, 737.5, and 737.6 of the Agricultural Code, relating to the marketing of fluid milk and cream.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 783—An act to amend Section 643.1 of the Agricultural Code, relating to dairy farm inspection.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1238—An act to amend Section 6015 of the Revenue and Taxation Code and to add Section 6365 to said code, relating to the taxation of the privilege of selling and of storing, using, or otherwise consuming tangible personal property and to certain exemptions from said taxation, and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 6015 of", and insert "add Section 6018 to".

Amendment No. 2

In title of said bill, strike out lines 2 to 6, inclusive, and insert "Code, relating to the sales and use taxes."

Amendment No. 3

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 6018 is added to the Revenue and Taxation Code, to read:

6018. A licensed optometrist shall not be considered a retailer within the provisions of this part with respect to the ophthalmic lenses and eyeglass frames and fittings which he prescribes and adapts for the aid of the human eye."

Amendment No. 4

On page 1 of said bill, strike out lines 2 to 23, inclusive; and on page 2 strike out lines 1 to 10, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 523—An act to amend Section 14797 of the Revenue and Taxation Code, relating to maximum commissions that may be retained by county treasurers out of inheritance taxes.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 339—An act to amend Section 9603.5 of the Revenue and Taxation Code, relating to the taxation of vehicles.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 691—An act to amend Section 459 of the Fish and Game Code, relating to general regulations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1282—An act to amend Section 1347 of the Fish and Game Code, relating to elk.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1283—An act to amend Section 1346 of the Fish and Game Code, relating to antelope.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1284—An act to amend Section 781 of the Fish and Game Code, relating to lobsters.

Bill read second time, and ordered to third reading.

Assembly Bill No. 689—An act to repeal Section 486 of the Fish and Game Code, relating to fish.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1379—An act to amend Section 887 of the Fish and Game Code, relating to fish.

Bill read second time, and ordered to third reading.

Assembly Bill No. 532—An act to add Section 131.5 and 143.5 to the Agricultural Code, relating to liens on tax-deeded lands.

Bill read second time, and ordered to third reading.

Assembly Bill No. 313—An act to amend Sections 131, 137, 138, 145, 146, 147, 159 and 159A of the Agricultural Code, relating to plant quarantine and pest control.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 2, line 14, of the printed bill, as amended, strike out the semicolon and insert a comma.

Amendment No. 2

On page 2 of the printed bill, as amended, strike out line 37 and insert "cent. Except as provided in Section 131.5, an action to".

Amendment No. 3

On page 3, line 43, of the printed bill, as amended, strike out the comma.

Amendment No. 4

On page 4 of the printed bill, as amended, strike out lines 10 and 11, and insert "penalty of 15 per cent. Except as provided in Section 143.5, an action to foreclose said lien shall be commenced within".

Amendment No. 5

On page 4, line 39, of the printed bill, as amended, strike out "camels thorn", and insert "camelthorn".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 608—An act to amend Sections 1101, 1101.1, 1102, 1103, 1103.1, 1104.1 1105.3, 1106.2, and 1107 of, and to renumber Sections 1105.4, 1103.4, 1105.5, 1105.6, 1105.7, 1105.8 and 1105.9 of, to be Sections 1103.2, 1103.5, 1105.4, 1105.5, 1105.6, 1105.7 and 1105.8 of, and to amend and renumber Sections 1102.2, 1102.1, 1103.2 and 1103.3 of, to be Sections 1102.1, 1102.2, 1103.3 and 1103.4 of, and to add Sections 1102.3, 1102.4, 1103.05 and 1108.1 to, and to repeal Section 1105.4 of, the Agricultural Code, relating to eggs.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 3, line 46, of the printed bill, as amended, strike out "standard", and insert "standards".

Amendment No. 2

On page 4, line 18, of the printed bill, as amended, strike out "standard", and insert "standards".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1076—An act to reappropriate the unallocated balance in the Fair and Exposition Fund appropriated for permanent improvements for fair purposes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 3 of the title of the printed bill, after "purposes", insert ", declaring the urgency of this act, to take effect immediately",

Amendment No. 2

On page 1 of said bill, after line 6, insert

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of SECTION 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

This act prevents the reversion of funds heretofore made available for improvements for fair purposes. The fairs affected provide recreational facilities for many people throughout the State and thereby promote the public health and well being. In order that the salutory provisions for such recreation shall continue to be effective it is necessary that funds continue to be provided therefor."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1079—An act to amend Section 19622 and to repeal Section 19626.5 of the Business and Professions Code, relating to appropriations from the Fair and Exposition Fund.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 20, of the printed bill, after "money", insert "heretofore or hereafter".

Amendment No. 2

On page 2, line 2, of said bill, after "improvements", insert ", maintenance, support".

Amendment No. 3

On page 2 of said bill, strike out lines 7 and 8, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1075—An act to amend Section 19626 of the Business and Professions Code, Section 88 of the Agricultural Code, and Section 4041i of the Political Code, relating to the allocation and disposition of moneys in the Fair and Exposition Fund.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1077—An act to add Section 19628 to the Business and Professions Code, relating to the availability and reversion of appropriations and allocations from the Fair and Exposition Fund.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1078—An act to add Section 92.4 to the Agricultural Code, relating to agricultural fairs.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1080—An act making an appropriation for the encouragement of agricultural fairs.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1081—An act to add Section 92.5 to the Agricultural Code, relating to adjustment of apportionments to district and county fairs from the Fair and Exposition Fund.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1717—An act to add Section 2189.5 to the Revenue and Taxation Code, relating to tax on personalty as lien on gas and oil leasehold estate.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 1, line 6, of the printed bill, after "earth," insert "and belonging to the owner of such leasehold estate,".

Amendment No. 2

On page 1, line 9, of said bill, strike out "taxes upon such personal property or improvements", and insert "all taxes upon such personal property or improvements and upon such leasehold estate. In the event of delinquency in the payment of any such tax, such personal property, improvements and leasehold estate shall be subject to seizure and sale in the same manner as provided for the seizure and sale of unsecured personal property, in Sections 2914 to 2920, inclusive, at any time within one year after the delinquency. Suit may be brought against an assessee of such taxes in the event of delinquency in the payment thereof".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Assembly Bill No. 1017—An act to amend Section 123, of Chapter 1, Part 1, Division 1, and Section 4104, of Chapter 1, Part 7, Division 1, of the Revenue and Taxation Code, relating to amounts payable on redemption of delinquent real estate taxes.

Bill ordered printed, and to third reading.

Assembly Bill No. 1503—An act to amend Section 756 of the Revenue and Taxation Code, relating to assessment rolls of State assessed property.

Bill ordered printed, and to third reading.

Assembly Bill No. 1508—An act to amend Sections 11271, 11315, 11336, 11572, 11576, 11577 and 11652 of the Revenue and Taxation Code, relating to reports, assessments, suits for refund, and records with respect to the tax imposed by the Private Car Tax Law.

Bill ordered printed, and to third reading.

Assembly Bill No. 1018—An act to amend Section 3695 of the Revenue and Taxation Code, relating to real property taxation.

Bill ordered printed, and to third reading.

Assembly Bill No. 1019—An act to amend Sections 4152 and 4155 of Chapter 2, Part 7, Division 1, of the Revenue and Taxation Code, relating to redemption of a portion of a parcel of tax sold real estate.

Bill ordered printed, and to third reading.

Assembly Bill No. 1509—An act to amend Sections 7305, 7353, 7401, 7407, 7660, 7699, 7700, 7714, and 8126, to repeal Section 8191, to amend and renumber Section 8192, and to renumber Sections 8193 and 8194 of the Revenue and Taxation Code, relating to the definition of

the term "distribution," exemptions from the motor vehicle fuel license tax and determinations and refunds of the tax, and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 4 of the title of the printed bill, as amended, after "8192," strike out "AND".

Amendment No. 2

In line 5 of the title of the printed bill, as amended, before "of", insert "and to amend the heading of Article 5, Chapter 7, Part 2, Division 2".

Amendment No. 3

On page 2, line 11 of the printed bill, as amended, after "board", insert a comma.

Amendment No. 4

On page 2 of the printed bill, as amended, strike out line 31 and insert ", or delivered on the order of the owner, to a distributor who".

Amendment No. 5

On page 3, line 28, of the printed bill, as amended, strike out "The"; and strike out lines 29 and 30, and insert "At the time of filing the petition for redetermination, the distributor shall deposit with the board".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 6

On page 4 of the printed bill, as amended, between lines 37 and 38, insert

"SEC. 14. The heading of Article 5, Chapter 7, Part 2, Division 2 of the Revenue and Taxation Code is amended to read:

"Article 5. Cancellations [and Refunds of Overpayments]"

Amendment No. 7

On page 4, line 38, of the printed bill, as amended, strike out "14", and insert "15".

Amendments read and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 762—An act to amend Section 397 of the Military and Veterans Code, relating to the payment of tolls for passage through or over tollgates, toll bridges and ferries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Fletcher, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 42—An act to amend Sections 1 and 2 of an act entitled "An act to provide for the conditional sale of railroad and street railway equipment or rolling stock, to regulate the making and recording of contracts therefor and declarations of the payment or per-

formance thereof, and to authorize their recordation in the office of the Secretary of State," approved June 13, 1913, relating to the recordation of instruments under said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 260—An act to add Sections 4000.2, 4000.3, 4000.4, and 4000.5 to the Public Resources Code, relating to prevention and suppression of fires.

Bill read third time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 1, of the printed bill, as amended, strike out "mountainous or hilly".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 205—An act to amend Section 9201 and to repeal Section 9202 of the Health and Safety Code, relating to the acquisition of nonperpetual care cemeteries by public cemetery districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 524—An act to amend Sections 11610, 11612, 11614, 11619, 11622 and to repeal Sections 11620 and 11621 of the Health and Safety Code, relating to the unlawful transportation, keeping, depositing, concealment and possession of narcotics in vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 217—An act to add Section 4050 to the Public Resources Code, relating to the powers of boards of supervisors.

Bill read third time.

Previous Question

Senator DeLap moved the previous question.

Motion carried.

The question being on the final passage of Senate Bill No. 217.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, Parkman, Rich, Sutton, Swing, Tenney, Ward, and Weybret—23.

NOES—Senators Biggar, Carter, Collier, Dillinger, Fletcher, Gordon, Mayo, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, and Slater—14.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1267—An act to amend Section 3 of an act entitled "An act declaring portions of the lands conveyed to the City of San Diego by an act entitled 'An act conveying certain tidelands and lands lying under inland navigable waters situate in the Bay of San Diego to the City of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof,' approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and excluding such portions from use for navigation, commerce and fisheries and granting such portions of said tidelands to the City of San Diego and County of San Diego," approved June 11, 1929, relating to grant of tidelands to City of San Diego and County of San Diego for county and municipal purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Dillinger Presiding

At 3.43 p.m., Senator H. E. Dillinger of the Ninth District, presiding.

Senate Bill No. 645—An act to amend Section 163 of, and to add Section 250.1 to, the Fish and Game Code, relating to game refuges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1266—An act to amend Section 1343 of the Fish and Game Code, relating to seals and sea lions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Kuchel,

Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 590—An act to amend Sections 26331, 26336, 26337, 26340, 26342, 26362, and 26363 of the Health and Safety Code, relating to drugs and devices.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 588—An act to amend Section 9d of "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the use of sealed containers and providing for the sterilization of bottles, receptacles and containers used for foods, drugs and liquors; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; providing for the licensing of premises upon which walnuts are shelled or otherwise prepared and for the inspection of such premises and prohibiting the purchase, acquisition or receiving of walnuts shelled or prepared other than on licensed premises; providing for license fees; providing for producer exemption and empowering the California State Board of Public Health to make rules and regulations, and providing for the keeping of records; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to license fees and providing for the disposition thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Sutton, Tenney, and Ward—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1249—An act to amend Sections 14030, 14031, 14032, 14033, 14034, 14035, and 14036 of the Government Code, relating to Revolving Funds, in the Department of Public Works.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—27.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 302—An act to amend Section 600 of the Probate Code, relating to the filing of the inventory and appraisement.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 149—An act to amend Sections 737ee, 737ee, 737*ll*, and 737tt of the Political Code, relating to the salaries of judges of the superior court.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 44—Relative to the General George S. Patton, Jr., Victory Project and War Veterans Memorial Park.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—29.
NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 999—An act to add Section 72.5 to the State Civil Service Act, relating to holidays.

Bill read third time.

Motion to Amend

Senator McBride moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "Service Act", insert "and Section 18025 to the Government Code".

Amendment No. 2

On page 1 of said bill, after line 22, insert

"SEC. 2. Section 18025 is added to the Government Code, to read:

18025. All employees shall be entitled to the following holidays: The first day of January, the twelfth day of February, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first Monday in September, the

ninth day of September, the twelfth day of October, the eleventh day of November, the twenty-fifth day of December, every day on which an election is held throughout the State, and every day appointed by the Governor of this State for a public fast, thanksgiving, or holiday.

When a day herein listed falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. Any employee who may be required to work on any of the holidays herein mentioned, and who does work on any of said holidays, shall be entitled to be paid compensation or given compensating time off for such work within the meaning of Section 73 of this act. For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, or compensating time off, shall be considered as time worked by the employee.

SEC. 3. Section 2 of this act becomes operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case at the same time as said Part 2 takes effect; at which time Section 90 of the State Civil Service Act is hereby repealed."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 504—An act to amend Sections 192 and 193 of the Penal Code, relating to manslaughter and the punishment thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 834—An act to add Chapter 2.1, comprising Sections 2700 to 2707, inclusive, to Part 5, Division 1 of the Revenue and Taxation Code, relating to property taxation, including installment payments of property taxes, delinquent penalties, cost of publishing delinquent roll and preparation of delinquent roll, and declaring this act to be an emergency measure to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Dillinger, Dilworth, Gordon, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—28.

NOES—Senators Deuel, Donnelly, Hatfield, and Mayo—4.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Breed moved a call of the Senate.

Motion carried. Time, 4.40 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 550—An act to add Article IIa to Chapter 5 of Title 2 of Part 4 of the Political Code consisting of Sections 4100a to 4100c, both inclusive, relating to the duties and powers of the Controller.

Bill read third time.

Motion to Amend

Senator DeLap moved the adoption of the following amendments:

Amendment No. 1

On page 2 of the printed bill, strike out lines 1 to 7, inclusive.

Amendment No. 2

On page 2, line 8, of said bill, strike out "4100e", and insert "4100d".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 577—An act to amend Sections 26517, 26560, 26561, 26562, 26564, 26566, 26582, and 26583 of the Health and Safety Code, relating to foods.

Bill read third time.

Motion to Amend

Senator Burns moved the adoption of the following amendments:

Amendment No. 1

In lines 3 and 4 of the title of the printed bill, as amended, strike out "and to add SECTIONS 26517 (A) and 26517 (B)".

Amendment No. 2

On page 1, line 3, of said bill, after "26517.", insert "(a)".

Amendment No. 3

On page 1, line 7 and 8, of said bill, strike out
"SEC. 2. Section 26560 of said code is amended to read: 26517 (a)." and insert "(b)".

Amendment No. 4

On page 1, line 10, of said bill, strike out "26517 (b)." and insert "(c)".

Amendment No. 5

On page 1 of said bill, between lines 13 and 14, insert
"SEC. 2. Section 26560 of said code is amended to read:"

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Ward:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is follows:

An act to create a district to be called "The Santa Barbara County Water Agency" for the purpose of controlling and conserving storm, flood and other surface waters for any beneficial use and for the protection of life and property in said district, for the purpose of cooperating and contracting with municipalities and certain districts for the storage and diversion, the transportation and delivery, and the sale or other disposition of such water; to provide for the powers of such district necessary to carry out its purposes including the right to contract, the right to acquire property and to

acquire or construct or have constructed dams, conduits, and other works for the control, conservation, diversion, and transportation of such water, certain rights to appropriate water, to acquire water rights, and to sell water and to collect charges for water used; to provide for the organization, government and management of said district and establishing the boundaries thereof; to provide for the appointment, powers, duties, liabilities and compensation of the officers and employees of said district; to provide certain officers and employees of the County of Santa Barbara shall be ex officio officers and employees of said district; to authorize the incurring of indebtedness, the voting, and/or issuing and selling of bonds, the voting and/or levying and collection of special assessments, the levying and collection of taxes; to provide certain limitations on creation of indebtedness, levying of taxes and special assessments and issuance of bonds; to provide that the existence, property and powers of municipalities or public districts located within or partially within said district shall not be affected by this act; and to empower municipalities, county water districts, water conservation districts, flood control districts, and any other political subdivisions of the State empowered by law to appropriate water and to deliver it to users, to enter into contracts with the agency and to carry out the terms of such contracts.

Respectfully submitted.

SENATOR WARD

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 26, 1945

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Water Resources.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Desmond, Denel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 1278: By Senator Ward—An act to create a district to be called "The Santa Barbara County Water Agency" for the purpose of controlling and conserving storm, flood and other surface waters for any beneficial use and for the protection of life and property in said district, for the purpose of cooperating and contracting with municipalities and certain districts for the storage and diversion, the transportation and delivery, and the sale or other disposition of such water; to provide for the powers of such district necessary to carry out its purposes including the right to contract, the right to acquire property and to acquire or construct or have constructed dams, conduits, and other works for the control, conservation, diversion, and transportation of such water, certain rights to appropriate water, to acquire water rights, and to sell water and to collect charges for water used; to provide for the organization, government and management of said district and establishing the boundaries thereof; to provide for the appointment, powers, duties, liabilities and compensation of the officers and employees of said district; to provide certain officers and employees of the County of Santa Barbara shall be ex officio officers and employees of said district; to authorize the incurring of indebtedness, the voting, and or issuing and selling of bonds, the voting and or levying and collection of special assessments, the levying and collection of taxes; to provide certain limitation on creation of indebtedness, levying of taxes and special assessments and issuance of bonds; to provide that the existence, property and powers of municipalities or public districts located within or partially within said district shall not be affected by this act; and to empower

municipalities, county water districts, water conservation districts, flood control districts, and any other political subdivisions of the State empowered by law to appropriate water and to deliver it to users, to enter into contracts with the agency and to carry out the terms of such contracts.

Referred to Committee on Water Resources.

Senate Joint Resolution No. 20: By Senator Gordon—Relative to endorsing and urging the passage of H.R. 2081, to permit the use of live decoys in the taking of ducks.

Referred to Committee on Fish and Game.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 426

Senator McBride moved that Assembly Bill No. 426 be withdrawn from Committee on Financial Institutions for purpose of amendment.

Motion carried.

CONSIDERATION OF ASSEMBLY BILL NO. 426

Assembly Bill No. 426—An act to amend Sections 10490, 10491, 10492, 10493, 10494, 10495, 10496, 10497, 10498, 10498.5, 10499, 10500, 10501, 10971, 10971.4 and 10972 of the Insurance Code, to repeal Section 10241 thereof, and to add Section 10498.6 to said code, all relating to insurance.

Bill read second time.

Motion to Amend

Senator McBride moved the adoption of the following amendments:

Amendment No. 1

On page 3 of the printed bill, as amended, strike out lines 29 and 30, and insert "Division 1, and Articles 2 and 4 of Chapter 1, Part 2, Division 2, shall conform to such reasonable standards as the".

Amendment No. 2

On page 4 of said bill, strike out lines 1 to 12, inclusive, and insert "of exemption. If after hearing the commissioner finds in accordance with the procedure provided in Section 704 that the operations of the person are in violation of the".

Amendment No. 3

On page 1 of the printed bill, as amended, between lines 13 and 14 insert "Any nonprofit incorporated mutual benefit association in existence prior to January 1, 1945, which confines its membership to officers and employees of a common employer or group of affiliated or related employers including persons who were such officers or employees at the time of becoming members and which pays death benefits only to nominees or the estates of deceased members, is exempt from the provisions of this code relating to such life and disability insurance in respect to such members."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 348

Senator Dorsey moved that Senate Bill No. 348 be withdrawn from Committee on Finance for purpose of amendment, and re-referred to committee.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 348

Senate Bill No. 348—An act making an appropriation for the support of California academies.

Bill read second time.

Motion to Amend

Senator Dorsey moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "act", insert "to amend Sections 26, 28 and 30 of the California Academies Act, relating to funds for the administration of said act and".

PRINTER'S NOTE There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 6, inclusive, and insert

"SECTION 1. Section 26 of the California Academies Act is amended to read:

SEC. 26. *There shall* [It is the policy of the State that there] be paid annually to the school from the General Fund of the State for each pupil the same amount as is apportioned for the support of the public schools of the State from State Funds per unit of average daily attendance in the Public School System.

SEC. 2. Section 28 of said act is amended to read:

SEC. 28. The school is an institution within the meaning of Chapter 1 of Part 2 of Division 2 of the Welfare and Institutions Code, and the board may make application for *and receive* aid pursuant to said chapter [when thereunto authorized by any provision of law hereafter enacted].

SEC. 3. Section 30 of said act is amended to read:

SEC. 30. [All moneys received by the board pursuant to the provisions of this act shall be deposited] *The board shall collect all amounts provided for by Sections 25, 26, 27, 28, and 29, and shall deposit them* in the State Treasury in the California Academies Fund, hereby created. The Controller shall maintain a separate account in such fund covering the sources from which any moneys are received. *All moneys in the California Academies Fund, including the sum of five hundred forty thousand dollars ($540,000) which is hereby transferred to said fund out of unappropriated moneys of the General Fund in the State Treasury, are hereby appropriated to the Board of Governors of California Academies to be expended in accordance with law in carrying out the provisions of this act. All such moneys are available for expenditure without regard to fiscal years, except said sum of five hundred forty thousand dollars ($540,000) which is expendable only during the Ninety-seventh and Ninety-eighth Fiscal Years.* [No provision of this act constitutes an appropriation of money. No money is expendable hereunder or for any of the purposes hereof unless authorized by an act or acts hereafter enacted.]

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 52

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 52—Relative to approving a certain amendment to the charter of the City of Fresno, in the County of Fresno, State of California, voted for and ratified by the electors of the city at a special election held therein on the ninth day of April, 1945.

Request for Unanimous Consent

Senator Burns asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 52, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 52

Assembly Concurrent Resolution No. 52—Relative to approving a certain amendment to the charter of the City of Fresno, in the County of Fresno, State of California, voted for and ratified by the electors of the city at a special election held therein on the ninth day of April, 1945.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 18
Assembly Bill No. 113
Assembly Bill No. 191
Assembly Bill No. 237
Assembly Bill No. 278
Assembly Bill No. 595
Assembly Bill No. 1069
Assembly Bill No. 1123
Assembly Bill No. 1160
Assembly Bill No. 1176
Assembly Bill No. 1256
Assembly Bill No. 1292
Assembly Bill No. 1463
Assembly Bill No. 1679
Assembly Bill No. 1703
Assembly Bill No. 1770
Assembly Bill No. 1780

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 18—An act to amend Sections 2626, 2630, 4105, 4106 and 4109.5 of, to repeal Chapter 4 of, and to add a new Chapter 4, consisting of Sections 4371 to 4376, inclusive, to, Part 7, Division 1 of, and to repeal Section 4110 of, and to add a new Section 4110 of, and to add Sections 4104.3, 4104.4, 4104.5, 4108, 4108.5, to, the Revenue and Taxation Code, relating to property taxation.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 113—An act to add Sections 1002 and 1003 to the Business and Professions Code, relating to chiropractic schools, colleges, and institutions.

Referred to Committee on Business and Professions.

Assembly Bill No. 191—An act to repeal Section 3088 of the Welfare and Institutions Code, relating to aid to the needy blind.

Referred to Committee on Social Welfare.

Assembly Bill No. 237—An act to add Section 3300a to the Health and Safety Code, relating to State tuberculosis subsidies to counties.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 278—An act to amend Sections 67 and 80 of the Unemployment Insurance Act, relating to the payment of benefits pending appeals.

Referred to Committee on Social Welfare.

Assembly Bill No. 595—An act to amend Sections 5453, 5457, 7102, 7103, 7105, 7135, 7136, 7137, 7202, 7203 and 7205 of the Education Code and to amend the heading of Chapter 15 of Division 3 of said code, all relating to the support of junior colleges.

Referred to Committee on Education.

Assembly Bill No. 1069—An act to amend Section 737gg of the Political Code, relating to the salary of judges in counties of the fourteenth class.

Referred to Committee on Local Government.

Assembly Bill No. 1123—An act to amend the title, and Sections 1, 2, 3, 5, 8, 9, 10, 11, 15, 16, 17, 18, 18.1, 19, 19.1, 21, 22, 23, 25.1 and 29 of, and to repeal Section 14 of, the Agricultural Prorate Act, relating to the marketing of agricultural products by producers, to declare the urgency thereof, to take effect immediately.

Referred to Committee on Agriculture.

Assembly Bill No. 1160—An act to amend Sections 4218 and 4220 of the Political Code and Section 327 of the Revenue and Taxation Code, relating to investigations, surveys, and maps.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1176—An act to amend Section 644 of the Penal Code, relating to habitual criminals.

Referred to Committee on Judiciary.

Assembly Bill No. 1256—An act to add Section 5.5 to an act entitled "An act providing for the taking of a census in cities, declaring the urgency thereof, to take effect immediately," approved May 15, 1943, relating to census of cities.

Referred to Committee on Local Government.

Assembly Bill No. 1292—An act to amend Sections 840 and 841 of the Fish and Game Code, relating to nets.

Referred to Committee on Fish and Game.

Assembly Bill No. 1463—An act to amend Sections 653.1, 653.3, 653.6, 653.7 and 653.9 of the Civil Code, all relating to cooperative corporations.

Referred to Committee on Judiciary.

Assembly Bill No. 1679—An act to amend Section 737qq of the Political Code, relating to superior court judges' salaries in the County of Santa Clara.

Referred to Committee on Local Government.

Assembly Bill No. 1703—An act to add Sections 3086.1, 3087.5, and 3088.5 to, the Welfare and Institutions Code, relating to aid to the needy blind, and providing for procedures and actions in relation thereto.

Referred to Committee on Social Welfare.

Assembly Bill No. 1770—An act to amend Sections 501 and 503 of, to add Sections 504 and 505 to, and to add Article 5, comprising Sections 891 and 892, to Chapter 4 of Part 2 of Division 1 of, the Revenue and Taxation Code, relating to the penal assessment of property.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1780—An act to amend Section 4.5 of and to add a new Section 6 to an act entitled "An act authorizing the governing bodies of counties, school districts, municipal corporations, political subdivisions, public corporations and other public agencies of the State of California to adopt a system of group life, health and accident insurance and health services for the benefit of officers and employees and to deduct from the compensation thereof the premiums upon such insurance," approved May 25, 1939, relating to group insurance of public employees.

Referred to Committee on Local Government.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 555
Assembly Bill No. 707
Assembly Bill No. 1510
Assembly Bill No. 1808

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 555—An act to amend Section 498.5 of the Agricultural Code, relating to examination of applicants.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 707—An act to amend Sections 18541, 18970, 18971, and 18975 of the Government Code, relating to preferences to disabled veterans.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1510—An act to amend Sections 8606, 8704, 8754, 8828, 8951, 8995 and 9151 of and to add Section 9154 to the Revenue and Taxation Code, relating to the definition of the term "person," the administration of the use fuel tax and refunds of the tax.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1808—An act to add Sections 3473.1, 3473.2, and 3474.5 to, the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, and providing for procedures and actions in relation thereto.

Referred to Committee on Social Welfare.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 206

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bill ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 259
Senate Bill No. 466
Senate Bill No. 472
Senate Bill No. 482
Senate Bill No. 981
Senate Bill No. 1258

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 410

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bill ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 342

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

DELAP, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Assembly Bill No. 286
Assembly Bill No. 630
Assembly Bill No. 631
Assembly Bill No. 1897

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

DELAP, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 71—An act to amend Section 1161 of the Civil Code, relating to the recordation of instruments;

Senate Bill No. 72—An act to add Section 541.1 to the Probate Code and to amend Section 51 of the Bank Act, relating to the deposit of money or securities of estates of decedents;

Senate Bill No. 167—An act relating to relief from certain obligations and extensions of time for certain acts and proceedings including provisions to extend the period of the operative effect of Chapter 207 of the Statutes of 1943 relating to gold and silver mining by amending Sections 1, 7, 8, 10, 12, 13, 17, 21 and 27 of said Chapter 207 and to repeal certain acts, relating to chattel mortgage, mortgage and trust deed moratoria;

Senate Bill No. 237—An act to add Section 301 to the Military and Veterans Code, relating to the granting of honorable discharges to members of the military forces of the State;

Senate Bill No. 463—An act to amend Sections 20082 and 20083 of, and to add Sections 20084, 20085, 20086 and 20087 to, the Water Code, relating to supervision of districts;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of April, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 547—An act amending Sections 3017, 3018, 3019, 3020, 3021, 3022 and 3024 of the Civil Code, relating to the giving of notice of assignment of accounts receivable;

Senate Bill No. 639—An act to amend Sections 721, 722, 724, and to repeal Section 724.3 of the Fish and Game Code, and to add Section 724.7 to the Fish and Game Code, relating to catfish, declaring the urgency of this act, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of April, 1945, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 45—Approving certain amendments to the charter of the City of San Luis Obispo, a municipal corporation in the County of San Luis Obispo, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the second day of April, 1945;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the twenty-sixth day of April, 1945, at 2 p.m.

SEAWELL, Chairman

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5 p.m., on motion of Senator Breed, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 834 passed by the following vote:

AYES—Senators Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—29.

NOES—Senators Biggar, Carter, Collier, Deuel, Donnelly, Hulse, Quinn, Seawell, and Swing—9.

Senate Bill No. 834 ordered transmitted to the Assembly.

ADJOURNMENT

At 5.03 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 9 a.m., Friday, April 27, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FIFTY-SIXTH LEGISLATIVE DAY

ONE HUNDRED TENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Friday, April 27, 1945

The Senate met at 9 a.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leave of absence for the day:

Senator Jespersen, on motion of Senator Hatfield, account of legislative business.

Senator DeLap, on motion of Senator Collier, account of legislative business.

Senator Swing, on motion of Senator Rich, account of legislative business.

Senator Shelley, on motion of Senator Donnelly, account of legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Willis Fletcher of San Diego.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. G. Bailey of Woodland.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Emary Gay Hoffman of Bakersfield, manager of Kern County Chamber of Commerce.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 26, 1945

Mr. President: Your Committee on Rules has examined:

Senate Bill No. 19
Senate Bill No. 91
Senate Bill No. 339
Senate Bill No. 382
Senate Bill No. 783
Senate Concurrent Resolution No. 41

And reports the same correctly engrossed.

SEAWELL, Chairman

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 1003—An act to add Article 13, consisting of Sections 550 to 557, to Chapter 3 of Title 1 of Part 3 of the Political Code, relating to the distribution of State publications to libraries.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "Article 13, consisting of Sections 550 to 557, to Chapter 3 of Title 1 of Part 3 of the Political Code," and insert "Article 7, consisting of Sections 13660 to 13667 to Chapter 6 of Part 3, Division 3, Title 2 of the Government Code, to repeal Section 2204, of the Education Code, and to amend Section 9791 of the Government Code."

Amendment No. 2

In lines 1 and 2, of said bill, strike out "Article 13 is added to Chapter 3 of Title 1 of Part 3 of the Political Code," and insert "Article 7, is added to Chapter 6 of Part 3, Division 3, Title 2 of the Government Code,".

Amendment No. 3

On page 1, line 4, of said bill, strike out "Article 13." and insert "Article 7."

Amendment No. 4

On page 1, line 7, of said bill, strike out "550.", and insert "13660."

Amendment No. 5

On page 1, line 13, of said bill, strike out "551.", and insert "13661."

Amendment No. 6

On page 1, line 25, of said bill, strike out "552.", and insert "13662."

Amendment No. 7

On page 1, line 27, of said bill, after "journal," insert "law, resolution, blue-book, statute, code, register,".

Amendment No. 8

On page 2, line 2, of said bill, after "State", insert ", the Legislature, constitutional officers,".

Amendment No. 9

On page 2, line 7, of said bill, after "tions", insert "and forms".

Amendment No. 10

On page 2, line 8, of said bill, strike out "553.", and insert "13663."

Amendment No. 11

On page 2, line 20, of said bill, strike out "554.", and insert "13664."

Amendment No. 12

On page 2, line 32, of said bill, strike out "555.", and insert "13665."

Amendment No. 13

On page 2 of said bill, strike out line 42 and insert

"13666. Any municipal or county free library, any State college or State university library, the library of any incorporated college or university in this State, and the State Library,".

Amendment No. 14

On page 2, line 43, of said bill, strike out "institution,".

Amendment No. 15

On page 2, line 46, of said bill, strike out "557.", and insert "13667."

Amendment No. 16

On page 3, line 8, of said bill, in the blank space insert "forty-six thousand eight hundred thirty dollars, ($46,830),".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 17

On page 3 of said bill, after line 10 insert

"SEC. 3. Section 22041 of the Education Code is hereby repealed.

SEC. 4. Section 9791 of the Government Code is hereby amended to read:

9791. The laws, resolutions and journals of the Legislature shall be distributed by the Department of Finance as follows:

(a) To the Library of Congress, three copies.

[(b) To the State Library, or other library or department authorized to receive them, in each State and Territory, one copy.]

(b) [(c)] To the Lieutenant Governor, each member of the Legislature, the Secretary of the Senate and the Clerk of the Assembly, one copy each.

(c) [(d)] To each [municipal and county free library,] county law library, [and the library of each incorporated college or university in the State,] one copy.

[(e) To the State Library, 50 copies or as many more as the State Librarian may require for exchange purposes.]

(d) [(f)] To the Attorney General, six copies, and as many additional copies as may be requested, not exceeding the number necessary to supply each Assistant Attorney General, and each Deputy Attorney General with one copy of each.

(e) [(g)] To the Legislative Counsel Bureau, as many copies as may be requested, not exceeding the number necessary to supply one copy of each for use of the Legislative Counsel, each Assistant Legislative Counsel, and each Deputy Legislative Counsel."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 421—An act to amend Sections 1237, 1246, 1251, 1252, 1253, 1254, 1255, 1256, 1260 and 1263 of the Civil Code, relating to homesteads.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 3 of the printed bill, as amended, between lines 5 and 6, insert

"4. An estimate of their actual cash value;".

Amendment No. 2

On page 3, line 6, of said bill, strike out "4", and insert "5".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1255—An act to amend Sections 4852.06, 4852.12, 4852.14, 4852.15 and 4852.18 of the Penal Code, relating to the pardoning and rehabilitation of persons convicted of felonies.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 986—An act to add a chapter heading and Sections 337h, 337i, 337j, 337k and 337*l* to the Penal Code, relating to horse racing and touting thereat.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 28—An act to amend Section 41.5 of the Unemployment Reserves Act, relating to a system of unemployment reserves.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, line 11, of the printed bill, after "thereof," insert "within 60 days from such acquisition."

Amendment No. 2

On page 1, line 19, of said bill, after "unit.", insert "The Commission may for good cause waive the requirement of notification within 60 days of said acquisition."

Amendment No. 3

On page 2, line 2, of said bill, strike out "more" and insert "not less."

Amendment No. 4

On page 2, line 4, of said bill, after "persons", insert "or the son, daughter, parent, spouse, or the estate of such person or persons."

Amendment No. 5

On page 2, line 5, of said bill, strike out "more", and insert "not less."

Amendment No. 6

On page 2, line 6, of said bill, strike out "and if".

Amendment No. 7

On page 2 of said bill, strike out lines 7, 8, 9, 10 and 11.

Amendment No. 8

On page 2 of said bill, strike out lines 40 to 51.

Amendment No. 9

On page 2 of said bill, in line 40, insert "In event of a denial of application for transfer of reserve account, any interested party shall have the right to petition for hearing before the Appeals Board and the decision of the Appeals Board, after affording the parties reasonable opportunity for fair hearing, shall be final unless within 60 days after the mailing of the notice of determination of the Appeals Board any interested party may bring an action against the commission with respect to such determination to require the transfer of the reserve account as required by law. The commission, in writing, at any time prior to the expiration of said 60-day period may extend the time during which such action may be instituted for a period not exceeding 2 years of the date of mailing of the determination of the Appeals Board."

Amendment No. 10

On page 3 of said bill, strike out lines 1 to 13.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

Senate Bill No. 474—An act to amend Section 1622 of the Welfare and Institutions Code, relating to inspection services licensing agencies for child care and home finding, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 2, line 7, of the printed bill, strike out "($756,000)", and insert "($576,000)".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

Senate Bill No. 476—An act to amend Sections 2300, 2301, 2306, 2308 and 2309 of, and to add Sections 2298, 2299, and 2311 to, the Welfare and Institutions Code, and to add Chapter 5, comprising Sections 1650 to 1660, inclusive, to Division 2 of the Health and Safety Code, relating to establishments, homes, and institutions in which aged persons are received and cared for, and providing for the supervision, licensing, regulation and inspection thereof; and prescribing the powers and duties of the State Department of Social Welfare and the State Department of Public Health in relation thereto.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

In line 2 of the title of the printed bill, after "2299," insert "2305.5,".

Amendment No. 2

In lines 3 and 4 of the title of said bill, strike out ", comprising Sections 1650 to 1660, inclusive,".

Amendment No. 3

In line 8 of the title of said bill, after "thereof;", strike out "and".

Amendment No. 4

In line 10 of the title of said bill, strike out the period, and insert "; and making an appropriation.".

Amendment No. 5

On page 2 of said bill, between lines 43 and 44, insert

"SEC. 4.5. Section 2305.5 is added to the Welfare and Institutions Code, to read: 2305.5. If Chapter 5, relating to administrative procedure, is added to Part 1 of Division 3 of Title 2 of the Government Code at the Fifty-sixth Regular Session of the Legislature, proceedings for the suspension or revocation of licenses or permits under this chapter shall be conducted in accordance with the provisions of said Chapter 5, and the State Department of Social Welfare shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of said Chapter 5, the latter provisions shall prevail."

Amendment No. 6

On page 3, line 32, of said bill, strike out the period and insert "; however, no temporary restraining order nor injunction pendente lite shall be issued unless the director alleges and proves facts necessary to show, or tending to show, lack of adequate remedy at law, or necessary to show, or tending to show, irreparable damage or loss."

Amendment No. 7

On page 3 of said bill, lines 33 and 34, strike out ", comprising Sections 1650 to 1660, inclusive,".

Amendment No. 8

On page 3 of said bill, strike out lines 39 and 40, and insert "home, nursing home, rest home, or other institution or establishment, whether or not conducted for profit, in which any physically ill or physically handicapped person or persons over the".

Amendment No. 9

On page 3 of said bill, between lines 49 and 50, insert

"1652.3. The State Department of Public Health may inspect, examine, and license under this chapter, or any county, city and county, or city may establish, and the State Department of Public Health may accredit and approve, a county, city and county, or city inspection service to perform such functions under this chapter.

1652.5. The costs of any inspection service undertaken by a county, city and county, or city, with the approval of the State Department of Public Health, shall be borne by the State at the rate of $2.50 per month per license. Claims shall be filed with the State Department of Public Health at the time and in the manner specified by the department for reimbursement of the expenses incurred. If any grants in aid are made by the Federal Government for the support of any inspection service approved by the State Department of Public Health, the amount of the Federal grant shall first be applied to defray the costs of the service, and the remainder of the costs, if any, shall be borne by the State."

Amendment No. 10

On page 3 of said bill, strike out lines 51 and 52, and insert "for the aged without holding a valid and unrevoked written permit issued pursuant to this chapter by the State Department of Public Health or by an approved and accredited inspection service."

Amendment No. 11

On page 4 of said bill, strike out lines 11 and 12, and insert

"1659. A permit issued by the State Department of Public Health under this chapter shall be renewed annually from the date of issuance. Each such permit shall continue to be in full force and effect until revoked or suspended, or until action is taken on an application for renewal. In event of a transfer of ownership of an institution or establishment licensed under this chapter, application for a new permit shall be made.

1659.5. If Chapter 5, relating to administrative procedure, is added to Part 1 of Division 3 of Title 2 of the Government Code at the Fifty-sixth Regular Session of the Legislature, proceedings for the suspension or revocation of permits under this chapter shall be conducted in accordance with the provisions of said Chapter 5, and the State Department of Public Health shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of said Chapter 5, the latter provisions shall prevail."

Amendment No. 12

On page 4, line 14, of said bill, strike out "possessing a permit", and insert "holding a valid and unrevoked written permit issued under this chapter by the State Department of Public Health or by an approved and accredited inspection service."

Amendment No. 13

On page 4 of said bill, after line 17, insert

"1661. The provisions of this chapter shall not prevent local authorities of any county, city, or city and county, within the reasonable exercise of the police power, from adopting rules and regulations, by ordinance or resolution, prescribing standards of sanitation, health and hygiene for hospitals for the aged, not in conflict with the provisions of this chapter, and requiring a local health permit to maintain or conduct any such hospital within such county, city, or city and county.

SEC. 10. In addition to any other money available by law, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of sixty thousand dollars ($60,000) to be expended as may be necessary during the Ninety-seventh and Ninety-eighth Fiscal Years by the State Department of Public Health for the administration of Chapter 5 of Division 2 of the Health and Safety Code."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

Senate Bill No. 512—An act to amend Sections 1620, 1621, 1626, 1628, and 1629 of the Welfare and Institutions Code, and to add Sections 1601, 1602, and 1631 thereto; to amend the chapter heading of Chapter 2 of Division 2 and Sections 1403, 1404, 1407, 1408, and 1410 of, and to add Section 1400.1 and Chapter 3, comprising Sections 1450 to 1453, inclusive, to Division 2 of, the Health and Safety Code; and to add Chapter 5.5, comprising Sections 24550 to 24558, inclusive, to Division 12 of the Education Code, all relating to establishments, homes, and

institutions in which children are received and cared for, and providing for the supervision, licensing, regulation and inspection thereof; prescribing the powers and duties of the State Department of Social Welfare, the State Department of Public Health, and the State Department of Education in relation thereto; and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

In line 3 of the title of the printed bill, after "1602," insert "1625.5,".

Amendment No. 2

In line 5 of the title of said bill, strike out "Section 1400.1", and insert "Sections 1400.1 and 1404.5".

Amendment No. 3

On page 1 of said bill, strike out lines 14 and 15, and insert "than 15 children."

Amendment No. 4

On page 2 of said bill, strike out lines 5 to 7, inclusive, and insert "the home."

Amendment No. 4a

On page 2 of said bill, strike out line 32, and insert

"(a) Placement of a child for adoption by a parent entitled to its custody, or care or placement of a child in any establishment, home, or institution for the reception and care of children by a parent, grandparent,".

Amendment No. 4b

On page 3 of said bill, lines 16 and 17, strike out "located in a sparsely populated area,".

Amendment No. 5

On page 4 of said bill, between lines 23 and 24, insert

"SEC. 4.5. Section 1625.5 is added to the Welfare and Institutions Code, to read:

1625.5. If Chapter 5, relating to administrative procedure, is added to Part 1 of Division 3 of Title 2 of the Government Code at the Fifty-sixth Regular Session of the Legislature, proceedings for the suspension or revocation of licenses or permits under this chapter shall be conducted in accordance with the provisions of said Chapter 5, and the State Department of Social Welfare shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of said Chapter 5, the latter provisions shall prevail."

Amendment No. 6

On page 5, line 12, of said bill, strike out the period, and insert "; however, no temporary restraining order or injunction pendente lite shall be issued unless the director alleges and proves facts necessary to show, or tending to show, lack of adequate remedy at law, or to show, or tending to show, irreparable damage or loss."

Amendment No. 7

On page 5 of said bill, lines 31 and 32, strike out "possessing a permit from the", and insert "holding a valid and unrevoked written license or permit issued pursuant to this chapter by the".

Amendment No. 8

On page 5 of said bill, between lines 37 and 38, insert

"SEC. 12.5. Section 1404.5 is added to the Health and Safety Code, to read:

1404.5. If Chapter 5, relating to administrative procedure, is added to Part 1 of Division 3 of Title 2 of the Government Code at the Fifty-sixth Regular Session of the Legislature, proceedings for the suspension or revocation of permits under this chapter shall be conducted in accordance with the provisions of said Chapter 5, and the department shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of said Chapter 5, the latter provisions shall prevail."

Amendment No. 9

On page 6, line 2, of said bill, strike out "possessing a permit", and insert "holding a valid and unrevoked written license or permit issued pursuant to this chapter by the State Department of Public Health".

Amendment No. 10

On page 6 of said bill, lines 38 and 39, strike out "possessing a permit from the State Department of Education," and insert "holding a valid and unrevoked written license or permit issued pursuant to this chapter by the State Department of Education."

Amendment No. 11

On page 6 of said bill, between lines 46 and 47, insert

"24555.5. If Chapter 5, relating to administrative procedure, is added to Part 1 of Division 3 of Title 2 of the Government Code at the Fifty-sixth Regular Session of the Legislature, proceedings for the suspension or revocation of permits under this chapter shall be conducted in accordance with the provisions of said Chapter 5, and the State Department of Education shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of said Chapter 5, the latter provisions shall prevail."

Amendment No. 12

On page 7, line 4, of said bill, strike out "_____ dollars ($_____)", and insert "seven hundred eighty-nine thousand four hundred dollars ($789,400)".

Amendment No. 13

On page 7, line 12, of said bill, strike out "_____ dollars ($_____)", and insert "seven hundred eighty-nine thousand four hundred dollars ($789,400)".

Amendment No. 14

On page 7, line 13, of said bill, strike out "_____ dollars ($_____)", and insert "fifty thousand dollars ($50,000)".

Amendment No. 15

On page 7, line 15, of said bill, strike out "_____ dollars ($_____)", and insert "nineteen thousand four hundred dollars ($19,400)".

Amendment No. 16

On page 7 of said bill, strike out lines 17 to 19, inclusive, and insert "private schools and nursery schools, and not more than seven hundred twenty thousand dollars ($720,000)".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

Senate Bill No. 1208—An act to add Chapter 7, comprising Sections 1680 to 1689, inclusive, to Division 2 of the Health and Safety Code, relating to commercial placement services for aged persons, and providing for their licensing and supervision by the State Department of Public Health.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, line 11, of the printed bill, after "institution," insert "private mental institution, convalescent home,".

Amendment No. 2

On page 1, line 21, of said bill, strike out "60", and insert "65".

Amendment No. 3

On page 2, lines 3 and 4, of said bill, strike out "first obtaining a written license therefor from the department", and insert "holding a valid and unrevoked written license or permit issued pursuant to this chapter by the State Department of Public Health".

Amendment No. 4

On page 2, line 11, of said bill, strike out "1683.", and insert "1683.5."

Amendment No. 5

On page 2 of said bill, strike out lines 12 to 14, inclusive, and insert "in this chapter. The power to issue such licenses shall not".

Amendment No. 6

On page 2 of said bill, strike out lines 23 to 25, inclusive, and insert "dollars ($75) shall be refunded to the applicant".

Amendment No. 7

On page 2 of said bill, between lines 40 and 41, insert

"1688.5. If Chapter 5, relating to administrative procedure, is added to Part 1 of Division 3 of Title 2 of the Government Code at the Fifty-sixth Regular Session of the Legislature, proceedings for the suspension or revocation of licenses under this chapter shall be conducted in accordance with the provisions of said Chapter 5, and the department shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of said Chapter 5, the latter provisions shall prevail."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

Senate Bill No. 522—An act to add Article 9 to Division 6, Part 1, Chapter 1, of the Welfare and Institutions Code, authorizing the creation in certain counties of the office of Public Guardian to act as guardian of persons or property or both and relating to such Public Guardian.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 519—An act to amend Section 202 of the Welfare and Institutions Code, relating to the care, maintenance and attendance of the indigent sick and dependent poor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "emergency or".

Amendment No. 2

On page 1, line 7, of said bill, after "available", insert "in the county hospital".

Amendment No. 3

On page 1, line 8, of said bill, strike out "and dependent poor".

Amendment No. 4

On page 1, line 9, of said bill, strike out "or other".

Amendment No. 5

On page 1, line 10, of said bill, strike out "boarding home".

Amendment No. 6

On page 1, line 12, of said bill, strike out "boarding home".

Amendment No. 7

On page 1 of said bill, strike out lines 14 to 18, inclusive, and insert "rest homes, or sanitariums which are qualified to render and are actually rendering services to the sick, economically and efficiently, and the books of which reflect accurately in monthly statements the per diem cost of hospital service."

Amendment No. 8

On page 2 of said bill, after line 6, insert

"(d) The county may also contract with licensed boarding homes for 24-hour care for dependent children under the age of 21 years, when suitable facilities are not otherwise available in any institution or establishment maintained and operated by the county."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 615—An act to amend Section 7 of the Unemployment Insurance Act, relating to excluded employments under said act.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 895—An act to amend Section 6357 of the Education Code, relating to school district taxes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 11, of the printed bill, strike out "eighty cents ($0.80)", and insert "sixty cents ($0.60)".

Amendment No. 2

On page 1, line 12, of said bill, strike out "ninety cents ($0.90)", and insert "seventy cents ($0.70)".

Amendment No. 3

On page 1, line 23, of said bill, strike out "one dollar and twenty cents ($1.20)", and insert "one dollar and thirty cents ($1.30)".

Amendment No. 4

On page 1, line 25, of said bill, strike out "one dollar and twenty-eight cents ($1.28)", and insert "one dollar and forty cents ($1.40)".

Amendment No. 5

On page 1, lines 27 and 28, of said bill, strike out "one dollar and forty cents ($1.40)", and insert "one dollar and fifty-five cents ($1.55)".

Amendment No. 6

On page 2, lines 2 and 3, of said bill, strike out "one dollar and forty-eight cents ($1.48)", and insert "one dollar and sixty-five cents ($1.65)".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 515—An act amending the heading of, and adding Sections 22428, 22429, and 22430 to, Article 5 of Chapter 4 of Division 11 of the Education Code, relating to library districts.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 13, of the printed bill, strike out "10", and insert "50".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 383—An act to amend Section 8826 of the Education Code, relating to the payment of tuition for junior college pupils.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 629—An act to amend Section 19432 of the Education Code, relating to civic centers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 551—An act to amend Section 18055 of the Education Code, relating to the Public School System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In the title of the printed bill, in line 1, strike out "to amend Section 18055 of the Education Code, relating to", and insert "making an appropriation for the purchase of land for the San Jose State College of".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 4, inclusive, and insert

"SECTION 1. Out of any money in the State Treasury not otherwise appropriated, there is hereby appropriated the sum of fifteen thousand one hundred seventy-five dollars ($15,175) to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years by the Director of Finance, with the approval of the Director of Education, for the acquisition for the San Jose State College of that certain real property situate in the County of Butte, State of California, and more particularly described as follows:

Beginning at a point on the westerly line of Seventh Street; distant thereon 300 feet northerly from the point of intersection thereof with the northerly line of Alma Avenue, and running thence northerly along said westerly line of Seventh Street 863.68 feet to the point of intersection thereof with the southerly line of Humboldt Street, thence westerly along said southerly line of Humboldt Street 275.96 feet to the point of intersection thereof with the easterly line of Sixth Street, thence southerly along said easterly line of Sixth Street 863.68 feet and thence easterly 275.96 feet to the point of beginning, containing 5.47 acres, more or less."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 551

Senator Salsman moved that Senate Bill No. 551 be withdrawn from Committee on Finance for purpose of further consideration.

Motion carried.

FURTHER CONSIDERATION OF SENATE BILL NO. 551

Motion to Reconsider

Senator Salsman moved to reconsider the vote whereby Senate Bill No. 551 was amended.

Motion carried.

Amendments withdrawn.

Senate Bill No. 551 ordered to second reading file.

Senate Bill No. 607—An act making an appropriation to the State Department of Education for the acquisition of real property for the Fresno State College.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "_____ dollars ($_____)", and insert "ninety-five thousand dollars ($95,000)".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 410—An act to add Chapter 5, comprising Sections 28200 to 28323, inclusive, to Division 21 of the Health and Safety Code

and to repeal an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the use of sealed containers and providing for the sterilization of bottles, receptacles and containers used for foods, drugs and liquors; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; providing for the licensing of premises upon which walnuts are shelled or otherwise prepared and for the inspection of such premises and prohibiting the purchase, acquisition or receiving of walnuts shelled or prepared other than on licensed premises; providing for license fees; providing for producer exemption and empowering the California State Board of Public Health to make rules and regulations, and providing for the keeping of records; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to the regulation and sanitation of food handling establishments as defined therein, providing for the inspection and licensing of such premises, and prescribing penalties for the violation hereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "28323", and insert "28325".

Amendment No. 2

On page 2, line 1, of said bill, strike out "28323", and insert "28325".

Amendment No. 3

On page 2, line 28, of said bill, after "consumption", insert ", but does not include foods enclosed in hermetically sealed containers".

Amendment No. 4

On page 2 of said bill, between lines 34 and 35, insert

"22807. The provisions of this chapter do not apply to dairy farms or milk products plants nor to milk or milk products thereon or therein."

Amendment No. 5

On page 2, line 43, of said bill, strike out "nonabsorbent,".

Amendment No. 6

On page 2, lines 45 and 46, of said bill, strike out "shall be light in color and".

Amendment No. 7

On page 2, line 48, of said bill, after "shall", insert "be light in color and".

Amendment No. 8

On page 2, line 50, of said bill, after the period, insert "In those establishments holding a valid on-sale license, the requirements of this section in reference to light color and painted surfaces shall not apply, except that kitchens therein are not exempted from these provisions."

Amendment No. 9

On page 3, lines 1 and 2, of said bill, strike out "food handling establishments", and insert "rooms in which food is prepared or served".

Amendment No. 10

On page 3, line 7, of said bill, strike out "utenisls", and insert "utensils".

Amendment No. 11

On page 3, line 9, of said bill, after the period, insert "This section shall not apply to those rooms where food during the process of production is stored in protective containers, nor to those establishments holding a valid on-sale license, except that the back of the bar and its immediate vicinity and kitchens therein are not exempted from these provisions."

Amendment No. 12

On page 3, line 17, of said bill, after the period, insert "Hot and cold running water need not be provided if single service utensils are used exclusively."

Amendment No. 13

On page 3, line 21, of said bill, after "rooms", insert "installed after the effective date of this chapter".

Amendment No. 14

On page 3, line 22, of said bill, strike out "Separate toilet rooms shall be provided"; and strike out line 23; and in line 24, strike out "of employees or operatives exceed four."

Amendment No. 15

On page 3, line 37, of said bill, strike out "hot and cold".

Amendment No. 16

On page 3, line 49, of said bill, after "boards", insert ", or an adequate dishwashing machine".

Amendment No. 17

On page 4 of said bill, strike out lines 3 to 7, inclusive, and insert

"(a) Immersion for at least one-half minute in clean, hot water at a temperature of at least 180° F.

(b) Immersion for at least one-half minute in a chlorine bath".

Amendment No. 18

On page 4, line 26, of said bill, after the period, insert "Receptacles into which waste products are emptied at frequent intervals shall not be required to have lids during such use."

Amendment No. 19

On page 4 of said bill, lines 30, 31 and 32, strike out "or above 140° F. except during necessary processing, or during serving or transporting, if at other temperature for not over two hours."

Amendment No. 20

On page 4, lines 36 and 37, of said bill, strike out "fish and fish products, shellfish and shellfish products, salads,".

Amendment No. 21

On page 5, line 4, of said bill, after "free", insert ", by all reasonable means,".

Amendment No. 22

On page 5, line 10, of said bill, strike out ", stored, served, or sold", and insert "or served".

Amendment No. 23

On page 5 of said bill, strike out line 15; and in line 16 strike out "served, or stored", and insert "room where food is prepared or served".

Amendment No. 24

On page 7, line 39, of said bill, after "when", insert "a reasonable".

Amendment No. 25

On page 7 of said bill, strike out lines 48, 49 and 50, and insert

"(c) Adequate medical examination of the owner, employee, and his coemployees, with such laboratory examination as may be indicated; or should such examination or examinations be refused, then the immediate exclusion of the refusing owner, employee, or coemployee from that or any other food handling establishment until an adequate medical or laboratory examination shows that he is not affected with, or is a carrier of any disease in a communicable form."

Amendment No. 26

On page 8, line 27, of said bill, strike out, "For the purpose of this section, a"; and strike out lines 28 and 29.

Amendment No. 27

On page 8 of said bill, between lines 29 and 30, insert

"28324. The provisions of this chapter shall not prevent local authorities of any city or city and county, within the reasonable exercise of the police power, from adopting rules and regulations, by ordinance or resolution, prescribing standards of sanitation, health and hygiene for food handling establishments, and requiring a local health permit to maintain and conduct any such establishment within such city or city and county.

Whenever the enforcement of the minimum requirements of this chapter by any organized local health service is satisfactory to the State Department of Public Health, the enforcement of the provisions of this chapter pertaining to retail outlets shall not be duplicated by the State Department of Public Health, except as may be necessary to determine its satisfactory enforcement by the local authorities.

28325. Camps subject to the provisions of Article 4, Chapter 1, Part 9, of Division 2 of the Labor Code, and dining cars and other railroad rolling equipment which are subject to the United States Public Health Service inspection, are not subject to the provisions of this chapter."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

Senate Bill No. 342—An act to amend Sections 7301 and 7302 of the Business and Professions Code, relating to the State Board of Cosmetology.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 11 of the printed bill, after "board", insert "unless he".

Amendment No. 2

On page 1 of said bill, strike out lines 12 to 25, inclusive; and on page 2, strike out lines 1 to 10, inclusive, and insert

"(a) Has been registered as a hairdresser and cosmetician or cosmetologist manager-operator under this chapter for a period of five years immediately preceding appointment; and

(b) Has been for five years immediately preceding appointment actually engaged in (1) conducting a cosmetological establishment licensed under this chapter, or (2) actually employed in the practice of cosmetology, as operator or teacher; and

(c) Has been for three years licensed as an instructor under this chapter or the holder of a Class A credential in trade, industrial and public service education for the teaching of cosmetology in the public schools of this State;

(d) Is of good moral character; and

(e) Is at least 25 years of age.

No person is eligible for appointment as a member of the board:

(a) Who has within two years previous to appointment owned any interest in any school of cosmetology; or

(b) Who is connected or engaged directly or indirectly in the wholesale business of the manufacture, rental, sale or distribution of cosmetological appliances or supplies."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 385—An act to amend Section 108 of the Insurance Code, relating to liability insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1694—An act to amend Section 5 of the Industrial Loan Act, relating to industrial loan companies and the outstanding investment certificates of such companies.

Bill read second time, and ordered to third reading.

Assembly Bill No. 762—An act to add Section 29a to the Bank Act, providing for actions to determine claims to membership in banking corporations having no capital stock, or to any right or interest in their property or assets.

Bill read second time, and ordered to third reading.

Assembly Bill No. 693—An act to add Section 3013.5 to the Insurance Code, relating to the powers of fire or marine insurers incorporated under the laws of this State in any State, Territory or country in which they may be admitted to do business.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1041—An act to amend Section 24 of "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to written reports of the commissioner and penalty for failure to file as required.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1042—An act to amend Section 18 of "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to approval of loan applications by credit committee.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1043—An act to add Sections 23.2, 23.3, 23.4 and 23.5 to "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to voluntary and involuntary dissolution and merger.

Bill read second time, and ordered to third reading.

Assembly Bill No. 820—An act to amend Sections 10202 and 10210 of the Insurance Code, relating to group life insurance.

Bill ordered printed, and to third reading.

Assembly Bill No. 821—An act to add Section 10202.7 to, and to amend Section 10270.5 of, the Insurance Code, relating to group life and disability insurance.

Bill ordered printed, and to third reading.

Assembly Bill No. 822—An act to add Section 10203.4 to, and to amend Section 10209 of, the Insurance Code, relating to group life insurance.

Bill ordered printed, and to third reading.

Assembly Bill No. 823—An act to amend Section 10203.5 of the Insurance Code, relating to group life insurance.

Bill ordered printed, and to third reading.

Assembly Bill No. 824—An act to amend Section 10203 of the Insurance Code, relating to group life insurance.

Bill ordered printed, and to third reading.

Assembly Bill No. 36—An act to amend Section 1645.5 of the Insurance Code, relating to insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 15, of the printed bill, as amended, strike out "act", and insert "code".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 174—An act to amend Section 3 of an act entitled "An act to carry into effect the provisions of Section 22 of Article XX of the Constitution of the State of California as added at the general election held on November 6, 1934, relating to the business of loaning money on pledges of personal property known as pawnbroking, and providing penalties for the violation hereof," approved July 15, 1935, as amended, relating to pledges.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "six" and insert "nine".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1207—An act to amend Sections 6500, 7302 and 7310 of the Welfare and Institutions Code, relating to State institutions, designating the Langley Porter Clinic as a State hospital, and providing for its operation and government and the powers of the secretary to the superintendent thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 68—An act to amend Section 1a of an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the Chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 1a of", and insert "Sections 1 and 2, and to amend and renumber Section 3 of, to repeal Section 1a of, and to add new Sections 3, 4, and 5 to,".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 19, inclusive, and insert

"SECTION 1. Section 1 of the act cited in the title hereof is amended to read:

SEC. 1. The extra compensation *and expenses* [of] *to which* judges and justices of the peace sitting in superior courts[,] under assignments thereto by the Chairman of the Judicial Council *are entitled* [under the provisions of Section 1a of article six of the constitution of this State, and, in addition, in those cases where such judges and justices are assigned to courts in a county other than that in which they regularly sit, the necessary expenses for travel, board and lodging, incurred by them in the discharge of such assignments,] shall be paid in the following manner:

(a) The State shall pay a portion of such extra compensation of a superior judge equal to the difference between the amount which the State pays toward the salary of such judge, and the amount which the State pays toward the salary of a judge of the superior court in the county to which such judge is assigned[;].

(b) The county to which a superior judge is assigned shall pay a portion of such extra compensation equal to the difference between the amount paid toward the salary of such judge by the county from which he is assigned, and the amount paid by the county toward the salary of a superior judge in the county to which he is assigned[;].

(c) [Of the extra compensation of a justice of the peace or of a judge of a municipal or other court of lower jurisdiction than the superior court, assigned to a superior court, the] *The* State shall pay the same proportion *of the extra compensation of a justice of the peace or of a judge of a municipal or other court of lower jurisdiction than the superior court, assigned to a superior court*, that it pays of the salary of a judge of [such] *the* superior court[,] *to which the assignment is made, and* the remainder of such extra compensation [to] *shall* be paid by the county in and for which is held the superior court to which [such justice or judge is assigned;] *the assignment is made.*

[(d) The expenses of each judge or justice of the peace assigned to a superior court in a county other than that in which he regularly sits shall be borne by the State and the county to which assigned, in the same proportions as the extra compensation of such judge or justice of the peace; provided, that where the regular compensation of such judge is equal to, or greater than, the compensation of a judge of the superior court of the county to which he is assigned, such expenses shall be borne by the State and by the county to which he is assigned in the same proportions as the compensation of a judge of such superior court. The expenses herein specified shall be audited and paid according to rules prescribed by the State Board of Control for the presentation, audit and payment of such expenses.

(e) The State Controller and the auditor of each county or city and county shall be and are hereby authorized to draw their warrants in accordance with such rules, for the payment of extra compensation or expenses provided in this section;

(f) The payment by the State toward such extra compensation and expenses shall be made from the moneys appropriated for the support of the Judicial Council. The payment by the county or city and county toward such extra compensation and expenses shall be made from the same fund as salaries and expenses of officers of the county or city and county are made.]

SEC. 2. Section 2 of said act is amended to read:

SEC. 2. The extra compensation of judges and justices of the peace sitting in courts of lower jurisdiction than superior courts, under [such] assignments [,] *made by the Chairman of The Judicial Council*, shall be paid by the city, city and county, or county which by law is charged with the payment of the compensation of the judge or judges of the court to which the assignment is made. [In those cases where a judge or justice is assigned to such a court in a county other than that in which he regularly sits, the necessary expenses for travel, board and lodging incurred in the discharge of his assignment shall also be paid by such city, city and county, or county. The payments of a city, city and county, or county under this section shall be made from the same fund as salaries and expenses of officers of the county or city and county are made.]

SEC. 3. Section 3 is added to said act to read:

SEC. 3. The expenses for travel, board and lodging of each judge or justice of the peace assigned to a superior court or court of lower jurisdiction than a superior court in a county or city and county other than that in which he regularly sits shall be borne by the county, city and county, or city chargeable with his extra compensation. The judge or justice of the peace is entitled to, and the county, city and county, or city shall pay a per diem allowance in lieu of expenses for board and lodging. The amounts payable under this section shall be the same as the amounts payable for such purposes to justices of the supreme court under the rules of the State Board of Control.

SEC. 4. Section 3 of said act is renumbered and amended to read:

SEC. [3] *4.* The extra compensation *and expenses for travel, board and lodging* of justices and judges sitting in the supreme court and district courts of appeal, under [such] assignments *made by the Chairman of The Judicial Council*, [together with the necessary expenses for travel, board and lodging incurred by them in the discharge of such assignments,] shall be paid by the State.

SEC. 5. Section 5 is added to said act, to read:

SEC. 5. Upon the filing of a claim by the judge or justice of the peace the State Controller and the auditor of each county or city and county and the auditing authority of each city shall be and are hereby directed and authorized to draw their warrants for the payment of extra compensation or expenses provided in this act.

SEC. 6. Section 6 is added to said act, to read:

SEC. 6. The payments by the State toward the extra compensation and expenses provided in this act shall be made from the moneys appropriated for the support of the Judicial Council. The payments by the county, city and county, or city toward such extra compensation and expenses shall be made from the same funds as salaries and expenses of officers of the county, city and county, or city are made.

SEC. 7. Section 1a of said act is repealed."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Assembly Bill No. 367—An act to amend Section 1161 of the Civil Code, relating to prerequisites to recordation, and Section 2952 of the Civil Code, relating to mortgages of real property, and providing for the recording of fictitious mortgages and deeds of trust and the inclusion of the provisions thereof in other mortgages and deeds of trust by reference, and constructive notice of such mortgages and deeds of trust by the recording thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 2 of the printed bill, after line 45, insert

"A complete written copy of such fictitious mortgage or deed of trust shall be delivered to the mortgagor or trustor at the time of the execution of the mortgage or deed of trust or none of the terms of such fictitious instrument shall be binding on said trustor or mortgagor."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 947—An act to amend Section 274 of the Code of Civil Procedure, relating to the compensation of phonographic reporters.

Bill ordered printed, and to third reading.

Assembly Bill No. 1435—An act to add Section 66a to the Code of Civil Procedure, relating to the number of judges of the Superior Court in the County of San Diego, and providing for the appointment of an additional judge and for his compensation.

Bill ordered printed, and to third reading.

Assembly Bill No. 925—An act to amend Section 884 of the Welfare and Institutions Code, relating to medical, surgical, or dental care for persons alleged to come within the provision of Section 700 of the Welfare and Institutions Code.

Bill ordered printed, and to third reading.

Assembly Bill No. 44—An act to amend Section 1171 and to add Section 1184 to the Military and Veterans Code, relating to exemption of memorial districts from the provisions of the District Investigation Act of 1933.

Bill ordered printed, and to third reading.

Assembly Bill No. 957—An act to repeal Chapter 1085 of the Statutes of 1943; to repeal Chapter 14 of the Statutes of the Fourth Extraordinary Session of the Fifty-fifth Legislature; to repeal Articles 2, 3, 4 and 5, comprising Sections 6926 to and including 6991, of Chapter 13 of Division 3 of the Education Code; and to add Chapter 13.5 to Division 3 of, and Section 14565 to, the Education Code, relating to the public school system, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 3, line 47, of the printed bill, as amended, after "which", insert ", as revised and restated by this section,".

Amendment No. 2

On page 4, line 47, of said bill, after "1944-1945", insert ", as revised".

Amendment No. 3

On page 5, line 3, of said bill, strike out "Funds", and insert "Fund".

Amendment No. 4

On page 5, line 5, of said bill, after "which", insert ", as revised and restated by this section,".

Amendment No. 5

On page 7, of said bill, strike out lines 46 and 47.

Amendment No. 6

On page 9, line 10, of said bill, after the word "tax", insert "pursuant to".

Amendment No. 7

On page 10, line 3, of said bill, strike out "with", and insert "to".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1992—An act to add Section Chapter 12 to Division 9 of, the Education Code, relating to the establishment and maintenance of school farms.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 12, of the printed bill, as amended, after "district", insert "maintaining a secondary school, or schools,".

Amendment No. 2

On page 1, of said bill, in line 1, strike out "purposes", and insert "the purpose".

Amendment No. 3

On page 1, line 16, of said bill, after "farm", insert "and all other costs not met from the receipts of the operation of the farm".

Amendment No. 4

On page 1 of said bill, strike out line 23, and insert "the 'School Farm Fund' of the district which fund is hereby authorized."

Amendment No. 5

On page 2, line 3, of said bill, after "Account", insert "of (insert name of district) District. If the account is established for one of several farms, it shall be known as 'The School Farm Account of (insert name of school) School of (insert name of district) District.' "

Amendment No. 6

On page 2, line 4, of said bill, strike out "or livestock", and insert ", livestock, and other products,".

Amendment No. 7

On page 2, line 7, of said bill, after "expenditure", insert "for the operation and maintenance of the farm, or farms,".

Amendment No. 8

On page 2 of said bill, beginning in line 19, strike out "or sell feed, produce, or livestock" and insert "feed and livestock for a farm and may sell produce, livestock and other products of a farm".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 695—An act to add 1503.1 and 1503.2 to the Education Code, relating to the interdistrict attendance of pupils.

Bill ordered printed, and to third reading.

Assembly Bill No. 968—An act to amend Sections 5961 and 5963 of the Education Code, relating to the accumulation and expenditure of special accumulative building funds by school districts.

Bill ordered printed, and to third reading.

Assembly Bill No. 286—An act to amend Section 4135 of the Business and Professions Code, relating to licentiates in pharmacy.

Bill ordered printed, and to third reading.

Assembly Bill No. 630—An act to amend Section 6512 of the Business and Professions Code, relating to the compensation of members of the State Board of Barber Examiners.

Bill ordered printed, and to third reading.

Assembly Bill No. 631—An act to amend Section 6630 of the Business and Professions Code, relating to fees for registered barbers and apprentices.

Bill ordered printed, and to third reading.

Assembly Bill No. 1897—An act to add Section 7071.3 to the Business and Professions Code, relating to the licensing of contractors, declaring the urgency thereof, to take effect immediately.

Bill ordered printed, and to third reading.

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill No. 206—An act to amend Sections 651.6 and 651.7 of, and to add Section 651.8 to, the Fish and Game Code, relating to salmon, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 206?

Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "salmon", insert ", declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 1 of the printed bill, as amended, after line 24, insert

"SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The successful management of the wildlife resources of this State requires the prevention of willful and negligent destruction and a wise utilization of such resources. The use of spears, or similar appliances, destroys the potential future supplies of species of tremendous food value to State and Nation. In order to prevent the destruction of untold numbers of fish, especially salmon, which use our State waters for normal functions of reproduction during the spring and summer months it is necessary that this act take effect immediately."

Urgency Clause

Urgency clause read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Hatfield moved a call of the Senate.

Motion carried. Time, 9.14 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill No. 283—An act to amend Section 4006 of the Public Resources Code, relating to agreements of the State Forester with counties, municipalities or districts for fire protection.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Seawell, Slater, Sutton, Ward, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 284—An act to amend Section 1 of an act entitled "An act to enable municipalities to contract with the county to exercise fire protection functions in municipalities and to reimburse the county for such services," approved May 18, 1929, by extending the provisions

thereof to a fire district, fire protection district and the State of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Fletcher, Hatfield, Judah, Keating, Kuhcel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Seawell, Slater, Sutton, Ward, and Weybret—26.
NOES—None.

Motion to Amend Title

Senator Hatfield moved the adoption of the following amendment:

Amendment No. 1

In line 4 of the title of the printed bill, strike out "by extend-"; and strike out lines 5 to 6 and insert "relating to fire protection."

Amendment read and adopted.

Bill ordered reprinted and transmitted to the Assembly.

Senate Bill No. 1270—An act to amend Section 737o of the Political Code, relating to the salaries of superior court judges in Kern County.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 518—An act amending Sections 8766 and 8768 of, and adding Section 8766.5 to, the Business and Professions Code, relating to records of surveys.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 533—An act to amend Section 737s of the Political Code, relating to salaries of judges of the Superor Court in and for the County of Los Angeles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Desmond, Deuel, Donnelly, Dorsey, Fletcher, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 520—An act to amend Section 1 of an act entitled "An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties,

cities and counties or districts," approved July 1, 1937, as amended, relating to capital outlays by cities, counties, cities and counties, or districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 314—An act to amend Section 4254 of the Political Code, relating to the compensation for public services in counties of the twenty-fifth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 633—An act to add Section 82.5 to the State Civil Service Act, and to add Section 18954 to the Government Code, relating to promotional examinations for members of the California Highway Patrol.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 331—An act to amend an act entitled "An act providing for preparation of postwar county highway construction projects, and making an appropriation therefor, approved May 18, 1943," by adding a new section, numbered 9, thereto, relating to availability of the appropriation thereby made to the counties of this State for road and highway purposes.

Motion to Re-refer Senate Bill No. 331

Senator Hatfield moved that Senate Bill No. 331 be re-referred to Committee on Governmental Efficiency.

Motion carried.

Motion to Reconsider

Senator Hatfield moved to reconsider the vote whereby Senate Bill No. 331 was re-referred to Committee on Governmental Efficiency.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 331

Senate Bill No. 331—An act to amend an act entitled "An act providing for preparation of postwar county highway construction projects, and making an appropriation therefor, approved May 18, 1943," by adding a new section, numbered 9, thereto, relating to availability of the appropriation thereby made to the counties of this State for road and highway purposes.

Bill read third time.

Motion to Refer Bill to Inactive File

Senator Hatfield moved that Senate Bill No. 331 be placed on the inactive file.

Motion carried.

Senate Bill No. 1251—An act to amend Sections 20012, 20020, 20021, 20125, 20127, 20231, 20303, 20334, 20360, 20361, 20458, 20461, 20522, 20532, 20563, 20654, 20836, 21001, 21026, 21027, 21028, 21367, and 21453 of, and to add Sections 20009.1, 20463, 20806.1, and 20894.1 to, the Government Code, relating to the State Employees' Retirement System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 10.12 a.m., on motion of Senator Hatfield, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the urgency clause to Senate Bill No. 206 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—35.

NOES—None.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 206 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—36.

NOES—None.

Senate Bill No. 206 ordered enrolled.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 698—An act to amend Section 115 of the Labor Code, relating to the Industrial Accident Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Ward, and Weybret—28.

NOES—Senators Crittenden, Dilworth, Gordon, Kuchel, Slater, Sutton and Tenney—7.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 363—An act to amend Section 1 of an act entitled "An act providing for preparation for postwar State highway construction projects, and making an appropriation therefor," approved May 18, 1943.

Motion to Refer Bill to Inactive File

Senator Hatfield moved that Senate Bill No. 363 be placed on the inactive file.

Motion carried.

Call of the Senate

Senator Carter moved a call of the Senate.

Motion carried.

Time, 10.17 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 822—An act to amend Section 1 and to repeal Section 1.5 of the "Highway Carriers' Act," relating to highway carriers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1036—An act to amend Sections $2\frac{3}{4}$ and $50\frac{3}{4}$ of the Public Utilities Act, relating to public utilities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keat-

ing, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 137—An act to add Section 14.1 to "The Public Utility District Act," relating to public utility districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 651—An act to add Section 1622 to the Health and Safety Code, relating to biologics.

Bill read third time.

Motion to Amend

Senator Burns moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "Chapter 3", and insert "Chapter 2".

Amendment No. 2

On page 1, line 5, of the said bill, strike out "Chapter 3", and insert "Chapter 2".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 579—An act to add Section 7413 to the Health and Safety Code, relating to burial and removal permits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 582—An act to add Article 8, comprising Section 420, to Chapter 2, Part 1, Division 1 of the Health and Safety Code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.
NOES—None.

Motion to Amend Title

Senator Burns moved the adoption of the following amendment:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "Code", insert ", relating to mental health".

Amendment read and adopted.
Bill ordered reprinted and transmitted to the Assembly.

Senate Bill No. 886—An act to amend Section 20563 and 20565 of the Government Code, relating to the State Retirement System.

Motion to Refer Bill to Inactive File

Senator Carter moved that Senate Bill No. 886 be placed on the inactive file.

Motion carried.

Senate Bill No. 581—An act to amend Sections 1, 2 and 9 of, and to add Sections 2a and 6a to, an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Public Health," approved May 23, 1925, relating to canneries.

Bill read third time.
The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—32.
NOES—None.

Motion to Amend Title

Senator Burns moved the adoption of the following amendment:

Amendment No. 1

In line 7 of the title of the printed bill, as amended, strike out "Public".

Amendment read and adopted.
Bill ordered reprinted and transmitted to the Assembly.

Senate Bill No. 935—An act to amend Section 4475 of, and to add Chapter 6 of Division 20, comprising Sections 25000 to 25009 to, the Health and Safety Code, relating to cleaning septic tanks, cesspools and seepage pits.

Bill read third time.
The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Ward, and Weybret—31.
NOES—None.

Motion to Amend Title

Senator Burns moved the adoption of the following amendment:

Amendment No. 1

In line 3 of the title of the printed bill, as amended, strike out "cleaning", and insert "sewage and".

Amendment read and adopted.
Bill ordered reprinted and transmitted to the Assembly.

Senate Concurrent Resolution No. 46—Relative to making additional funds available to the Legislative Budget Committee, established by Senate Concurrent Resolution No. 3 (Res. Ch. 20, 1945).

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Ward, and Weybret—32.
NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 91—An act to amend Section 92 of the Agricultural Code, relating to the basis of allocation to county, district or combined county and district affairs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, and Tenney—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 783—An act to amend Section 643.1 of the Agricultural Code, relating to dairy farm inspection.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Gordon, Hatfield, Hulse, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 523—An act to amend Section 14797 of the Revenue and Taxation Code, relating to maximum commissions that may be retained by county treasurers out of inheritance taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, and Ward—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 339—An act to amend Section 9603.5 of the Revenue and Taxation Code, relating to the taxation of vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hulse, Keating, Kuchel,

Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Ward—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 41—Relating to the problem of the care, training and education of the blind.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Sutton, and Tenney—27.
NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 64—An act to amend Section 4252 of the Political Code, relating to compensation for public services in counties of the twenty-third class.

Motion to Refer Bill to Inactive File

Senator McCormack moved that Assembly Bill No. 64 be placed on the inactive file.

Assembly Bill No. 1685—An act to amend Section 3152 of the Business and Professions Code, relating to the practice of optometry.

Bill read third time, and presented by Senator Desmond.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1686—An act to amend Sections 3010 and 3013 of the Business and Professions Code, relating to the practice of optometry.

Bill read third time, and presented by Senator Desmond.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1527—An act to amend Section 44 of the County Employees Retirement Act, relating to county retirement systems in respect to the inclusion of elective officers therein.

Bill read third time, and presented by Senator Salsman.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating,

Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, Ward, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1687—An act to amend Section 3052 of the Business and Professions Code, relating to licenses for the practice of optometry, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time, and presented by Senator Desmond.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Ward, and Weybret—30.
NOES—None.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Tenney, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1017—An act to amend Section 123, of Chapter 1, Part 1, Division 1, and Section 4104, of Chapter 1, Part 7, Division 1, of the Revenue and Taxation Code, relating to amounts payable on redemption of delinquent real estate taxes.

Bill read third time.

Motion to Amend

Senator Mixter moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 17, of the printed bill, as amended, strike out "deeded to", and insert "acquired by".

Amendment No. 2

On page 1, line 17, of the printed bill, as amended, strike out "for"; and in line 18, strike out "delinquent taxes", and insert "other than by tax deed".

Amendments read and adopted.
Bill ordered printed, and to third reading.

Assembly Bill No. 477—An act to amend the heading of Article 5, Chapter 2, Part 1, Division 2 of, and Sections 660, 661, 662, 663, 664, 665, 666, 667, 669, 671, and 672 of, of the Welfare and Institutions Code, relating to detention homes for juveniles, and providing that such homes shall be known as "juvenile halls."

Bill read third time.

Motion to Amend

Senator Brown moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 1, of the printed bill, as amended, after "institution", strike out the period, and insert "provided, however, that in counties having a population of less than 30,000 the juvenile hall may be connected with the county jail in such manner that wards of the juvenile court and persons alleged to come under the provisions of

Sections 700 or 701 are not confined in the same room, yard, or inclosure with adult prisoners or permitted to come or remain in contact with adult prisoners."

Amendment read and adopted.

Bill ordered printed, and to third reading.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Desmond moved that Senate Bill No. 39 be taken from the inactive file, for the purpose of amendment and placed on second reading.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 39—An act to add Sections 4041.7, and 4408.5 to the Political Code, relating to the planning and development of facilities for transportation by water.

Bill read second time.

Motion to Amend

Senator Desmond moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 17 to 20, inclusive, and insert "county, and when the amount to be so appropriated and expended is equalled or exceeded by money from private sources made available for the same purpose."

Amendment No. 2

On page 2, line 12, of said bill, strike out "and to levy a special"; and strike out lines 13 to 15, inclusive, and insert "and when the amount to be so appropriated and expended is equalled or exceeded by money from private sources made available for the same purpose."

Amendments read and adopted.

Bill ordered printed, and to second reading.

MESSAGES FROM THE ASSEMBLY

SACRAMENTO 14, CALIFORNIA, April 27, 1945

Hon. Joseph A. Beek, Secretary of the Senate
Senate Chamber, State Capitol

DEAR SIR: A motion has been made by Mr. Harrison W. Call, and carried, that the Senate be requested to return to the Assembly, Assembly Bill No. 1307.

Very truly yours,

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

MOTION TO RETURN ASSEMBLY BILL

Senator Crittenden moved that Assembly Bill No. 1307 be withdrawn from Committee on Agriculture and returned to the Assembly pursuant to their request.

Motion carried.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 11.51 a.m., on motion of Senator Carter, further proceedings under the call of the Senate were dispensed with.

RECESS

At 11.51 a.m., on motion of Senator Powers, the Senate recessed until 1.15 p.m.

REASSEMBLED

At 1.15 p.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

Call of the Senate

Senator Gordon moved a call of the Senate.

Motion carried.

Time, 1.15 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 495—An act to add Section 571.5 to the Elections Code, relating to division of electors in a precinct into groups.

Bill read third time, and presented by Senator Kuchel.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Slater, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 288—An act to amend Section 5931 of the Elections Code, relating to absentee voting.

Bill read third time, and presented by Senator Kuchel.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Slater, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 143—An act to amend Section 2609 of the Elections Code, relating to sponsor certificates.

Bill read third time, and presented by Senator Kuchel.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Slater, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 304—An act to add Section 2847.5 to the Elections Code, relating to filling of vacancies existing in party committees.

Bill read third time, and presented by Senator Kuchel.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 498—An act to repeal Section 1004 of the Elections Code, relating to notice of election.

Bill read third time, and presented by Senator Kuchel.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 499—An act to amend Section 7968 of the Elections Code, relating to the record of votes cast.

Bill read third time, and presented by Senator Kuchel.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 496—An act to amend Section 3823 of the Elections Code, relating to ballots.

Bill read third time, and presented by Senator Kuchel.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 45—Relative to pledging loyalty to President Truman.

Resolution read, and presented by Senator McBride.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 87—An act to amend Section 142 of the Vehicle Code, relating to types of vehicles exempt from registration.

Bill read third time, and presented by Senator Hulse.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 819—An act to add Section 417.1 to the Vehicle Code, relating to financial responsibility.

Bill read third time, and presented by Senator Kuchel.

The roll was called and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 36—Relative to making President Roosevelt's Birthday, January 30, a legal holiday.

Resolution read, and presented by Senator McBride.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, and Slater—24.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 894—An act to repeal Section 1046 of, and to add a new Section 1046 to, the Military and Veterans Code, relating to estates of incompetent veterans.

Bill read third time.

Motion to Amend

Senator Gordon moved the adoption of the following amendment:

Amendment No. 1

On page 1, lines 22 and 23, of the printed bill, as amended, strike out "twenty-five thousand dollars ($25,000)", and insert "ten thousand dollars ($10,000)".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 437—An act to amend Section 506 of the Agricultural Code, relating to ice cream.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 524—An act to amend Section 790.5 of the Agricultural Code, relating to emergency standards.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, and Sutton—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 525—An act to amend Section 787.5 of the Agricultural Code, relating to fruit and vegetable containers.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, and Sutton—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Crittenden Presiding

At 2.09 p.m., Senator Bradford S. Crittenden of the Twentieth District, presiding.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Assembly Bill No. 526—An act to repeal Section 1077 of the Agricultural Code, relating to products for treating domestic animals.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, and Sutton—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 529—An act to amend Section 784.6 of the Agricultural Code, relating to dried fruits.

Bill read third time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, after line 11, insert

"SEC. 2. This act shall take effect on January 1, 1946."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 294—An act to amend Section 1071 of, and to add Sections 1071.1, 1071.2, 1071.3 and 1071.4 to, the Agricultural Code, relating to licenses, fees, and registration of economic poisons.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel,

Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, and Sutton—26.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 430—An act to repeal Section 522 of the Agricultural Code, relating to the marking of butter.

Bill read third time, and presented by Senator Hatfield.
The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—27.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 431—An act to amend Section 580 of the Agricultural Code, relating to labeling of oleomargarine.

Bill read third time, and presented by Senator Hatfield.
The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—26.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 432—An act to amend Section 552 of the Agricultural Code, relating to skim milk.

Bill read third time, and presented by Senator Hatfield.
The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—26.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 433—An act to amend Section 4827 of the Business and Professions Code, relating to veterinary medicine.

Bill read third time, and presented by Senator Hatfield.
The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—25
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 434—An act to amend Sections 529 and 530 of the Agricultural Code, pertaining to butter cutting, wrapping and distributors' licenses.

Bill read third time, and presented by Senator Hatfield.
The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo,

McBride, McCormack, Mixter, Powers, Salsman, Seawell, Slater, Sutton, and Weybret—26.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 435—An act to amend Section 501 of the Agricultural Code, relating to market milk inspection fees.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Salsman, Seawell, Slater, Sutton, and Weybret—26.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 436—An act to amend Section 595 of the Agricultural Code, relating to the labeling of imitation milk.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Salsman, Seawell, Slater, Sutton, and Weybret—26.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1074—An act to amend Section 86 of the Agricultural Code, relating to the property of district agricultural associations.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Salsman, Seawell, Slater, Sutton, and Weybret—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1073—An act to amend Section 92.1 of the Agricultural Code, relating to the basis of allocation of State money to county, district or combined county and district fairs.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Salsman, Seawell, Slater, Sutton, and Weybret—26.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 35—Relative to income and resources of recipients of aid to the aged and of aid to the blind.

Resolution read, and presented by Senator Judah.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Salsman, Seawell, Slater, Sutton, and Weybret—26.
NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 176—An act to amend Sections 3447 and 3473 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Salsman, Seawell, Slater, and Weybret—24.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 177—An act to amend Section 3044 of the Welfare and Institutions Code, relating to aid to the needy blind, and revising the provisions for payments to persons in institutions.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Salsman, Seawell, Slater, and Weybret—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 178—An act to amend Section 3047 of the Welfare and Institutions Code, relating to property qualifications of recipients of aid to the needy blind.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Salsman, Seawell, Slater, and Weybret—23.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 179—An act to amend Section 3444 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, and revising the provisions for payments to persons in institutions.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Salsman, Seawell, Slater, and Weybret—24.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 180—An act to amend Section 3044.5 of the Welfare and Institutions Code, relating to aid to the needy blind.

Bill read third time, and presented by Senator Gordon.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Salsman, Seawell, Slater, Sutton, and Weybret—23.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 306—An act to amend Sections 10051 and 10053 of the Education Code, relating to instruction in the schools in American history, Constitution, institutions, and ideals.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Deuel, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Salsman, Seawell, Slater, and Weybret—22.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 31—Relative to memorializing the President and the Congress of the United States and the Federal Surplus Property Board to establish or designate a special agency to which municipalities and other public bodies may deal in the purchase of Federal surplus properties.

Resolution read, and presented to Senator Dorsey.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Salsman, Seawell, Slater, Sutton, and Weybret—23.
NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 77—An act to amend Section 4274 of the Political Code, relating to compensation for public service in counties of the forty-fifth class.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater Sutton, and Weybret—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1568—An act to add Section 151.1 to the State Civil Service Act and Section 18103 to the Government Code, relating to sick leave.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1913—An act to amend Section 73 of the State Civil Service Act and Section 18021 of the Government Code, relating to overtime compensation.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, and Weybret—22.

NOES—None.

Motion to Reconsider

Senator Hulse moved to reconsider the vote whereby Assembly Bill No. 1913 was passed.

Postponement of Reconsideration

On motion of Senator Hulse, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1913 was passed, was continued until the next legislative day.

Secretary J. A. Beek at the Desk

Assembly Bill No. 488—An act to add Section 23955 to the Water Code, relating to irrigation districts.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 215—An act to amend Section 2d of the California Water District Act, providing for the term of office of the board of directors.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 3.20 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3.20 p.m., on motion of Senator Gordon, further proceedings under the call of the Senate were dispensed with.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1039

Senator Dorsey moved that Senate Bill No. 1039 be withdrawn from Committee on Governmental Efficiency for purpose of amendment, and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1039—An act adding Section 130 to the Government Code, relating to acquisition of land in this State by the United States, its departments, agencies, and instrumentalities.

Bill read second time.

Motion to Amend

Senator Dorsey moved the adoption of the following amendments:

Amendment No. 1

Strike out the title of the printed bill, and insert

"An act to amend Section 116 of the Government Code, relating to reservations by the State with respect to land acquired in the State by the United States, its departments, agencies, and instrumentalities, declaring the urgency thereof, to take effect immediately."

Amendment No. 2

On page 1, line 1, of said bill, strike out "Section 130 is added to the Government Code," and insert

"Section 116 of the Government Code is amended".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, strike out lines 3 to 7, inclusive, and insert

"116. Any law to the contrary notwithstanding, the State reserves the authority to serve and execute process, [and] the State's entire power of taxation, *and its entire jurisdiction over all schools and school districts established or to be established* with respect to any land over which any jurisdiction is ceded or granted by the State to the United States under any law of the State now in effect or which may hereafter be adopted. *The consent of the Legislature to the acquisition by the United States of such land within the State is granted solely upon the condition that the United States shall accept these reservations as a condition precedent to consent being offered.*

Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately. The facts constituting such necessity are as follows:

There is contemplated at the present time the establishment of schools upon land over which the Federal Government has not yet acquired exclusive jurisdiction but which exclusive jurisdiction it intends to acquire shortly.

Within recent years, increasingly, there has been and there is every indication there will continue the acquisition of exclusive jurisdiction over lands in this State by the United States, its various agencies and instrumentalities, which have affected, do affect, and will affect seriously the financing and administration of the public schools of the State, a situation neither confronted nor anticipated when, in the early history of the State, the Legislature gave its consent to the acquisition of lands by the United States in this State under certain conditions. The provisions of this act are designed to curtail and to rectify this situation, for which reasons it is necessary that this act take effect immediately."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

RESOLUTIONS

The following resolution was offered by Senator Hulse:

Senate Resolution No. 99

Requesting the State Personnel Board to study and report upon living and working conditions and compensation in certain areas in the State

WHEREAS, There exist in the State of California many areas, such as mountainous, desert and isolated sections, where employment conditions are much less favorable than in metropolitan, coastal and more populated areas; and

WHEREAS, These conditions include higher living costs, limited and inadequate housing facilities, lack of necessary educational facilities, higher public utility rates, tax rates which are above the average, limited or no physician or hospital facilities,

and climatic conditions such as extreme heat or cold which are not conducive to satisfactory employment and often contribute to lack of good health; and

WHEREAS, Such conditions result in inadequate compensation for employees paid on a monthly basis in these areas as compared to the compensation received by employees in metropolitan, coastal and more populated areas; and

WHEREAS, These conditions are being recognized by the Federal Government and private industry by providing higher pay differentials for employees in these areas to compensate for these unfavorable employment conditions; and

WHEREAS, The State of California, under Section 71 of the State Civil Service Act, has adopted a policy of different compensation in different communities for employees compensated on an hourly or per diem basis; now, therefore, be it

Resolved by the Senate of the State of California, That the State Personnel Board is hereby requested to make a complete and comprehensive state-wide study of living and working conditions and compensation in mountainous, desert and isolated areas in the State, to make public such findings and conclusions at least six months prior to the convening of the Fifty-Seventh Regular Session of the Legislature, and to report its findings and conclusions to the Senate upon the commencement of said session; and be it further

Resolved, That the Secretary of the Senate is directed to transmit to the State Personnel Board a copy of this resolution.

Resolution read and on motion of Senator Hulse adopted.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 510

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 407

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

Above bill ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 47

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 99
Senate Bill No. 389
Senate Bill No. 442
Senate Bill No. 465
Senate Bill No. 487
Senate Bill No. 556
Senate Bill No. 560
Senate Bill No. 691
Senate Bill No. 1201

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 89
Senate Bill No. 189
Senate Bill No. 202
Senate Bill No. 249
Senate Bill No. 388
Senate Bill No. 408
Senate Bill No. 428
Senate Bill No. 501
Senate Bill No. 672
Senate Bill No. 673
Senate Bill No. 1259
Senate Bill No. 1261

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 172
Assembly Bill No. 805
Assembly Bill No. 806
Assembly Bill No. 807
Assembly Bill No. 917

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

Assembly Bill No. 172—An act to amend Section 44 of the County Employees' Retirement Act of 1937, relating to eligibility of county elected officials to join Retirement System.

Referred to Committee on Local Government.

Assembly Bill No. 805—An act to add Section 1239.2 and 1239.4 to the Code of Civil Procedure, relating to eminent domain for airport purposes.

Referred to Committee on Judiciary.

Assembly Bill No. 806—An act to amend Section 9 of the California Airport District Act, relating to the powers of airport districts.

Referred to Committee on Judiciary.

Assembly Bill No. 807—An act to amend the title of and to add Section 6 to "An act authorizing and empowering any city and county, or county, or city operating under a freeholders' charter or otherwise, or any town, or any municipal corporation in the State of California to acquire land and construct and complete improvements thereon necessary and convenient to the maintenance of airports, the flying and landing of aircraft and the maintenance of hangars for storing aircraft; permitting use for said purposes of property owned for park purposes; providing for the incurring of indebtedness and issuing bonds; validating, legalizing and ratifying any bonded indebtedness which may be incurred in furtherance of any such purposes and of the proceedings leading up to the issuance and the proposed issuance of any such purpose and to levy taxes for such purposes," approved April 28, 1927, relating to the acquisition of airspace and easements therein by counties, city and counties, and cities.

Referred to Committee on Judiciary.

Assembly Bill No. 917—An act to amend Section 10240 of the Insurance Code, and to add Section 10242 thereto, relating to burial insurance.

Referred to Committee on Financial Institutions.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 27

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

Assembly Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to Section 23 of Article IV of the Constitution of the State, relating to the compensation of members of the Legislature.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 215	Assembly Bill No. 383
Senate Bill No. 216	Assembly Bill No. 669
Assembly Bill No. 2000	Assembly Bill No. 670
Assembly Bill No. 251	Assembly Bill No. 16
Assembly Bill No. 1848	Assembly Bill No. 579

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 298
Assembly Bill No. 1095

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1276	Assembly Bill No. 936
Assembly Bill No. 755	Assembly Bill No. 1988

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

POWERS, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1958

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Social Welfare.

Committee membership 11; committee vote: Ayes 9; absent 2.

POWERS, Vice Chairman

Above reported bill re-referred to Committee on Social Welfare.

Assembly Bill No. 1544—An act to amend Section 737xx of the Political Code, relating to judges' salaries in counties of the sixteenth class.

Referred to Committee on Local Government.

Assembly Bill No. 1822—An act to amend Section 2845 of the Elections Code, relating to county central committees.

Referred to Committee on Elections.

Assembly Bill No. 2095—An act to amend Section 585 of the Vehicle Code, relating to removal of unattended vehicles.

Referred to Committee on Transportation.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 54

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 54—Approving six certain amendments to the charter of the city of Pomona, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a general municipal election held therein on the second day of April, 1945.

Request for Unanimous Consent

Senator Swing asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 54, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 54

Assembly Concurrent Resolution No. 54—Approving six certain amendments to the charter of the City of Pomona, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a general municipal election held therein on the second day of April, 1945.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Ward—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 233

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DUSCH, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Concurrent Resolution No. 49

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 30, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 421
Senate Bill No. 515
Senate Bill No. 519

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 30, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 651

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 30, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 162—An act to amend Section 66 of the Bank Act, relating to the amount of loans which may be made by savings banks to any one person;

Senate Bill No. 358—An act to amend Section 737jj of the Political Code, relating to salaries of superior court judges of San Bernardino County;

Senate Bill No. 664—An act to amend Section 10 of the Bank Act, relating to the qualifications of directors of banks and trust companies;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirtieth day of April, 1945, at 11 a.m.

SEAWELL, Chairman

COMMUNICATIONS

The following communication was received and read and on motion of Senator Dorsey, ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, April 26 1945

Honorable Jesse R. Dorsey, Senate Chamber,
State Capitol, Sacramento, California

Effect of A.B. 1392 upon portion of school
district outside Navy Base.
No. 4417 and No. 4550

DEAR SENATOR DORSEY: In your request of April 19, 1945, you ask the following question in connection with Assembly Bill No. 1392: Where will our people be who are in that portion of the school district not included in the Navy base?

In our opinion of April 16, 1945, addressed to you, we held that "When the United States has accepted exclusive jurisdiction over the Navy base and said area has thereby ceased to be a part of the State, the State will have no power to apply the acts of its Legislature to the area, and hence will not thereafter be entitled to continue the operation of said schools." This is the general rule with reference to land over which the United States takes exclusive jurisdiction. Since writing that opinion we have received additional facts in connection with the situation involving Assembly Bill No. 1392.

Where the United States through its properly authorized officer has requested that the State shall operate the schools in the elementary school district established in a proposed Federal area, has agreed to construct the school buildings thereon and to permit the children in the adjoining territory to attend the schools upon the Federal area, as well as to transport said children to said schools, and has so notified the Senate and Assembly of the State of California, it is our conclusion that the United States has waived or agreed to transfer to the State its exclusive jurisdiction over the area so far as any schools or school districts, established or to be established upon the area are concerned.

In the Attorney General's Opinion N. S. 5335, the question was raised as to whether or not the acceptance of the Secretary of War on April 16, 1943, of exclusive jurisdiction for the United States over all land theretofore acquired by it for military purposes would affect the right to vote as residents of the county of persons living in Federal housing projects serving the Army bases within the county.

The War Department requested the Farm Security Administration to construct, operate and maintain the civilian housing projects with Federal funds. The said Administration went upon the Benicia Arsenal, erected the housing projects and assumed jurisdiction upon the request of and with the full knowledge of the War Department. Later, the War Department gave to the National Housing Administration a revocable permit to occupy the premises on which the projects stand "for the purpose of constructing and maintaining a Civilian Housing Project. The Federal Housing Administration has in turn leased these projects to the Housing Authority of the City of Benicia, a body politic organized and existing under and by virtue of the laws of the State of California, and this Housing Authority is, and for some time has been, operating the same with the knowledge, consent and acquiescence of the War Department."

The Attorney General held that "It is our opinion that the War Department has transferred its jurisdiction over these projects to the Federal Housing Authority, as authorized by Section 1521, of Title 42, U.S.C.A., and has thus surrendered its exclusive jurisdiction. It follows, therefore, that the residents on projects * * * * 4015 and 4016 are, if otherwise qualified, entitled to be registered as voters under the authority of *Johnson* v. *Morrill*, supra."

Section 355 of the Revised Statutes of the United States (54 Stat. 19) provides:

> "Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required; but the head or other authorized officer of any department or independent establishment or agency of the Government may, in such cases and at such times as he may deem desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or cession of such jurisdiction, exclusive or partial, not theretofore obtained, over any such land or interest as he may deem desirable and indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such other manner as may be prescribed by the laws of the State where such lands are situated. Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted."

In the present instance the facts show that the United States intends to acquire exclusive jurisdiction over the said Navy base as provided in said Section 355, but that it intends to waive such exclusive jurisdiction so far as the operation of the schools and school districts to be formed on such land are concerned.

The State has already provided that "Any land owned by the United States and lying within the boundaries of any school district is a part of the school district and has been continuously a part of the school district from the time the land first lay within the boundaries of the school district."

The State, through Assembly Bill No. 1392, is further recognizing the said school districts as a part of its public school system.

Since the Commanding Officer of the Military Reservation is under Section 355, supra, the authorized Officer of the Navy to accept such jurisdiction exclusive or partial over the area as he may deem desirable, and since he has already indicated to the State his desire to waive such exclusive jurisdiction over the schools and school districts of said military area (which waiver it would be advisable to include in his notice of acceptance to the Governor of this State), it is our conclusion that:

1. The State may under this set of facts (i.e., with the consent of the United States) operate the schools on the military reservation after the United States acquires exclusive jurisdiction over the area for military purposes.

2. The children in that portion of the school district not included in the Navy base may attend the schools on the Navy Base as provided in Assembly Bill No. 1392.

3. The State A.D.A. money may be allocated to the school district on the Government reservation as a part of the Public School System of the State.

Moreover, if it can be said that such schools are being established by the Federal Government to meet a National or local emergency created by the war, Chapter 1 of

the First Extraordinary Session of the 1941-42 Legislature permits the districts to expend their moneys to meet such emergencies created by the war, provided the same is authorized by a four-fifths vote of all the members of the governing boards acting on behalf of a particular school district, as provided in subdivision (c) of said chapter.

Answering your question concerning Section 2621 of the Education Code, it is not clear from the language of said section that it is intended as an additional reservation to the State re the cession of exclusive jurisdiction of State lands to the United States, either expressly or impliedly. The section has not been interpreted by our courts.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By HELEN VANGUTPEN HARRIS, Deputy

MOTION TO APPROVE SENATE JOURNALS

Senator Seawell moved that the Senate Journals of Monday, April 23, 1945; Tuesday, April 24, 1945; Wednesday, April 25, 1945; Thursday, April 26, 1945; and Friday, April 27, 1945, be approved as corrected by the Journal Clerk and Minute Clerk.

Motion carried.

RESOLUTIONS

The following resolution was offered:

By Committee on Rules:

Senate Resolution No. 100

Resolved, That the Controller be and he is hereby ordered and directed to draw his warrant from the Contingent Fund of the Senate in the sum of five thousand one hundred nine and 65/100 dollars ($5,109.65) in favor of the Secretary of the Senate to pay the bills and for the purposes set forth below, and the Treasurer is directed to pay the same:

Bancroft Whitney Company (codes)	$3,412 64
Postage for mailing department	1,000 00
Railway Express Agency	6 18
Cascade Towel Supply Company	7 50
Ehmann Stationery Company	1 54
Sam S. Frieden (signs)	4 23
Art Morris (work on safe)	6 00
Hale Bros. (drapes)	63
Western Union (March bill)	62 89
Pacific Telephone and Telegraph Company (March bill)	114 75
State Department of Finance	198 13
Bureau of Purchases (supplies)	295 16
	$5,109 65

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Jespersen, Judah, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Seawell, Slater, Sutton, and Weybret—22.

NOES—None.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS

Senate Bill No. 134—An act to amend Section 661 of the Welfare and Institutions Code, relating to detention homes.

Motion to Refer Bill to Inactive File

Senator Brown moved that Senate Bill No. 134 be placed on the inactive file.

Motion carried.

Senate Bill No. 677—An act declaring the public policy of the State, relating to flood waters, flood control, flood damage, the washing away of river and stream banks by floods; creating the State Flood Control Advisory Board and prescribing its powers and duties; prescribing the powers and duties of the Department of Public Works and authorizing the cooperation of the State Flood Control Advisory Board and the Department of Public Works with the United States, its instrumentalities and agencies, and with counties, cities, State agencies and public districts relating to flood waters and their control, flood damage, and the washing away of river and stream banks by floods; adopting and authorizing construction of certain flood control projects and providing cooperation with the United States thereon.

Bill read third time.

Motion to Amend

Senator Crittenden moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill as amended, after "water," insert "their conservation and utilization,".

Amendment No. 2

On page 1, line 2, of said bill, after "control", insert "and conservation".

Amendment No. 3

On page 2, line 1, of said bill, after "control", insert "and conservation".

Amendment No. 4

On page 2, line 8, of said bill, after "control", insert "and water conservation".

Amendment No. 5

On page 2, line 15, of said bill, after "cost", insert "Fish and wildlife values, both economic and recreational, shall be given consideration in any flood control or water conservation program. In the design, construction, and operation of such projects, when engineering and economic features of the project make it practicable, adequate provisions shall be made for the protection of migratory fishes, and the designs for structures and facilities required for such protection shall be prepared in cooperation with the United States Fish and Wildlife Service and the California Fish and Game Commission."

Amendment No. 6

On page 2, line 31, of said bill, after "control", insert "and water conservation".

Amendment No. 7

On page 3, line 26, of said bill, after "control", insert "or water conservation".

Amendment No. 8

On page 3, line 45, of said bill, after "control", insert "or water conservation".

Amendment No. 9

On page 4 of said bill, strike out lines 33 and 34, and insert "sion). In the event that the Congress hereafter authorizes and approves projects, wherein financial assistance is required of local agencies by the Federal Government, similar to the provisions of Public Law, Numbered 534, Seventy-eighth Congress, Second Session, it is the intention of the Legislature that it will be the policy of the State to pay for the cost of all lands, easements and rights of way necessary for the construction of such flood control projects, when such projects are recommended by the Flood Control Board and approved by the Legislature."

Amendment No. 10

On page 4, line 48, of said bill, after "trol", insert "and water conservation".

Amendment No. 11

On page 5, line 2, of said bill, after "control", insert "or other purposes".

Amendment No. 12

On page 5, line 15, of said bill, after "20.", insert "It is the intention of the Legislature that the Flood Control Board shall investigate all phases of any proposed water project including flood control, water conservation, domestic and irrigation use and power development, but not excluding other uses, so that a county, city,

State agency, or public district affected and the Legislature may have the benefit of investigations and recommendations of the board upon such projects in order to assure the fullest development of the water resources of the State."

Amendment No. 13

On page 5, line 19, of said bill, after "for", insert "financial".

Amendment No. 14

On page 5, line 46, of said bill, after "control", insert "and water conservation".

Amendment No. 15

On page 5, line 48, of said bill, after "control", insert "and water conservation".

Amendment No. 16

On page 6, line 19, of said bill, after "control", insert ", conservation and utilization".

Amendment No. 17

On page 8 of said bill, between lines 41 and 42, insert

"SEC. 41a. The City and County of San Francisco, the Modesto Irrigation District, and the Turlock Irrigation District shall give assurances satisfactory to the Secretary of War that the local cooperation required by Section 3 of the act of Congress approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, Second Session), will be furnished by the City and County of San Francisco, the Modesto Irrigation District, and the Turlock Irrigation District in connection with the flood control projects within the watershed of the Tuolumne River, adopted and authorized in Section 33 of this act, except in so far as said projects include channel improvement works and levees, or any thereof.

SEC. 41b. It shall be the duty of the City and County of San Francisco, the Modesto Irrigation District, and the Turlock Irrigation District, in conjunction with the War Department, to execute the plans and projects within the watershed of the Tuolumne River, referred to in Section 33 of this act, except in so far as the same relate to channel improvement works and levees, or any thereof, and may exercise all powers granted to them by law, and said city and county, and said districts, may make modifications to said plans as may be necessary to execute the same for the purposes of this act."

Amendment No. 18

On page 8 of said bill, strike out line 42, and insert

"SEC. 42. Except as otherwise provided in this act, the Reclamation Board shall give assurances satis-".

Amendment No. 19

On page 9 of said bill, strike out line 3, and insert

"SEC. 43. Except as otherwise provided in this act, it shall be the duty of the Reclamation Board in".

Amendments read and adopted.

Bill ordered printed and re-engrossed.

MOTION TO SET SPECIAL ORDER

Senator Crittenden moved that Senate Bill No. 677 be made a special order of business for Monday, May 7, 1945, at 2.30 p.m.

Motion carried.

MOTION TO EXCUSE MEMBER

At 1.50 p.m. Senator Seawell moved that Senator Crittenden be excused at this time for the remainder of the legislative day, due to illness.

Motion carried.

MOTION TO RECONSIDER

Senator Carter moved to reconsider the vote whereby Senate Bill No. 677 was amended.

Postponement of Reconsideration

On motion of Senator Carter, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 677 was amended, continued until the next legislative day.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill No. 442—An act to authorize the Director of Finance to sell and convey certain real property in the County of Sacramento, known as Camp Christiansen.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 442?

Amendment No. 1

On page 1 of the printed bill, after line 30, insert

"SEC. 5. There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said lands, together with the right to prospect for, extract and remove such deposits of minerals, including oil and gas, therefrom."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 442 by the following vote:

AYES—Senators Biggar, Brown, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, McCormack, Mixter, Parkman, Powers, Seawell, Slater, Sutton, Swing, Ward, and Weybret—25.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 465—An act to add a new Section 20033 to Article 2 of Chapter 1 of Division 10 of the Water Code, relating to revocation of orders and reports.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 465?

Amendment No. 1

On page 1, line 5, of the printed bill, as amended, strike out "without", and insert "upon 10 days' ".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 465 by the following vote:

AYES—Senators Biggar, Brown, Cunningham, DeLap, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Sutton, Swing, Ward, and Weybret—24.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 556—An act to amend Section 505 of Division 1 of the Public Resources Code, relating to the administration of the Division of Forestry.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 556?

Amendment No. 1

On page 1 of the printed bill, strike out lines 12 and 13, and insert "One member shall represent agriculture."

Amendment No. 2

On page 1 of the printed bill, between lines 13 and 14, insert "One member shall represent the beneficial use of water."

Amendment No. 3

On page 1, line 14, of the printed bill, strike out "five", and insert "six".

Amendment No. 4

On page 1, line 16, of the printed bill, strike out "Two members", and insert "One member".

Amendment No. 5

On page 1, line 21, of the printed bill, strike out "classify themselves by lot", and insert "be classified by the Governor".

Amendment No. 6

On page 2, lines 28 and 29, of the printed bill, as amended, strike out "and fix their compensation", and insert "in accordance with the State Civil Service Act".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 556 by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Sutton, Swing, Ward, and Weybret—26.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 560—An act to add Article 6, comprising Sections 4421 to 4435, inclusive, to Chapter 2 of Division 4 of the Public Resources Code, relating to the acquisition, their management as State forests and administration, protection and reforestation of forest lands, the management for demonstration purposes and sale of forest products therefrom.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 560?

Amendment No. 1

On page 3, lines 33 and 34, of the printed bill, as amended, strike out "State Board of Prison Directors", and insert "Department of Corrections".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 560 by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—28.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 691—An act to amend Section 3515.5 of the Revenue and Taxation Code, relating to transfer to the Veterans' Welfare Board of tax-deeded property.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 691?

Amendment No. 1

On page 1, line 24, of the printed bill, as amended, after "canceled", insert "; and where such taxes have been levied by a county, the board of supervisors of such county shall thereupon order the county auditor to cancel such taxes upon the tax rolls".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 691 by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—29.
NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 1201—An act to add Section 6307 to and amend Sections 6890, 6891, 6894, and 6895 of the Public Resources Code, relating to applications for erection of structures on tidelands or submerged lands or for depositing or removal of material therefrom.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1201?

Amendment No. 1

On page 1 of the printed bill, as amended, strike out line 11; and in line 12, strike out "to the Attorney General for approval."

Amendment No. 2

On page 2, line 3, of said bill, strike out "No such permit or lease shall be issued"; and strike out lines 4 and 5.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1201 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Kuchel, Mayo, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—28.
NOES—None.

Motion to Reconsider Senate Bill No. 1201

Senator Jespersen moved to reconsider the vote whereby the Assembly amendments to Senate Bill No. 1201 were concurred in.

Consideration of Motion to Reconsider

Pursuant to his motion previously made, Senator Jespersen moved that the Senate, at this time, reconsider the vote whereby the amendments to Senate Bill No. 1201 were concurred in.

The roll was called, and Assembly amendments to Senate Bill No. 1201 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Ward—35.
NOES—None.

Further Consideration of Assembly Amendments to Senate Bill No. 1201

Senate Bill No. 1201—An act to add Section 6307 to and amend Sections 6890, 6891, 6894, and 6895 of the Public Resources Code, relating to applications for erection of structures on tidelands or submerged lands or for depositing or removal of material therefrom.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1201?

Amendment No. 1

On page 1 of the printed bill, as amended, strike out line 11; and in line 12, strike out "to the Attorney General for approval."

Amendment No. 2

On page 2, line 3, of said bill, strike out "No such permit or lease shall be issued"; and strike out lines 4 and 5.

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 1201 by the following vote:

AYES—None.

NOES—Senators Biggar, Brown, Burns, Carter, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Ward—33.

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Quinn, Jespersen, and Kuchel as a Senate Committee on Conference concerning Senate Bill No. 1201 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES
SEAWELL, Chairman

SECOND READING OF SENATE BILLS

Senate Bill No. 551—An act to amend Section 18055 of the Education Code, relating to the Public School System.

Bill read second time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, beginning in line 1, strike out "to amend Section 18055 of the Education Code, relating to", and insert "making an appropriation for the purchase of land for the San Jose State College of".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 4, inclusive, and insert

"SECTION 1. Out of any money in the State Treasury not otherwise appropriated, there is hereby appropriated the sum of fifteen thousand one hundred seventy-five dollars ($15,175) to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years by the Director of Finance, with the approval of the Director of Education, for the acquisition for the San Jose State College of that certain real property situate in the City of San Jose, County of Santa Clara, State of California, more particularly described as follows:

Beginning at a point on the westerly line of Seventh Street; distant thereon 300 feet northerly from the point of intersection thereof with the northerly line of Alma Avenue, and running thence northerly along said westerly line of Seventh Street 863.68 feet to the point of intersection thereof with the southerly line of Humboldt Street, thence westerly along said southerly line of Humboldt Street 275.96 feet to the point of intersection thereof with the easterly line of Sixth Street, thence southerly along said easterly line of Sixth Street 863.68 feet and thence easterly 275.96 feet to the point of beginning, containing 5.47 acres, more or less."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 215—An act to amend Section 4265 of the Political Code, relating to compensation for public service in counties of the thirty-sixth class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 216—An act to amend Section 4253 of the Political Code, relating to compensation for public service in counties of the twenty-fourth class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 298—An act to amend Sections 737h and 737uu of the Political Code, relating to the salaries of judges.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "_____ dollars.", and insert "six thousand dollars ($6,000)."

Amendment No. 2

On page 1, line 10, of said bill, strike out "_____ dollars", and insert "seven thousand dollars ($7,000)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1276—An act authorizing the State Lands Commission to grant, convey and sell by deed, or any other proper legal conveyance, all the right, title and interest of the State of California in and to a portion of the abandoned channel of Centerville Slough in the County of Humboldt.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 39—An act to add Sections 4041.7, and 4408.5 to the Political Code, relating to the planning and development of facilities for transportation by water.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 2000—An act to amend Section 9 of the Municipal Court Act of 1925, relating to the constitution of the court and to compensation of officials.

Bill read second time, and ordered to third reading.

Assembly Bill No. 251—An act adding Sections 4.6, 4.7, 8.7, 8.8, 8.9, 12.2, 12.3, 12.4, 17 and 18 to, and amending Sections 4, 4.5, 11, 11.5, 12, and 14 of, an act entitled, "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, as amended, relating to county peace officers' retirement systems.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1848—An act to amend Section 970 of the Streets and Highways Code, relating to the naming of county highways.

Bill read second time, and ordered to third reading.

Assembly Bill No. 383—An act to amend Section 13¾ of the Los Angeles County Flood Control Act, relating to storm drain improvements and drainage systems.

Bill read second time, and ordered to third reading.

Assembly Bill No. 669—An act to amend Section 4157.5 of the Political Code, relating to furnishing emergency ambulance service.

Bill read second time, and ordered to third reading.

Assembly Bill No. 670—An act to amend Section 3720 of the Political Code, relating to statements filed with the State Board of Equalization and with the assessors of the creation or change of boundaries of cities or districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 16—An act to amend Section 4240 of the Political Code, relating to compensation for public services in counties of the eleventh class.

Bill ordered printed, and to third reading.

Assembly Bill No. 579—An act adding Section 97 to the County Employees Retirement Act of 1937, relating to contributions of members who have been in the armed forces of the United States, declaring the urgency thereof, and that this act shall take immediate effect.

Bill ordered printed, and to third reading.

Assembly Bill No. 1095—An act to amend Sections 7051, 7052, 7053, 7054 and 7055 of, and to add Section 7056 to, the Public Resources Code, relating to oil and gas and mineral leases by counties and other public or quasi public corporations, bodies or agencies.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 1

In line 2 of the title of the printed bill after "Code," insert "and to amend the chapter heading of Chapter 5 of Part 2 of Division 6 of said code,".

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. The chapter heading of Chapter 5 of Part 2 of Division 6 of the Public Resources Code is amended to read:

CHAPTER 5. OIL AND GAS AND MINERAL LEASES BY [COUNTIES] *PUBLIC AGENCIES*

SEC. 1.5. Section 7051 of the Public Resources Code is".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 755—An act to amend Section 124 of the State Civil Service Act and Section 19141 of the Government Code, relating to reinstatement of State employees having permanent civil service status.

Bill read second time, and ordered to third reading.

Assembly Bill No. 936—An act to add Section 32a to the State Employees' Retirement Act, and Section 20336 to the Government Code, relating to a retirement system for public officers and employees, providing for the exclusion of aliens employed under authorization of Section 1944.1 of the Labor Code.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1988—An act to amend Section 20890 of the Government Code, relating to time spent in military service for the purpose of computing retirement benefits and contributions to the retirement system while in such military service.

Bill read second time, and ordered to third reading.

Assembly Bill No. 576—An act to amend Section 19598 of the Business and Professions Code, relating to horse racing and the redistributions from pari-mutuels conducted in connection therewith.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike the word "section", and insert "sections"; and after the figure "19598", insert "19620 and 19627".

Amendment No. 2

On page 1 of the printed bill, following line 25, insert

"SEC. 2. Section 19620 of the Business and Professions Code is hereby amended to read:

19620. Fees, commissions, and other moneys received by the Board, except that part of the license fee required by Section 19485 in excess of four per cent of the gross amount of money handled in the pari-mutuel pool shall be paid into the treasury [immediately upon receipt] and credited to a special fund hereby continued in existence, known as the "Fair and Exposition Fund".

SEC. 3. Section 19627 of the Business and Professions Code is amended to read:

"19627. All of the license fee for conducting a horse racing meeting not payable into the Fair and Exposition Fund under this article shall [immediately] be paid into the General Fund in the State Treasury."

Amendments read and adopted.

Bill ordered printed, and to third reading, and re-referred to Committee on Governmental Efficiency.

Assembly Bill No. 1021—An act to amend Sections 3695.4, 3696.5, 3700 and 3791 of the Revenue and Taxation Code, and to repeal Section 3695.5 of the Revenue and Taxation Code, relating to the sale of tax-deeded property.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 550—An act to add Article IIa to Chapter 5 of Title 2 of Part 4 of the Political Code consisting of Sections 4100a to 4100e, both inclusive, relating to the duties and powers of the Controller.

Bill read third time.

Motion to Amend

Senator DeLap moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "4100e", and insert "4100d".

Amendment No. 2

On page 1, line 2, of said bill, strike out "4100e", and insert "4100d".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 260—An act to add Sections 4000.2, 4000.3, 4000.4, and 4000.5 to the Public Resources Code, relating to prevention and suppression of fires.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Hulse, Jespersen, Judah, Knehel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1024—An act to amend Sections 105, 106, 108, 113, 116, 123, 124 and 126 and to repeal Sections 109, 110, 111, 112 and 120 of the Vehicle Code, relating to the organization of the Department of Motor Vehicles.

Bill read third time.

Motion to Amend

Senator Seawell moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out lines 1 and 2, and insert
"An act to amend Sections 105, 113, 116, 123, 124, and 126 of the".

Amendment No. 2

On page 1 of said bill, strike out lines 6 and 7, and insert "director shall be appointed by the Governor with the advice and consent of the Senate and shall hold office at the pleasure of the Governor. He".

Amendment No. 3

On page 1 of said bill, strike out lines 14 to 31, inclusive; and on page 2 strike out line 1, and insert
"SEC. 2. Section 113 of said code is amended to read:".

Amendment No. 4

On page 2, line 7, of said bill, strike out "5", and insert "3".

Amendment No. 5

On page 2, line 12, of said bill, strike out "6", and insert "4".

Amendment No. 6

On page 2 of said bill, between lines 23 and 24, insert
"Any such assignment, when made, shall be made by the Chief of the California Highway Patrol subject to the approval of the director."

Amendment No. 7

On page 2, line 24, of said bill, strike out "7", and insert "5".

Amendment No. 8

On page 2, line 26, of said bill, before "director", insert "The".

Amendment No. 9

On page 2, line 37, of said bill, strike out "8", and insert "6".

Amendment No. 10

On page 2 of said bill, strike out lines 50 and 51.

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 999—An act to add Section 72.5 to the State Civil Service Act and Section 18025 to the Government Code, relating to holidays.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Cunningham, DeLap, Dillinger, Dilworth, Donnelly, Dorsey, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 558—An act to amend Section 597 of the Welfare and Institutions Code, relating to membership on probation committee.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 1, lines 6 and 7, of the printed bill, strike out "nine citizens of good moral character," and insert "a committee".

Amendment No. 2

On page 1 of said bill, after line 8, insert "Except as may be otherwise provided in a county charter adopted under Section 7½ of Article XI of the Constitution, in any county having a population in excess of 600,000, the probation committee shall consist of nine citizens of good moral character; and in each other county, the probation committee shall consist of seven citizens of good moral character."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 166—An act to amend Section 737nn of the Political Code, relating to the salary of judges of the Superior Court in and for the County of San Luis Obispo.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Seawell, Shelley, Slater, Sutton, Swing and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 587—An act to amend Section 23 of the "District Investigation Act of 1933," relating to special tax and assessment districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelley, Dorsey, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 455—An act to add Sections 31.5 and 34.5 to, and to amend Sections 2541, 2574, 2576, 2702, 2703, 2705, 2747, 2753, 2791, 2792, 2793, 2794, 2796, 2797, 2894, 3920, 3921, 3924, 3925, 3926, 3930, 3946, 7966, 8720, 8721, and 8722, and to repeal Section 2838 of the Elections Code, relating to nominations and party conventions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Cunningham, Desmond, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McCormack, Powers, Rich, Seawell, Slater, Swing, and Weybret—22.

NOES—Senators Breed, DeLap, Dilworth, Fletcher, Hulse, Keating, McBride, Mixter, Parkman, Salsman, Shelley, Sutton, and Ward—13.

Motion to Reconsider

Senator Ward moved to reconsider the vote whereby Senate Bill No. 455 was passed.

Postponement of Reconsideration

On motion of Senator Ward, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 455 was passed, was continued until the next legislative day.

Senate Bill No. 1274—An act to create a flood control district to be called San Luis Obispo County Flood Control and Water Conservation District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF MOTION TO RECONSIDER

Assembly Bill No. 1913—An act to amend Section 73 of the State Civil Service Act and Section 18021 of the Government Code, relating to overtime compensation.

Postponement of Reconsideration

Senator Hulse moved that his motion to reconsider the vote whereby Assembly Bill No. 1913 was passed, be continued to the next legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Ward, and Weybret—31.
NOES—None.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 799—An act to add Section 12¾ to the City Carriers Act, relating to the service of decisions and orders of the Railroad Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 997—An act to amend Section 13⅝ of the Highway Carriers' Act, relating to the service of decisions and orders of the Railroad Commission fixing rates of highway carriers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—36.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 651—An act to add Section 1622 to the Health and Safety Code, relating to biologics.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Cunningham, DeLap, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1023—An act to add Section 6500.3 to the Welfare and Institutions Code, relating to State institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 577—An act to amend Sections 26517, 26560, 26561, 26562, 26564, 26566, 26582, and 26583 of the Health and Safety Code, relating to foods and to add Sections 26517 (a) and 26517 (b).

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 372—An act to add Section 4455.5 to the Health and Safety Code, relating to pollution of water.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 670—An act to amend the Business and Professions Code by adding a new section thereto to be known as Section 19624.5, relating to distribution of fees collected under the act relating to the regulation and licensing of horse racing.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 421—An act to amend Sections 1237, 1246, 1251, 1252, 1253, 1254, 1255, 1256, 1260 and 1263 of the Civil Code, relating to homesteads.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Hulse, Jespersen, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—30.
NOES—Senators Cunningham, Gordon, and Rich—3.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1255—An act to amend Sections 4852.06, 4852.12, 4852.14, 4852.15 and 4852.18 of the Penal Code, relating to the pardoning and rehabilitation of persons convicted of felonies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—35.
NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RETAIN PLACE ON FILE

Senator Jespersen moved that Senate Bill No. 460 retain its place on file.

Motion carried.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill No. 487—An act to amend Sections 2699, 5057, 5079, 5080, 6025, and 6050, to repeal Sections 2521, 2521.5 and 6051 of the Penal Code, relating to the Department of Corrections, and providing for the appointment and salaries of officers and employees of the department and the respective powers and duties of the officers and agencies thereof.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 487?

Amendment No. 1

On page 2, line 48, of the printed bill, strike out "and he shall fix their".

Amendment No. 2

On page 2, line 49, of the printed bill, strike out "compensation".

Amendment No. 3

On page 3 of the printed bill, between lines 8 and 9, insert

"The Personnel Board shall fix the compensation of the wardens of the State prisons at not to exceed six thousand dollars ($6,000) per annum, and of the Superintendent of the California Institution for Women at not to exceed four thousand eight hundred dollars ($4,800). In addition to the compensation thus fixed the wardens and superintendent shall receive full maintenance for self and family and any increase in compensation provided by general law for State officers or employees."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 487 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—31.
NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 99—An act to add Section 1060 to the Civil Code, relating to the release of powers of appointment, declaring the urgency of this act, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 99?

Amendment No. 1

On page 2, line 2, of the printed bill, as amended, after "validated.", insert "The enactment of this section shall not impair, nor be construed to impair, the validity of any release heretofore made."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 99 by the following vote:

AYES—Senators Brown, Cunningham, Desmond, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Ward, and Weybret—27.
NOES—None.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 630—An act to amend Section 6512 of the Business and Professions Code, relating to the compensation of members of the State Board of Barber Examiners.

Bill read third time.

Motion to Amend

Senator Burns moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections 6500 and".

Amendment No. 2

In line 2 of the title of said bill, before "compensation", insert "appointment and".

Amendment No. 3

On page 1 of said bill, after line 9, insert
"SEC. 2. Section 6500 of said code is amended to read:
6500. There is in the Department of Professional and Vocational Standards a State Board of Barber Examiners, which consists of three members appointed by the Governor, *with the advice and consent of the Senate.*"

Amendments read and adopted.
Bill ordered printed, and to third reading.

Assembly Bill No. 1620—An act to add Chapter 7, consisting of Sections 880 and 881, to Division 1 of the Streets and Highways Code, relating to the acquisition, by the State, of shore line property adjoining State highways.

Bill read third time.

Motion to Amend

Senator Breed moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 15, of the printed bill, strike out "and for the apportionment of the cost thereof", and insert "which contracts shall provide for the payment into the State Highway Fund of the entire cost of such acquisition from any appropriation made to the commission for acquisition of beaches or parks"

Amendment read and adopted.

Bill ordered printed, and to third reading.

Secretary J. A. Beek at the Desk

MESSAGES FROM THE ASSEMBLY

SACRAMENTO 14, CALIFORNIA, April 30, 1945

Honorable Joseph A. Beek, Secretary of the Senate
Senate Chamber, State Capitol, Sacramento 14, California

DEAR SIR: May I ask that Assembly Bill No. 1353 be returned from the Senate to the Assembly. The reason for this request being a notice to reconsider the vote whereby this bill was passed having been made.

Very truly yours,

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

MOTION TO WITHDRAW ASSEMBLY BILL

Senator Seawell moved that Assembly Bill No. 1353 be withdrawn from the Committee on Fish and Game, and returned to the Assembly pursuant to their request.

Motion carried.

COMMUNICATIONS

The following communication was received and read and, on motion of Senator Shelley, ordered printed in the Journal:

SOUTH SAN FRANCISCO PARLOR, No. 157
NATIVE SONS OF THE GOLDEN WEST
SAN FRANCISCO, CALIFORNIA, April 24, 1945

Hon. John F. Shelley, State Senator
Senate Chambers, Sacramento, California

DEAR BROTHER SHELLEY: South San Francisco Parlor, No. 157, Native Sons of the Golden West, in meeting assembled on Wednesday evening, April 18, 1945, adopted a resolution, copy enclosed, which urges the adoption of Senate Bill No. 1256, introduced by Senator Jesse M. Mayo, entitled "An act to provide for the acquisition of the townsite and buildings of the old mining town of Columbia, Tuolumne County, as part of the State Park System."

This has the approval of Grand President Raymond D. Williamson, Native Sons of the Golden West, and Joseph R. Knowland, Past Grand President, Native Sons of the Golden West, and Chairman of the State Park Commission.

We respectfully urged the adoption of Senate Bill No. 1256.

Sincerely and fraternally yours,

JOHN T. REGAN, Recording Secretary

WHEREAS, The Columbia Progressive Club of the Town of Columbia, and Tuolumne Parlor No. 144 Native Sons of the Golden West of the town of Sonora, County of Tuolumne, State of California, have and now are co-sponsoring a movement to have the early day buildings and landmarks embraced within the business district of the said Town of Columbia, and in particular the buildings situate on Main Street together with the buildings and landmarks contiguous to and for a distance of one block back on each side of said Main Street made a part of the State Park System of the State of California so that said buildings, landmarks and area may be protected and preserved for the use and enjoyment of the public now living and for future generations, and

WHEREAS, It is the consensus of opinion of South San Francisco Parlor No. 157 Native Sons of the Golden West, San Francisco, California, that said buildings, landmarks, and area in said Town of Columbia are of such historical interest that each and every part thereof should be protected and preserved for the use and enjoyment of the public by being incorporated within and made a part of the State Park System of the State of California, and

WHEREAS, There is now pending before the Legislature of the State of California Senate Bill No. 1256, introduced by Senator Jesse M. Mayo, entitled "An act to provide for the acquisition of the townsite and buildings of the old mining Town of Columbia, in Tuolumne County, as part of the State Park System, and making an appropriation therefore", and

WHEREAS, South San Francisco Parlor No. 157 Native Sons of the Golden West, San Francisco, endorses and approves of said proposed Senate Bill No. 1256, and legislation, and is desirous of having said bill become a law, now, therefore, be it

Resolved, That South San Francisco Parlor No. 157 Native Sons of the Golden West of San Francisco, California, does by these presents approve and endorse the above mentioned movement and effort of the said Columbia Progressive Club to have said Town of Columbia and in particular the buildings, landmarks and area designated made a part of the State Park System of the State of California, and we further endorse and approve of the legislation proposed in Senate Bill No. 1256 and we urge that the Legislature enact it into law.

Dated this twelfth day of April, 1945.

ATTEST:

THOMAS J. JOYCE, President

JOHN S. REGAN, Secretary

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 227	Assembly Bill No. 2053
Assembly Bill No. 1179	Assembly Bill No. 2111
Assembly Bill No. 1484	Assembly Bill No. 2184
Assembly Bill No. 1850	Assembly Bill No. 2169

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 227—An act to amend Section 203 of the Probate Code, relating to succession.

Referred to Committee on Judiciary.

Assembly Bill No. 1179—An act to amend Section 3212 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Assembly Bill No. 1484—An act to amend Sections 362 and 362b of the Civil Code, relating to corporations.

Referred to Committee on Judiciary.

Assembly Bill No. 1850—An act to amend Section 151 of the Business and Professions Code, relating to the salary of the Director of Professional and Vocational Standards.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2053—An act to amend Section 737ddd of the Political Code, relating to the salary of the judge of the Superior Court in Ventura County.

Referred to Committee on Local Government.

Assembly Bill No. 2111—An act to amend Section 737s of the Political Code, relating to salaries of judges of the Superior Court in and for the County of Los Angeles.

Referred to Committee on Local Government.

Assembly Bill No. 2184—An act to add Section 563.1 to the Military and Veterans Code, relating to the minimum age for membership in the State Guard.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 2169—An act to add Section 328f to the Civil Code, relating to the transfer of shares of stock or other securities registered in the names of joint tenants.

Referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 30, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 215
Senate Bill No. 216
Senate Bill No. 1276

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Labor

SENATE CHAMBER, SACRAMENTO, April 28, 1945

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Senate Bill No. 697
Assembly Bill No. 402
Assembly Bill No. 921
Assembly Bill No. 1341

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 7.

SHELLEY, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 28, 1945

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Assembly Bill No. 116
Assembly Bill No. 1519

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 4; noes 3.

SHELLEY, Chairman

Above reported bills ordered to second reading.

RESOLUTIONS

The following resolution was offered by Senator Shelley:

Senate Resolution No. 101

WHEREAS, The members of the Senate have learned with regret of the passing in San Francisco, California, on April 27, 1945, of Joseph J. McShane, beloved husband of Teresa A. McShane and father of Cadet Joseph J. McShane, Jr., now on active duty with the United States Army Air Corps, and Gertrude Leone McShane, and son of Mrs. Mary McShane; and

WHEREAS, Mr. McShane was born in the city of San Francisco, and was at the time of his death Assistant City Attorney of said city, and was well known and respected as a Past Grand President of the Native Sons of the Golden West, a member of the Olympic Club, Menlo Circus Club, Bar Association, Press Club, Lions Club, Knights of Columbus, and Elks Club, and also for his part in city, State and National activities of the Democratic Party; now, therefore, be it

Resolved by the Senate of the State of California, That when the Senate this day adjourns it shall do so in respect to the memory of Joseph J. McShane; and be it further

Resolved, That the Secretary is directed to convey to the family of the late Joseph J. McShane this expression of tribute from the Senate of the State of California.

Resolution read, and adopted by a rising vote of the following:

Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—37.

ADJOURNMENT

At 4.50 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Tuesday, May 1, 1945, out of respect to the memory of the late Joseph J. McShane.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FIFTY-EIGHTH LEGISLATIVE DAY

ONE HUNDRED FOURTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Tuesday, May 1, 1945

The Senate met at 1.30 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators—Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Desmond, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 55

ARTHUR H. OHNIMUS, Chief Clerk of the Assembly

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 55—Relative to the United Nations Conference on World Peace.

Request for Unanimous Consent

Senator Salsman asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 55, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 55

Assembly Concurrent Resolution No. 55—Relative to the United Nations Conference on World Peace.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Slater, Sutton, Swing, and Weybret—24.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, April 30, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Assembly Joint Resolution No. 34

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 7; absent 2.

FLETCHER, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 30, 1945

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Assembly Bill No. 711
Assembly Bill No. 2145

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

FLETCHER, Chairman

Above reported bills ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 337
Senate Bill No. 830
Assembly Bill No. 885

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 10; committee vote: Ayes 10.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 1219

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 10; committee vote: Ayes 10.

COLLIER, Chairman

Above reported bill ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 803

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; noes 1.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1115

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 89—An act to amend Section 104.5 of the Welfare and Institutions Code, relating to proceedings before the State Social Welfare Board, specifying the time within which appeal or application for hearing must be made, authorizing the board to hold rehearings, and providing for the conduct of such proceedings;

Senate Bill No. 189—An act to add Section 372.3 to the Vehicle Code, relating to exemptions from fees;

Senate Bill No. 202—An act to amend Section 307 of the Agricultural Code, relating to meat;

Senate Bill No. 206—An act to amend Sections 651.6 and 651.7 of, and to add Section 651.8 to, the Fish and Game Code, relating to salmon, declaring the urgency thereof, to take effect immediately;

Senate Bill No. 249—An act to amend Section 16424 of the Education Code, relating to injuries to pupils;

Senate Bill No. 259—An act to amend Section 1064 of the Probate Code, relating to estates of deceased persons;

And reports that the same have been correctly enrolled, and presented to the Governor on the first day of May, 1945, at 10 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 388—An act to amend Section 23 of the Agricultural Code, relating to organization of the Department of Agriculture;

Senate Bill No. 408—An act to add Section 1½ to an act entitled "An act to regulate the construction, operation and maintenance of toll bridges and toll roads situated wholly or in part within the State of California; vesting the exclusive jurisdiction over said toll bridges and toll roads in the Department of Public Works of the State of California; authorizing and empowering said department to grant upon certain terms, limitations, conditions and restrictions and under such supervision as in its judgment may be necessary, franchises, privileges or licenses for the construction or operation of toll bridges and toll roads and for the taking and keeping of tolls thereon, and to fix, determine, modify or change the rate of tolls to be taken thereon; to terminate the right of boards of supervisors to grant franchises, privileges or licenses for the construction, operation and the taking and keeping of tolls on toll bridges and toll roads; also providing that the State may purchase or retake any such toll bridges or toll roads constructed hereunder and repealing all other acts and parts of acts in conflict therewith," approved June 10, 1929, as amended, relating to franchises, licenses and privileges for toll bridges, toll roads and toll ferries and making administration of said act a charge against the State Highway Fund.

And reports that the same have been correctly enrolled, and presented to the Governor on the first day of May, 1945, at 10 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 428—An act to add Section 14.1 to an act entitled "An act to aid commerce and navigation by authorizing certain improvements in and about Islais Creek and as a means thereof creating a reclamation district to be called and known as the "Islais Creek Reclamation District," fixing the boundaries thereof, providing for the management and control thereof, vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district; and to aid and assist such works of reclamation granting to the City and County of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said Islais Creek Reclamation District," approved April 6, 1925, relating to the deposit of funds in the bond fund of the district;

Senate Bill No. 466—An act to amend Section 20003 of and to repeal Chapter 2 of Division 10 of the Water Code, relating to the financial supervision of irrigation and other public districts;

Senate Bill No. 472—An act to amend Section 356 and 356a of the Political Code, and Sections 11253, 11310 and 11314 of the Government Code, relating to State departments;

Senate Bill No. 482—An act to abolish the Joint Navigation and Flood Control Project Fund and to repeal Article 1 of Chapter 7 of Part 4 of Division 5, comprising Sections 8900 to 8913, of the Water Code, relating to said fund;

And reports that the same have been correctly enrolled, and presented to the Governor on the first day of May, 1945, at 10 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 501—An act to amend Section 374.5 of the Vehicle Code, relating to license plates for exempt vehicles.

Senate Bill No. 510—An act to repeal "An act creating the Napa State farm revolving fund and making an appropriation therefor; providing for the expenditure and replenishment thereof, and providing for the disposition of any accrued surplus over and above such appropriation, declaring the urgency thereof and providing that this act shall take effect immediately," approved May 31, 1929, and to repeal Sections 13194 and 13195 of the Government Code, abolishing the Napa State farm revolving fund;

Senate Bill No. 672—An act to add Section 4986.4 to the Revenue and Taxation Code, relating to the cancellation of taxes on property acquired by the Veterans' Welfare Board;

Senate Bill No. 673—An act to add Sections 987 and 9190.1 to the Revenue and Taxation Code, relating to the assessment of and payment of taxes on possessory interests in real estate of the Veterans Welfare Board;

Senate Bill No. 981—An act to amend Sections 10000 and 10001 of the Water Code, relating to the State Water Plan;

And reports that the same have been correctly enrolled, and presented to the Governor on the first day of May, 1945, at 10 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1258—An act to amend Section 25(a) of the California Water Storage District Act, relating to the formation, organization and powers of water storage districts, to assessments levied against lands in such districts, and to actions to determine the validity of such assessments;

Senate Bill No. 1259—An act to amend Section 14237 of the Health and Safety Code, relating to fire protection districts in unincorporated areas;

Senate Bill No. 1261—An act to amend Section 8 of the Ventura County Flood Control Act, relating to salaries of district supervisors;

And reports that the same have been correctly enrolled, and presented to the Governor on the first day of May, 1945, at 10 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 47—Relative to freedom of the world press and radio;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the first day of May, 1945, at 10 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 298

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 550
Senate Bill No. 558
Senate Bill No. 1024

And reports the same correctly re-engrossed.

SEAWELL, Chairman

RESOLUTIONS

The following resolution was offered:

By Senator Kuchel:

Senate Resolution No. 102

Relative to congratulating Grandfather McBride

WHEREAS, Our able colleague from San Buenaventura has been blessed for the second time with the joys and pleasures of grandparenthood, by reason of the arrival in this world of Miss Ann Colleen Voland, daughter of Mr. and Mrs. Charles Voland, Jr.; and

WHEREAS, Ann Colleen did so time her arrival that it occurred on April 25, 1945, the opening day of the historic United Nations Security Conference, evidencing her desire and intent to be present on one of the most momentous occasions in history and presaging her keen interest in later life in matters of State and International affairs; and

WHEREAS, The broad smiles and great pride now present on the Celtic face of Jim McBride are a pleasure to behold; now, therefore, be it

Resolved by the Senate of the State of California, That we, the members, hereby extend to our colleague, James J. McBride, our hearty congratulations on his again becoming a grandfather, and that we do so with the conviction that Miss Ann Colleen Voland will be a continuing source of pleasure and enjoyment to her grandfather.

Resolution read, and on motion of Senator Kuchel adopted.

CONSIDERATION OF DAILY FILE

CONSIDERATION OF MOTION TO RECONSIDER

Assembly Bill No. 1913—An act to amend Section 73 of the State Civil Service Act and Section 18021 of the Government Code, relating to overtime compensation.

Motion to Reconsider Waived

Senator Hulse waived his motion to reconsider the vote whereby Assembly Bill No. 1913 was passed.

Assembly Bill No. 1913 ordered transmitted to the Assembly.

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill No. 389—An act to add a new section, to be numbered 1044, to the Agricultural Code, and to repeal Chapter 204, Statutes of 1927, relating to fertilizing materials and to rules and regulations therefor.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 389?

Amendment No. 1

In the title of the printed bill, strike out line 2, and insert "cultural Code, and to repeal Chapter 204, Statutes of 1927, relating to fertilizing materials and to rules and regulations therefor."

Amendment No. 2

On page 1 of the printed bill, immediately following line 11, insert "SEC. 2. Chapter 204, Statutes of 1927, is hereby repealed."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 389 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Denel, Dillinger, Dilworth, Donnelly, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Knehel, McBride, McCormack, Mixter, Parkman, Salsman, Seawell, Slater, Sutton, Swing, and Weybret—29.

NOES—None.

Above bill ordered enrolled.

SECOND READING OF SENATE BILLS

Senate Bill No. 697—An act to add Section 5711 to the Labor Code, relating to proof of pneumonoconiosis.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 402—An act to amend Section 4903 of the Labor Code, relating to liens for burial expense.

Bill read second time, and ordered to third reading.

Assembly Bill No. 921—An act to amend Section 1944.1 of the Labor Code, relating to the employment of certain aliens.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1341—An act to amend Section 124 of the Labor Code, relating to salaries, payment, and expenses of Industrial Accident Commission.

Bill read second time, and ordered to third reading.

Assembly Bill No. 116—An act to amend Section 5405 of the Labor Code of the State of California, relating to workmen's compensation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1519—An act to add Sections 3209.3 and 3209.5 to, the Labor Code, relating to workmen's compensation and insurance.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 549—An act to amend Sections 14305, 14372, 14379, 14474, 14479, 14562, 14563, 14607, 14610, 14632, 14635, 14636, 14637, 14640, 14680, and 14681 of, and to add Sections 14402, 14449.1, 14479.1, 14479.2, and 14682 to, the Education Code, relating to the State Teachers' Retirement System, and validating retirements heretofore made.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swing, and Weybret—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 558—An act to amend Section 597 of the Welfare and Institutions Code, relating to membership on probation committee.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Salsman, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1008—An act to add Sections 141, 142, and 143 to the Elections Code, relating to registration of electors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Fletcher, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Ward, and Weybret—28.
NOES—Senators Burns, Donnelly, Shelley, and Tenney—4.

Bill ordered transmitted to the Assembly.

Senate Bill No. 831—An act to add Section 10203 to the Health and Safety Code, relating to birth certificates.

Motion to Refer Bill to Inactive File

Senator Dilworth moved that Senate Bill No. 831 be placed on the inactive file.

Motion carried.

Senate Bill No. 1241—An act to add Sections 682 to 695, inclusive, to Article 2 of Chapter 3 of Division 1 of the Streets and Highways Code, relating to franchises on State highways.

Motion to Retain Place on File

Senator Tenney moved that Senate Bill No. 1241 retain its place on file.

Motion carried.

Senate Bill No. 19—An act making a transfer of money from the General Fund to the Postwar Employment Reserve and providing that the money so transferred shall be available for appropriation by the Legislature for expenditure by the Regents of the University of California for the purpose of establishing and maintaining in the University of California instruction the various methods of preservation and processing of agricultural and meat products and for the purpose of erecting and equipping a building or buildings to be used in connection with such course of instruction.

Motion to Refer Bill to Inactive File

Senator Seawell moved that Senate Bill No. 19 be placed on the inactive file.

Motion carried.

Senate Bill No. 382—An act to amend Sections 735.3, 736.1, 736.2, 736.11, 736.14, 736.15, 737.5, and 737.6 of the Agricultural Code, relating to the marketing of fluid milk and cream.

Motion to Refer Bill to Inactive File

Senator Seawell moved that Senate Bill No. 382 be place on the inactive file.

Motion carried.

Senate Bill No. 986—An act to add a chapter heading and Sections 337h, 337i, 337j, 337k, and 337*l* to the Penal Code, relating to horse racing and touting thereat.

Motion to Refer Bill to Inactive File

Senator Seawell moved that Senate Bill No. 986 be placed on the inactive file.

Motion carried.

Senate Bill No. 522—An act to add Article 9 to Division 6, Part 1, Chapter 1, of the Welfare and Institutions Code, authorizing the creation in certain counties of the office of Public Guardian to act as guardian of persons or property or both and relating to such Public Guardian.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Deuel, Dillinger, Dilworth, Donnelly, Fletcher, Hulse, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 519—An act to amend Section 202 of the Welfare and Institutions Code, relating to the care, maintenance and attendance of the indigent sick and dependent poor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Hatfield, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 515—An act amending the heading of, and adding Sections 22428, 22429, and 22430 to, Article 5 of Chapter 4 of Division 11 of the Education Code, relating to library districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 629—An act to amend Section 19432 of the Education Code, relating to civic centers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Weybret—27.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 215—An act to amend Section 4265 of the Political Code, relating to compensation for public service in counties of the thirty-sixth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Weybret—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 216—An act to amend Section 4253 of the Political Code, relating to compensation for public service in counties of the twenty-fourth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dilworth, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, and Weybret—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1276—An act authorizing the State Lands Commission to grant, convey and sell by deed, or any other proper legal conveyance, all the right, title and interest of the State of California in and to a portion of the abandoned channel of Centerville Slough in the County of Humboldt.

Bill read third time.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 25, of the printed bill, strike out "42", and insert "62".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 298—An act to amend Sections 737h and 737uu of the Political Code, relating to the salaries of judges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Donnelly, Fletcher, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Seawell, ordered printed in the Journal:

UNIVERSITY OF CALIFORNIA, April 27, 1945

Mr. Jerrold L. Seawell, President pro tempore
State Senate, Sacramento, California

DEAR MR. SEAWELL: The University of California will hold a convocation honoring the United Nations Conference, on Friday afternoon, May 4, at three-fifteen o'clock in the Greek Theatre on the Berkeley campus. All Members of the Senate are cordially invited to attend and tickets will be held for them in the President's Office, 250 Administration Building. Only one ticket, unfortunately, will be available to each Senator since the convocation is primarily for students and faculty and the demand for tickets exceeds the supply.

It will be most helpful if you will let me know the number of tickets desired as soon as possible.

Yours sincerely,

ROBERT G. SPROUL, President

CONSIDERATION OF MOTION TO RECONSIDER

Senate Bill No. 677—An act declaring the public policy of the State, relating to flood waters, flood control, flood damage, the washing away of river and stream banks by floods; creating the State Flood Control Advisory Board and making an appropriation for the support of same, and prescribing its powers and duties; prescribing the powers and duties of the Department of Public Works and authorizing the cooperation of the State Flood Control Advisory Board and the Department of Public Works with the United States, its instrumentalities and agencies, and with counties, cities, State agencies and public districts relating to flood waters and their control, flood damage, and the washing away of river and stream banks by floods; adopting and authorizing construction of certain flood control projects and providing cooperation with the United States thereon.

Motion to Reconsider Amendments to Senate Bill No. 677

Pursuant to his motion previously made, Senator Carter moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 677 was amended.

During the discussion on reconsideration, the following motion was offered:

Motion to Suspend Senate Rule 38

Senator Shelley moved that the portion of Rule 38, which relates to consideration, on the third reading file or in committee, of amendments previously adopted on third reading, be suspended temporarily during consideration of Senate Bill No. 677.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, Ward, and Weybret—38.

NOES—None.

Motion to Reconsider Waived

Senator Carter waived his motion to reconsider the vote whereby the amendments to Senate Bill No. 677 were adopted Monday, April 30, 1945.

CONSIDERATION OF MOTION TO RECONSIDER

Senate Bill No. 455—An act to amend Sections 2541, 2574, 2576, 2702, 2703, 2705, 2753, 2791, 3920, 3921, 3924, 3926, 3930, 3946, 7966, and 8720 of the Elections Code, relating to nominations and party conventions.

Motion to Reconsider Senate Bill No. 455

Pursuant to his motion previously made, Senator Ward moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 455 was passed.

Previous Question

Senator Swing moved the previous question.

Motion carried.

The question being shall the Senate reconsider the vote whereby Senate Bill No. 455 was passed?

The roll was called, and Senate Bill No. 455 refused reconsideration by the following vote:

AYES—Senators Breed, Carter, Crittenden, DeLap, Fletcher, Hulse, Keating, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Shelley, Sutton, and Ward—16.

NOES—Senators Biggar, Brown, Burns, Collier, Cunningham, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, Powers, Seawell, Slater, Swing and Tenney—21.

Senate Bill No. 455 ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill No. 407—An act to add Section 1225 to the Government Code, relating to public office and employment.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 407?

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 2 and 3, and insert "to public office and employment."

Amendment No. 2

On page 1 of said bill, strike out lines 3 to 16, inclusive, and insert

"1225. The following question shall be answered by every candidate for public office, every appointee to public office, and every applicant for employment by the State or any political subdivision, municipal corporation, or public district or corporation in this State:

"If necessary, are you willing to take up arms in defense of the United States of America?"

The question and answer shall be in writing and shall be filed as follows:

(a) In case of a candidate for public office, with the official with whom his nomination papers are required to be filed.

(b) In case of an appointee to public office, with the appointing officer, board, or other appointing power.

(c) In case of an applicant for public employment with his application for employment if such application be in writing, and if no written application is required, with the appointing officer, board, or other appointing power.

If the application of this section to any person or circumstance is held invalid, the application thereof to other persons or circumstances shall not be affected thereby."

Previous Question

Senator Gordon moved the previous question.

Motion carried.

The question being on the concurrence in Assembly amendments to Senate Bill No. 407.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 407 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich Salsman, Seawell, Slater, Tenney, Ward, and Weybret—28.

NOES—Senators Carter, DeLap, Deuel, Hatfield, Jespersen, Keating, Shelley, and Swing—8.

Above bill ordered enrolled.

COMMUNICATIONS

The following communication was received and read and, on motion of Senator Quinn, ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, April 25, 1945

Honorable Walter J. Fourt, Assembly Chamber
State Capitol, Sacramento, California

Amendments to Senate Bill No. 407 as amended in Assembly
April 11, 1945—No. 4518

DEAR MR. FOURT: You have requested our opinion as to the constitutionality of this bill if it were amended to strike out the provisions relating to conscientious objectors and insert provisions requiring candidates for and appointees to public office and applicants for public employment to answer this question:

"If necessary, are you willing to take up arms in defense of the United States of America?"

The amendments are further to provide for the filing of the question and answer of candidates for office at the place where the declaration of candidacy is filed, and in other cases with the appointing authority.

The amendments are also to contain a severability clause so that if the above provisions are invalid as to any person or circumstance they will not be invalid as to others.

In our opinion the bill as so amended would be constitutional.

Such a bill would not violate Section 4 of Article I of the State Constitution which guarantees the free exercise and enjoyment of religious profession and worship without discrimination or preference.

There is no discrimination because the bill would operate on all persons affected regardless of their religious beliefs.

There is no preference because the election or appointment is not made contingent on what answer is given. Nothing prevents the election or appointment of a person who answers "No," or who gives a qualified answer.

Neither would such a bill violate Section 3 of Article XX of the State Constitution which provides the form of oath of office and provides that no other oath, declaration, or test shall be required as a qualification for any office or public trust.

This provision does not entirely prohibit the Legislature from requiring any other oath, declaration, or test whatever. In *Socialist Party* v. *Uhl*, 155 Cal. 776, a requirement that a candidate for nomination at a direct primary make an affidavit stating the name of his party, that he was affiliated with that party at the last preceding election, and intended to vote for a majority of its candidates was held not to violate the constitutional provision above referred to.

In *Cohen* v. *Wright*, 22 Cal. 293, it was stated that the Constitution did not prohibit the Legislature from prescribing another form of oath if the meaning, object, and intent of the constitutional provision is not violated.

The constitutional provision as to oath of office does not, therefore, completely foreclose the Legislature from asking candidates and applicants any questions at all. It leaves the Legislature free to ask any questions in any field in which there may be a public interest in knowing the answer.

That the people of the State have an interest in knowing the attitude of its prospective officers and employees on so fundamental a matter as National defense appears to us to be unquestionable.

As was pointed out in *United States* v. *Macintosh*, 283 U. S. 605, the Nation must be organized to function in war as well as in peace. The State is subject to the same necessity. All that the bill would do would be to provide information, and we can conceive of no reason why such information could not be required to be disclosed.

We are unaware of any other constitutional provision which would be applicable to the question. We refrain from discussing the question as to whether the bill will operate as to all public officers and employees, including those of chartered cities and counties. To the extent that it constitutionally can do so under the "Home Rule" provisions of the Constitution, the bill will operate on such officers and employees. Otherwise, this matter is taken care of by the separability clause which will be in the bill.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By JOSEPH W. PAULUCCI, Chief Deputy

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 460—An act to amend Sections 11001, 11004, 11035, 11160, 11162, 11164, 11166, 11166.05, 11166.07, 11166.1, 11166.11, 11166.12, 11170, 11200, 11227, 11391, 11395, 11451, 11479, 11530, 11556, 11570, 11572, 11574, 11713, 11715, and 11721 of, and to amend the headings of Chapter 5 of Division 10, Article 1 of Chapter 5 of Division 10, and of Article 2 of Chapter 5 of Division 10 of, and to add Sections 11014, 11015, 11016, 11162.5, 11715.7, and a new heading of Article 1 of Chapter 5 of Division 10 to, and to repeal the heading of Article 2 of Chapter 1 of Division 10 of, and to repeal Sections 11331, 11531, and 11720 of, and to repeal Article 1a of Chapter 5 of Division 10 of the Health and Safety Code, relating to the sale, transfer, possession, transportation, and use of narcotics.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Delap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1191—An act to amend Section 41 of the Unemployment Insurance Act, relating to "experience" or "merit rating."

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Parkman moved a call of the Senate.

Motion carried. Time, 4.46 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.58 p.m., on motion of Senator Parkman, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 1191 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Deuel, Dilworth, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Seawell, Sutton, Swing, Ward, and Weybret—22.

NOES—Senators Carter, Collier, Crittenden, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Powers, Quinn, Salsman, Shelley, Slater, and Tenney—16.

Motion to Reconsider

Senator Shelley moved to reconsider the vote whereby Senate Bill No. 1191 was passed.

Postponement of Reconsideration

On motion of Senator Shelley, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1191 was passed, was continued until the next legislative day.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 43—An act to amend Sections 736b, and 737a to 737z, inclusive, 737aa to 737zz, inclusive, and 737aaa to 737fff, inclusive, of the Political Code, relating to the salaries of judges of the superior court.

Bill read third time.

Motion to Amend

Senator Jespersen moved the adoption of the following amendment:

Amendment No. 1

On page 4, lines 48 and 49, strike out eight thousand five hundred dollars ($8,500), and insert "seven thousand five hundred dollars ($7,500)".

Amendment read and adopted.

Bill ordered printed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1205

Senator Dorsey moved that Senate Bill No. 1205 be withdrawn from Committee on Financial Institutions for purpose of amendment and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1205—An act to amend Section 418 of, and to add Section 410.3, 422 and 422.1 to, the Vehicle Code, and to amend Sections 11731, 11732, 11738, 11739, 11740, 11770, 11778, 11784, 11820 and 11840 of, and to add Section 11736.5 to, the Insurance Code, all relating to compulsory liability insurance on motor vehicles.

Bill read second time.

Motion to Amend

Senator Dorsey moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill, strike out "11740, 11770, 11778, 11784,", and strike out lines 4, 5 and 6 of the title of said bill, and insert "and 11740 of, and to add Sections 11736.5 to, and to add Chapter 6 to Part 3 of Division 2 of, the Insurance Code, all relating to compulsory liability insurance on motor vehicles and making an appropriation therefor."

Amendment No. 2

On page 2, line 13, of said bill, after "Compensation", insert "Insurance Fund,".

Amendment No. 3

On page 2, line 43, of said bill, after "Compensation", insert "Insurance Fund,".

Amendment No. 4

On page 2, line 47, of said bill, after "Compensation", insert "Insurance Fund,".

Amendment No. 5

On page 3 of said bill, between lines 7 and 8, insert

"SEC. 9. Chapter 6 is added to Part 3 of Division 2 of the Insurance Code to read:

CHAPTER 6. THE STATE MOTOR VEHICLE LIABILITY INSURANCE FUND

Article 1. Organization and Powers.

12025. The State Motor Vehicle Liability Insurance Fund is created in the State Treasury to be administered by the Industrial Accident Commission for the purpose of transacting motor vehicle liability insurance. This fund shall consist of:

(1) Such specific appropriations as the Legislature from time to time makes or sets aside for the use of the fund.

(2) All premiums received and paid into the fund for motor vehicle liability insurance issued by it.

(3) All property and securities acquired by and through the use of moneys belonging to the fund.

(4) All interest earned upon moneys belonging to the fund and deposited or invested as provided in this chapter.

12026. The assets of the fund shall be applicable to the payment of losses sustained on account of motor vehicle liability insurance and to the payment of the salaries and other expenses charged against it in accordance with the provisions of this chapter.

12027. The fund shall, after a reasonable time during which it may establish a business, be fairly competitive with other insurers, and it is the intent of the Legislature that the fund shall ultimately become neither more nor less than self-supporting. For that purpose loss experience and expense shall be ascertained and dividends or credits may be made as provided in this article.

12028. The actual loss experience and expense of the fund shall be ascertained on or about the first of January in each year for the year preceding. If it is then shown that there exists an excess of assets over liabilities, necessary reserves, and a reasonable surplus, then a cash dividend may be declared to, or a credit allowed on the renewal premium of, each individual who has been insured with the fund.

12028.1. Such cash dividend or credit is to be an amount which the commission in its discretion considers to be the individual's proportion of divisible surplus.

12029. The fund may transact motor vehicle liability insurance required or authorized by law of this State to the same extent as any other insurer, except as limited by Section 422.1 of the Vehicle Code.

12030. The commission is vested with full power, authority and jurisdiction over the State Motor Vehicle Liability Insurance Fund. It may perform all acts necessary or convenient in the exercise of any power, authority or jurisdiction over the fund, either in the administration thereof or in connection with the insurance business to be carried on by it under the provisions of this chapter, as fully and completely as the governing body of a private insurance carrier.

12031. All business and affairs of the fund shall be conducted in the name of the State Motor Vehicle Liability Insurance Fund, and in that name, without any other name or title, the commission may perform the acts authorized by this chapter.

12031.1. The commission may, on behalf of the fund and in the name of the State Motor Vehicle Liability Insurance Fund:

(a) Sue and be sued in all actions arising out of any act or omission in connection with the fund, or in connection with its business or affairs.

(b) Enter into any contracts or obligations relating to the State Motor Vehicle Liability Insurance Fund which are authorized or permitted by law.

(c) Invest and reinvest the moneys belonging to the fund as provided by this chapter.

(d) Conduct all business and affairs and perform all acts relating to the fund, whether or not specifically designated in this chapter.

12032. In conducting the business and affairs of the fund, the manager of the fund or other officer to whom such power and authority are delegated by the commission may:

(a) Enter into contracts of motor vehicle liability insurance.

(b) Decline to insure any risk, which is beyond the safe carrying of the fund.

(c) Reinsure any risk or any part thereof.

(d) Make rules for the settlement of claims against the fund and determine to whom and through whom the payments are to be made.

12033. The manager of the State Compensation Insurance Fund shall manage and conduct the business and affairs of the Motor Vehicle Liability Insurance Fund under the general direction and subject to the approval of the commission, and shall perform such other duties as the commission prescribes. The manager shall not be required to give any additional bond under the provisions of this chapter.

12033.1. The commission may delegate to the manager of the fund, or to any officer, under such rules and regulations and subject to such conditions as it from time to time prescribes, any power, function or duty conferred by law on the commission in connection with the fund or in connection with the administration, management and conduct of the business and affairs of the fund. The officer to whom such delegation is made may exercise such powers and functions and perform such duties with the same force and effect as the commission, but subject to its approval.

12034. The State Treasurer shall be custodian of all moneys and securities belonging to the State Motor Vehicle Liability Insurance Fund, except as otherwise provided in this chapter. He shall be liable on his official bond for the safe-keeping thereof.

12034.5. All moneys which belong to the fund and are collected or received under this chapter shall be delivered to the State Treasurer or deposited to his credit in such bank or banks throughout the State as he designates.

12035. All securities belonging to the fund shall be delivered to the Treasurer and held by him until otherwise disposed of as provided in this chapter.

12035.5. Upon such delivery or deposit, such moneys and securities shall be credited by the State Treasurer to the fund. No moneys received or collected on account of the fund shall be expended or paid out without first passing into the State Treasury and being drawn therefrom as provided in this chapter.

12036. The commission may, with the approval of the State Department of Finance, withdraw from the State Motor Vehicle Liability Insurance Fund in the State Treasury, without at the time presenting vouchers and itemized statements, a sum not to exceed in the aggregate _____ to be used as a cash revolving fund. Such revolving fund shall be deposited in such banks and under such conditions as the commission determines, with the approval of the State Department of Finance. The Controller shall draw his warrants in favor of the commission for the amounts so withdrawn, and the Treasurer shall pay such warrants.

12036.5. Expenditures made from the revolving fund in payments on claims arising out of policies issued by the State Motor Vehicle Liability Insurance Fund are exempted from the operation of Section 669 of the Political Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the Controller of an abstract or statement of such expenditures. Such abstract shall be in such form as the Controller requires.

12037. Each calendar month the commission shall submit to the Department of Finance an estimate of the amount necessary to meet the current disbursements from the State Motor Vehicle Liability Insurance Fund during the succeeding calendar month. When such estimate is approved by the department, the Controller shall draw his warrant on the State Motor Vehicle Liability Insurance Fund in favor of the commission for the approved amount, and the Treasurer shall pay the warrant. At the end of each calendar month, the commission shall account to the department and to the State Controller for all moneys so received, furnishing proper vouchers therefor.

12037.5. During the months of January and July of each year the Department of Finance or the commission shall cause a valuation to be made of the properties and securities acquired and held for the State Motor Vehicle Liability Insurance Fund, and shall report the results of the valuation to the State Controller.

12038. The State Controller shall keep a special ledger account showing all of the assets pertaining to the State Motor Vehicle Liability Insurance Fund. In the State Controller's general ledger this account may appear as a cash account, like other accounts of funds in the State Treasury, and only the actual cash coming into the State Motor Vehicle Liability Insurance Fund shall be entered in the account.

12039. The commission shall cause all moneys in the State Motor Vehicle Liability Insurance Fund which are in excess of current requirements to be invested and reinvested, from time to time, in securities authorized by law for the investment of funds of savings banks.

12039.5. The commission shall, from time to time, submit to the Department of Finance an estimate of the amount required by it for investment. Such estimate shall be accompanied by a full description of the kind and character of the investments to be made. When such estimate is approved by the department, the Controller shall

draw his warrant for the estimated amounts on the State Motor Vehicle Liability Insurance Fund in favor of the commission, and the Treasurer shall pay the warrant.

12040. At the end of each calendar month the commission shall account to the Department of Finance and the State Controller for all moneys received for investment, furnishing proper vouchers therefor.

12041. All moneys in the State Motor Vehicle Liability Insurance Fund, in excess of current requirements and not otherwise invested, may be deposited by the State Treasurer from time to time in banks authorized by law to receive deposits of public moneys, under the same rules and regulations that govern the deposit of other public funds. The interest accruing thereon shall be credited to the State Motor Vehicle Liability Insurance Fund.

Article 2. Rates

12042. Subject to the provisions of Article 2, Chapter 3, of this part, the commission shall establish the rates to be charged by the State Motor Vehicle Liability Insurance Fund for insurance issued by it. The rates to be charged for motor vehicle liability insurance shall be fixed with due regard to the type of motor vehicle insured, the loss and accident history of its owner, the character of the use which is to be made of the motor vehicle, and the loss experience of the district in which it is to be used.

12043. The rates fixed by the commission shall be such that, in the long run and on the average, they will produce a sufficient sum, when invested at 3½ per cent interest:

(a) To carry all claims to maturity. The rates shall be based upon the "reserve" and not upon the "assessment" plan.

(b) To meet the reasonable expenses of conducting the business of the fund.

(c) To produce a reasonable surplus.

12044. When the premium rates for insurance in the State Motor Vehicle Liability Insurance Fund are fixed, the commission shall furnish schedules of rates and copies of the forms of policy to the Department of Motor Vehicles and to the clerk and the treasurer of every county and city in the State.

Article 3. Policies

12045. The insurance contracts or policies of the State Motor Vehicle Liability Insurance Fund shall be issued for one year, or the unexpired portion of a calendar year.

12046. Nothing in this chapter shall prevent:

(a) Any applicant for insurance from being covered temporarily until the application is finally acted upon.

(b) An insured from surrendering any policy at any time and having returned to him the difference between the premium paid and the premium at the customary short term for the shorter period which such policy has already run.

12047. The fund may at any time, after due notice, cancel any policy upon a pro rata basis of premium repayment.

Article 4. Reports and Statements

12048. Each quarter the commission shall make a report to the Governor of the business done by the State Motor Vehicle Liability Insurance Fund during the previous quarter and a statement of the fund's resources and liabilities at the close of that previous quarter. The State Department of Finance shall annually audit such reports and statements and cause an abstract thereof to be published one or more times in at least two newspapers of general circulation in the State. The commission shall likewise make to the commissioner all reports required by law to be made to him by other insurers.

Article 5. Penalties

12049. Any person who wilfully misrepresents any fact in order to obtain insurance from the fund at less than the proper rate for such insurance, or in order to obtain any payments out of such fund, is guilty of a misdemeanor."

Amendment No. 6

On page 3, of said bill, strike out lines 8 to 51, inclusive; and on page 4 of said bill, strike out lines 1 to 33, inclusive, and insert

"SEC. 10. Section 422 is added to the Vehicle Code, to read:"

Amendment No. 7

On page 4, line 45, of said bill, strike out "_____" and insert "30".

Amendment No. 8

On page 4, line 49, of said bill, strike out "SEC. 15.", and insert "SEC. 11.".

Amendment No. 9

On page 4, lines 50 and 51, of said bill, strike out "Compensation and".

Amendment No. 10

On page 5, of said bill, after line 5 insert

"SEC. 12. Out of any moneys in the State Treasury not otherwise appropriated there is hereby appropriated to the Motor Vehicle Liability Insurance Fund the sum of _____ to be used for the purposes of this act. An amount of money equal to the appropriation made hereby shall be repaid to the General Fund in the State Treasury from the Motor Vehicle Liability Insurance Fund as accumulated surplus in that fund permits."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Keating moved that Senate Bill No. 171 be taken from the inactive file and placed on the second reading file.

Motion carried.

MOTION TO PRINT REPORT

Senator Donnelly moved that the report of the Senate Fact Finding Committee on Japanese Resettlement be printed in the Journal of Thursday, May 3, 1945.

Motion carried.

MOTION TO PRINT COPIES

Senator Donnelly moved that 1,000 copies of the report of the Senate Fact Finding Committee on Japanese Resettlement be printed.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Labor

SENATE CHAMBER, SACRAMENTO, April 28, 1945

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 1343

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 7.

SHELLEY, Chairman

Above reported bill ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 30, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 1952

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 30, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 429

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 1; absent 4.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 30, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 905

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 3; absent 1.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 30, 1945

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 436

Has had the same under consideration, and reports the same back with amendments with the recommendation: Do pass, as amended and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 30, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 650
Assembly Bill No. 902
Assembly Bill No. 1266
Assembly Bill No. 1268

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 30, 1945

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 1273
Assembly Bill No. 901
Assembly Bill No. 1262
Assembly Bill No. 1264
Assembly Bill No. 1265
Assembly Bill No. 1267
Assembly Bill No. 1378

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

McCORMACK, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 5.09 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Wednesday, May 2, 1945.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

SENATE DAILY JOURNAL

FIFTY-NINTH LEGISLATIVE DAY
ONE HUNDRED FIFTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Wednesday, May 2, 1945

The Senate met at 1.30 p.m.
Hon. Frederick F. Houser, President of the Senate, presiding.
Chief Assistant Secretary Cleve V. Taylor at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dilworth Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Tenney, Ward, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Dr. Clarence A. Kircher.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Desmond, on motion of Senator Seawell, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Victor R. Graves of Seattle, and Frank G. Bodin of Sacramento.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Will Green Harton of Los Angeles.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lena B. Everett, teacher, and the following students of Stanford Jr. High School, Sacramento: Mamie Wong, Donald Vance, James Brocomonte,

Mariann Chambliss, Jim Collins, Allen Dunlop, William Earnest, Robert Edwards, Jacqueline Fabris, Virginia Faulkner, Betty Hoyes, Bobby Jamieson, Ruhard Matteson, Donna Maudlin, Jacqueline McCombs, Pauline Meyer, John Pine, Johnny Pinkham, Luella Pleines, Jack Skram, Donald Sorenson, and Marilyn Strouse.

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry F. Dolen of San Jose.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. L. Carty, Mayor of Oxnard.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Coroner and Mrs. Vernon Silvershield of Santa Rosa.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. D. V. Huckens.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1074

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 567
Assembly Bill No. 673
Assembly Bill No. 1051
Assembly Bill No. 1294
Assembly Bill No. 1295
Assembly Bill No. 1296
Assembly Bill No. 1298
Assembly Bill No. 1299
Assembly Bill No. 1300
Assembly Bill No. 1714
Assembly Bill No. 2004
Assembly Bill No. 2043
Assembly Bill No. 2044
Assembly Bill No. 2120
Assembly Bill No. 2133
Assembly Bill No. 2166

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 567—An act to amend Sections 13352, 13361, 13377 and 13388, and to repeal Sections 13378 and 13395, of the Health and Safety Code, relating to buildings, equipment and operation of clothes cleaning establishments.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 673—An act to add Section 170.1 to the Code of Civil Procedure, relative to the degree of affinity between husband and wife.

Referred to Committee on Judiciary.

Assembly Bill No. 1051—An act to amend Section 656.5 of the Fish and Game Code, relating to salmon.

Referred to Committee on Fish and Game.

Assembly Bill No. 1294—An act to amend Section 951 of the Fish and Game Code, relating to trawl nets.

Referred to Committee on Fish and Game.

Assembly Bill No. 1295—An act to amend Section 953 and to repeal Section 958 of the Fish and Game Code, relating to use of trawl nets.

Referred to Committee on Fish and Game.

Assembly Bill No. 1296—An act to amend Section 959 of the Fish and Game Code, relating to dip nets.

Referred to Committee on Fish and Game.

Assembly Bill No. 1298—An act to repeal Section 950 of the Fish and Game Code, relating to halibut nets.

Referred to Committee on Fish and Game.

Assembly Bill No. 1299—An act to amend Section 900 of the Fish and Game Code, relating to trammel nets.

Referred to Committee on Fish and Game.

Assembly Bill No. 1300—An act to amend Section 920 and to repeal Section 926 of the Fish and Game Code, relating to round haul nets.

Referred to Committee on Fish and Game.

Assembly Bill No. 1714—An act to amend Section 737uu of the Political Code, relating to the salary of the judge of the superior court in counties of the thirty-first class.

Referred to Committee on Local Government.

Assembly Bill No. 2004—An act to add Section 450.5 to the Fish and Game Code, relating to goggle fishing.

Referred to Committee on Fish and Game.

Assembly Bill No. 2043—An act to amend Section 817 of the Penal Code, relating to the definition of peace officers.

Referred to Committee on Judiciary.

Assembly Bill No. 2044—An act to amend Sections 13001 and 13004 of the Health and Safety Code, relating to starting of fires.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2120—An act to amend Section 688.1 of the Political Code, relating to claims for the taking of property.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2133—An act to amend Section 108 of the Civil Code, relating to insanity as a ground for divorce.

Referred to Committee on Judiciary.

Assembly Bill No. 2166—An act to amend Section 8653 of the Health and Safety Code, relating to family interment plots.

Referred to Committee on Public Health and Safety.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 697

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 2, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1276

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 2, 1945

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 442—An act to authorize the Director of Finance to sell and convey certain real property in the County of Sacramento, known as Camp Christiansen;

Senate Bill No. 465—An act to add a new Section 20033 to Article 2 of Chapter 1 of Division 10 of the Water Code, relating to revocation of orders and reports;

Senate Bill No. 691—An act to amend Section 3515.5 of the Revenue and Taxation Code, relating to transfer to the Veterans' Welfare Board of tax-deeded property;

Senate Bill No. 560—An act to add Article 6, comprising Sections 4421 to 4435, inclusive, to Chapter 2 of Division 4 of the Public Resources Code, relating to the acquisition, their management as State forests and administration, protection and reforestation of forest lands, the management for demonstration purposes and sale of forest products therefrom;

And reports that the same have been correctly enrolled, and presented to the Governor on the second day of May, 1945, at 11 a.m.

SEAWELL, Chairman

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 1454

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 376

Assembly Bill No. 1557

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bills ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 774

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 153

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 6, noes 3; absent 1; not voting 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 387

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 2, 1945

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 277
Senate Bill No. 1018
Senate Bill No. 1019
Senate Bill No. 1020
Senate Bill No. 1111

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

RICH, Chairman

Above reported bills ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 1178
Senate Bill No. 87

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 666
Assembly Bill No. 1717
Assembly Bill No. 1020
Assembly Bill No. 1026
Assembly Bill No. 1501

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 1, 1945

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1502

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 37

Senator Dillinger moved that Senate Bill No. 37 be withdrawn from Committee on Natural Resources for purpose of consideration.

Motion to Set Special Order

Senator Dillinger moved that the consideration of his motion to withdraw Senate Bill No. 37 from Committee on Natural Resources, be made a special order of business for Wednesday, May 16, 1945 at 2.30 p.m.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Dillinger moved that Senate Bill No. 371 be taken from the inactive file and placed on the second reading file.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE CONCURRENT RESOLUTION NO. 27

Senator Collier moved that Senate Concurrent Resolution No. 27 be withdrawn from Committee on Rules for purpose of amendment, and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Concurrent Resolution No. 27—Relative to the creation of a Joint Fact-Finding Committee on Highways, Streets and Bridges and the allocation of costs for the construction, maintenance and improvement thereof.

Resolution read.

Motion to Amend

Senator Collier moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed measure, between lines 17 and 18, insert

"WHEREAS, The planning and construction of highways, streets and bridges in California has not included a complete analysis of all the problems involved, including the fullest economic development of the State by opening up underdeveloped areas to economic opportunity and to provide proper transportation to meet changing economic and industrial conditions; and

WHEREAS, No adequate study has been made to determine whether the funds contributed for highway, street and bridge construction and maintenance have been levied equitably either on property or business in relation to its benefits or upon the users in direct proportion to their use; and".

Amendment No. 2

On page 1, lines 27 and 28, of said measure, strike out "now, therefore, be it", and insert "and,

WHEREAS, The Legislature is in need of an adequate report on the foregoing matters, including (a) the present status of the Highway System, (b) existing deficiencies therein to meet present demands, (c) a schedule of progressive improvements necessary to keep abreast of future demands, (d) a schedule of maintenance to keep the capital investment up to standard, (e) a schedule of improvements necessary to develop areas of the State that should be opened up to economic opportunity, (f) special problems relating to highways and matters incidental thereto, (g) the financing of highways and the administration of the Highway System, (h) the interrelationship between State and local governments in relation to the foregoing and the interrelationship of the State and Federal Government, and (i) the control of traffic on the highways in the interest of safety, which report should include so far as feasible both present needs and future needs for a period of at least 10 years; now, therefore, be it".

Amendment No. 3

On page 2, line 2, of said measure, strike out "That there is hereby created a Joint Fact-"; and strike out lines 3 to 9, inclusive, and insert "as follows:

1. The Joint Fact-Finding Committee on Highways, Streets and Bridges is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts and matters relating or pertaining to the subjects set forth in the foregoing recitals, including but not limited to all facts relative to the cost of constructing, maintaining and improving public highways, streets and bridges in the State, the need and cost for bringing them up to acceptable standards, the cost of maintaining them in such condition, and the need and cost of expanding the Highway System of the State to meet the increasing demands for travel, the demands arising and changing economic and industrial conditions, and the opening up of undeveloped areas, the use now and hereafter to be made of such highways, streets and bridges, and the proper distribution and allocation of the cost and burden of construction and maintenance in proportion to benefits both to users and to property as demonstrated by impartial engineering studies, and also including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five members of the Senate appointed by the Rules Committee thereof, and five members of the Assembly appointed by the Speaker thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice-chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. An Advisory Council to the committee is hereby created, to consist of eight nonlegislative members appointed by the committee, which council shall aid and advise the committee in the studies conducted by the latter in carrying out the purposes of this resolution. The Advisory Council shall have and exercise powers and duties as shall be defined from time to time by the committee within the scope of the powers and duties committed to the latter by this resolution. Members of the Advisory Council shall be entitled to the same mileage and expenses, or the allowance in lieu thereof, as members of the committee.

7. The sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and of the Assembly for the expenses of the committee and its employees, and of the Advisory Council, and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer."

Amendment No. 4

On page 2 of said measure, strike out lines 10 to 51, inclusive; and strike out all of pages 3 and 4.

Amendments read and adopted.

Resolution ordered printed, and re-referred to Committee on Rules.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 337—An act to amend Sections 255 and 257 of, and to add Section 255a to, the Health and Safety Code, relating to physically handicapped children.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 830—An act to add Sections 10601.5 and 10605.5 to the Health and Safety Code, relating to birth certificates of persons whose time and place of birth are unknown.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1219—An act to amend Section 2 of an act entitled "An act to aid the prosecution of the war by authorizing housing authorities to develop or administer projects to provide housing for persons engaged in war industries and to cooperate with the Federal Government in making housing available for such persons; to grant certain powers to public bodies," approved May 27, 1943, relating to war housing projects and housing authorities.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In line 8 of the title of the printed bill, after "authorities", insert ", and declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 1 of the printed bill, after line 14, insert

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The life of the act cited in the title is to be extended to May 15, 1945. The limitations imposed by Section 10 and the second sentence of Section 9 of the Housing Authorities Law, if they are to be applicable to operations by housing authorities under the act of May 27, 1943, would be prohibitive, and would necessitate housing construction being done by the Federal Government, with employees subject to civil service regulations. In the limited time between now and May 15, it is impracticable to do this. It is therefore imperative, in the interests of the national defense, that this act take immediate effect."

Amendment No. 3

On page 1, line 6, of the printed bill, after "ness", insert "on or before June 15, 1945".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 436—An act making an appropriation to the emergency fund specified in Item ____ of the Budget Act of 1945, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, lines 8 and 9, of the printed bill, strike out "of, or both, and for the prevention of further damage to," and insert ", or both, of".

Amendment No. 2

On page 1, lines 18 and 19, of said bill, strike out "and for the prevention of further damage".

Amendment No. 3

On page 2, line 31, of said bill, strike out "2", and insert "3".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 1273—An act to add Article 6 to Chapter 2, Division 7, of the Harbors and Navigation Code, relating to county improvement, development, protection, and maintenance of harbors within the county.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 171—An act to amend Section 4251 of the Political Code, relating to compensation for public services in counties.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 711—An act to add Section 5014.2 to the Public Resources Code, relating to the designation of the areas to which funds may be allocated.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2145—An act to add Section 5160 to the Public Resources Code, relating to the power of boards of supervisors to dedicate park property to highway purposes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 885—An act to amend Section 4840 of the Health and Safety Code, relating to joint operation agreements of county sanitation districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1115—An act to amend Section 758 of the Political Code, relating to officers and employees of the District Courts of Appeal.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 18, of the printed bill, as amended, strike out "three", and insert "two".

Amendment No. 2

On page 2, line 1, of said bill, strike out "two bailiffs", and insert "one bailiff".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1343—An act to repeal Section 4555 of the Labor Code and to add Sections 4555 and 4556, relating to attorneys' fees in workmen's compensation cases.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1952—An act to amend Section 117 of the Vehicle Code, relating to promotions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 1, of the printed bill, as amended, strike out lines 3 to 11, inclusive, and insert

"117. Promotions. All appointments to the grades of chief, assistant chief, supervising inspector, district inspector, inspector, captain and sergeant shall be made from eligible lists resulting from promotional examinations of the persons in the next lower grade. For the purposes of such examinations the grade of assistant chief and supervising inspector shall be considered on a par with that of district inspector. Whenever any civil service".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Assembly Bill No. 429—An act to add Section 5630 to the Streets and Highways Code, relating to the maintenance and repair of sidewalks and the collection of the cost of such repairs.

Bill read second time, and ordered to third reading.

Assembly Bill No. 905—An act to renumber and amend Section 258.1 of, and to amend Sections 259.1 and 269.1 of, the Vehicle Code, relating to operators and chauffeurs of motor vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 650—An act to amend Section 278 of the Vehicle Code, relating to operator's and chauffeur's licenses.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 7, of the printed bill, insert a period after "application" and strike out the balance of said line.

Amendment No. 2

On page 1 of the printed bill, strike out lines 8 and 9 and insert "The department may in its discretion limit an examination of an applicant for renewal of a chauffeur's license to an examination of physical condition only. (b) When".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 902—An act to amend Sections 331, 333 and 338 of, and to add Sections 339 and 340 to, the Vehicle Code, relating to drivers' licenses.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, after "331", strike out ", 333".

Amendment No. 2

On page 1 of the printed bill, strike out lines 16 to 26, inclusive.

Amendment No. 3

On page 2, line 1, of the printed bill, strike out "SEC. 3", and insert "SEC. 2".

Amendment No. 4

On page 2, line 28, of the printed bill, strike out "SEC. 4", and insert "SEC. 3".

Amendment No. 5

On page 2, line 34, of the printed bill, strike out "SEC. 5", and insert "SEC. 4".

Amendments read and adopted.
Bill ordered printed, and to third reading.

Assembly Bill No. 1266—An act to amend Sections 622, 637, 639, 645, 650.6 and 655 of, and to add Section 657 to, the Vehicle Code, relating to lamps and other devices.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 2, line 20, of the printed bill, as amended, after "illuminated termini sign", insert ", identification sign".

Amendment No. 2

On page 2 of the printed bill, as amended, strike out lines 22 to 34, inclusive, and insert

"(b) Any commercial vehicle, other than a passenger common carrier motor vehicle, shall not be equipped with an illuminated identification sign upon the front thereof which exceeds 24 inches in length or eight inches in width or which is lighted by other than a diffused white light which does not project any glaring light.

"(c) Any commercial vehicle may be equipped with not more than three lamps mounted in a row not less than seven feet from the ground on the front or rear, which lamps shall not exceed three inches in diameter, equipped with bulbs not in excess of six candlepower and exhibiting to the front either amber, green or white light, or any combination thereof, and to the rear exhibiting red light."

Amendments read and adopted.
Bill ordered printed, and to third reading.

Assembly Bill No. 1268—An act to amend Section 694 of, and to add Section 700.5 to, the Vehicle Code, relating to vehicles and highways, including size and width of vehicles and obstruction in and damages to highways and highway structures.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 2, line 31, of the printed bill, as amended, strike out "Any person who wilfully or"; and strike out lines 32 to 34, inclusive.

Amendment read and adopted.
Bill ordered printed, and to third reading.

Assembly Bill No. 901—An act to amend Sections 231, 234 and 237 of the Vehicle Code, relating to motor vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1262—An act to amend Sections 525, 531.5, 540, 551, 552 and 577 of the Vehicle Code, relating to rules of the road.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1264—An act to repeal Section 588 of the Vehicle Code, to add thereto Sections 588 and 589.5, and to amend Section 590 thereof, relating to stopping or parking of vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1265—An act to add Section 596.4 to, and to amend Section 599 of, the Vehicle Code, relating to motor vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1267—An act to amend Section 676 of the Vehicle Code, relating to windshields and windows.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1378—An act to amend Section 383 of the Vehicle Code, relating to the return of fees.

Bill read second time, and ordered to third reading.

CONSIDERATION OF MOTION TO RECONSIDER

Senate Bill No. 1191—An act to amend Section 41 of the Unemployment Insurance Act, relating to "experience" or "merit rating."

Motion to Reconsider Senate Bill No. 1191

Pursuant to his motion previously made, Senator Shelley moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 1191 was passed.

The roll was called, and Senate Bill No. 1191 refused consideration by the following vote:

AYES—Senators Carter, Crittenden, DeLap, Dillinger, Donnelly, Jespersen, Judah, Quinn, Salsman, Shelley, Slater, and Tenney—12.

NOES—Senators Breed, Brown, Burns, Collier, Cunningham, Deuel, Dilworth, Gordon, Hatfield, Hulse, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Sutton, Swing, Ward, and Weybret—24.

Senate Bill No. 1191 ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS

Senate Bill No. 550—An act to add Article IIa to Chapter 5 of Title 2 of Part 4 of the Political Code consisting of Sections 4100a to 4100d, both inclusive, relating to the duties and powers of the controller.

Bill read third time.

Motion to Re-refer Senate Bill No. 550

Senator Deuel moved that Senate Bill No. 550 be re-referred to Committee on Governmental Efficiency.

Motion carried.

Senate Bill No. 550 ordered re-referred to Committee on Governmental Efficiency.

Senate Bill No. 1024—An act to amend Sections 105, 113, 116, 123, 124, and 126 of the Vehicle Code, relating to the organization of the Department of Motor Vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Swing, Ward, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1241—An act to add Sections 682 to 695, inclusive, to Article 2 of Chapter 3 of Division 1 of the Streets and Highways Code, relating to franchises on State highways.

Bill read third time.

Motion to Re-refer Senate Bill No. 1241

Senator Breed moved that Senate Bill No. 1241 be re-referred to Committee on Transportation.

The roll was called, and the motion lost by the following vote:

AYES—Senators Breed, Carter, Collier, Dillinger, Gordon, Jespersen, Keating, Kuchel, McCormack, Powers, Salsman, Shelley, and Ward—13.

NOES—Senators Biggar, Brown, Burns, Cunningham, DeLap, Dilworth, Donnelly, Dorsey, Hulse, Judah, Mayo, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Sutton, Swing, Tenney, and Weybret—21.

Further Consideration of Senate Bill No. 1241

Request for Unanimous Consent

Senator Mayo asked for, and was granted, unanimous consent to have the following opinion of the Legislative Council regarding Senate Bill No. 1241 printed in the Journal.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, May 1, 1945

Honorable Jesse M. Mayo, Senate Chamber
State Capitol, Sacramento 2, California

EFFECT OF SENATE BILL NO. 1241, AS
AMENDED IN THE SENATE APRIL 25, 1945
No. 4679

DEAR SENATOR MAYO: This is in response to your two questions.

Question No. 1:

Does the bill increase the power of cities as to the types of franchises they can grant on city streets?

Opinion:

No.

Question No. 2:

Does the bill take away any power that the Railroad Commission now has as to passenger stage corporations or highway common carriers?

Opinion:

No.

Analysis as to Question No. 1.

The scope of the provisions of the bill which empower cities to grant franchises is measured by Sections 1 and 13 of the bill.

SECTION 1 states: "Every city shall have power to grant franchises authorizing the exercise of any privilege in, along, across, under, through, over and upon any State highway * * *," but the power to grant is limited by the next words viz., "to the

extent and in the manner that it shall have power to grant franchises authorizing the exercise of such privilege in, over and upon city streets, subject to the conditions and limitations provided in Sections 682 to 695 inclusive."

The sections last mentioned are those which the bill proposes be added to the Streets and Highways Code.

The extent mentioned in Section 13 of the bill is the same as that mentioned in Section 1 of the bill.

We think that the use of the word "extent" considered with the entire bill and with the text of the Sections of the whole chapter of the Streets and Highways Code to which it is proposed to add the new sections confines the franchises which might be granted under the bill—these being as to State highways within a city—to the type or types which may be granted as to "city streets" within the city.

Analysis as to Question No. 2.

In the consideration of your second question, it is our opinion that passenger stage corporations and highway common carriers are in the same position as each other with regard to regulation by the Railroad Commission, including the designation of routes by the Commission. (Public Utilities Act, Section 50¼ as to passenger stage corporations, and Section 50¾ as to highway common carriers).

One element in the definition of each is that such an operator is one "not operating exclusively within the limits of an incorporated city or town, or city and county." (Public Utilities Act, Section 2¼, defining the former and Section 2¾ defining the latter).

As the territorial reach of the bill does not go beyond city limits, we think that logically the bill would not touch the Railroad Commission's jurisdiction over either of these kinds of transportation companies, even with regard to such portions of their routes as are inside of cities, or as to the designation of which highways—whether they are State highways or city streets not constituted State highways—shall be the routes inside of cities.

Your request specifically directed our attention to Section 661, which is in the chapter of the Streets and Highways Code to which the bill would add new sections. Section 661 reads in part:

> "This chapter shall not limit the powers and duties vested by law in the Railroad Commission of this State, and in the event of any conflict with regard to the powers and duties given the department in this chapter, those of the Railroad Commission shall prevail."

It is our opinion that the first clause of that section will maintain the superiority of the powers, now lodged in the Railroad Commission by Sections 50¼ and 50¾ of the Public Utilities Act with the characteristic of superiority, to whatever power cities might be claimed to have now or under the bill concerning such transportation companies.

It is further our opinion that both the first and the second clauses of the section will maintain the superiority of the Railroad Commission's power to whatever power the Department of Public Works might be claimed to have now or under the bill, concerning them.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By HALSEY L. RIXFORD, Deputy

The question being on the final passage of Senate Bill No. 1241:

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Dilworth, Donnelly, Dorsey, Fletcher, Gordon, Hulse, Judah, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Ward, and Weybret—28.

NOES—Senators Breed, Jespersen, Keating, Powers, and Sutton—5.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Senate Bill No. 615—An act to amend Section 7 of the Unemployment Insurance Act, relating to excluded employments under said act.

Motion to Refer Bill to Inactive File

Senator Sutton moved that Senate Bill No. 615 be placed on the inactive file.

Motion carried.

Senate Bill No. 383—An act to amend Section 8826 of the Education Code, relating to the payment of tuition for junior college pupils.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Hulse, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Sutton, Swing, Tenney, Ward, and Weybret—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1276—An act authorizing the State Lands Commission to grant, convey and sell by deed, or any other proper legal conveyance, all the right, title and interest of the State of California in and to a portion of the abandoned channel of Centerville Slough in the County of Humboldt.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Jespersen, Keating, Kuchel, McBride, McCormack, Mixter, Parkman Powers, Quinn, Rich, Seawell, Slater, Sutton, Tenney, and Weybret—23.
NOES—None.

Bill ordered transmitted to the Assembly.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Tenney, ordered printed in the Journal:

LOS ANGELES 14, CALIFORNIA, April 30, 1945

RE: A. B. 1087

Robert W. Kenny, Esq., Attorney General,
State Office Building, San Francisco, California.

DEAR BOB: In conformity with your suggestion during our lengthy telephone conversation of this morning, I am getting off this letter to you immediately, addressing you in your official capacity as the Attorney General of our state. I am sending it via Sacramento so that Mr. A. Beldon Gilbert, executive director of the Peace Officers' Civil Service Association of California, who is temporarily there, may formally endorse his approval upon it.

This communication is, of course, based upon your statements as to your reasons for your personal and official urging of the enactment into law of Assembly Bill 1087, you admitting to me that you knew the fact—that this measure was aimed directly, and solely in effect, at the association. Your statement was that you "were out to wreck the Association—to break it," because it was fighting Communism.

While I will strongly dispute with you that there is any sound reason for opposition by any individual or group towards the work of the Association, which stands unique in its work in the public interest by furtherance of vital civil service and similar functions for public employes. I am content for now, because of the exigencies of time, to rely upon your own statement—that you were always a vigorous champion of the Association until you learned one thing—that the Association is fighting Communism, and that you based your opposition to the Association, and your vow to break it, solely upon this premise. You have, of course, known for years of the Associations outstanding work in public employment, and have from time to time availed yourself of its services. You know, of course, of the very active part taken in the Association's affairs over many years by such outstanding men as Superior Judge Charles Fricke and scores of similar very substantial citizens, and that the directorate is comprised of chiefs of police and men of similar unimpeachable personal and civic integrity.

You somewhat jocularly waved aside my statements that its efforts against any inroads of Communism in this country formed only a small portion of the Associations activities, and was simply a task that we felt all substantial groups should undertake. You also dismissed as trivial my statement that we were indifferent concerning Com-

munism in other countries, which is, of course, the fact. You accused the Association—but this also must have been peculiar—of being Fascist, an infant Gestapo, etc., etc., which all is, of course, the height of absurdity. The Association uses an expression that it is "against Communism, Fascism and all 'isms except Americanism."

You suggested that I select you a communication in which to clearly set forth the Peace Officers' Civil Service Association's position on Communism. The Association is against Communism in any form or degree whatsoever, and against any person or group, no matter whom, who may advocate, or by his or their conduct permit, establishment of Communism into the Government of this country. If the association is to "be wrecked" because of this, so be it. It won't change and I know I speak for every one of the thousands of individual members, as well as for the directors and officials.

I am addressing this communication to you officially because, of course, it is in your official capacity as Attorney General of this State that you are and have advocated enactment of Assembly Bill No. 1087 solely because, as you bluntly and clearly stated, "it was fighting Communism," i.e., the Peace Officers' Civil Service Association, which is a California non-profit corporation of many years standing, was fighting Communism.

Before continuing I must refer briefly to your statement about the current world conference in San Francisco and its objectives in securing some foundation for an enduring world peace, and that you were against any person or group fighting Communism because such activity endangered the success of the conference's efforts. This was said in, of course, grossly absurd, and as I so stated to you, at considerable length on the telephone. But, and I state this personally, if the price of peace is to give this country over to Communism in any form whatsoever, I say let us start right now to block it.

As is evidenced by the lengthy foregoing communication, we of the association regard the matter as of far more than moment, and far beyond any possible direct effect of Assembly Bill No. 1087 grossly unfair and unjust as its terms are. While I am informed that Thomas Whelan, the District Attorney of San Diego, and spokesman for the State Peace Officers' group, are among the proponents of this measure, we have not yet learned whether their reasons are identical with yours—that the association is fighting Communism, although otherwise entirely in the public interest.

Very truly yours,

PAUL SHEEDY

Associate Counsel, Peace Officers' Civil Service Association of California

I attest that this is an exact true and correct copy of the original.

A. BELDON GILBERT

APPROVED: A. BELDON GILBERT, Executive Director,
Peace Officers' Civil Service Association of California

STATE OF CALIFORNIA,
County of Sacramento

On this second day of May, in the year 1945, before me, Ruth M. Sutton, a notary public in and for the County of Sacramento, personally appeared A. Beldon Gilbert, known to be to be the person whose name is subscribed to the within instrument, and he duly acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this certificate first above written.

RUTH M. SUTTON

Notary Public in and for the County of Sacramento, State of California

[SEAL]

My commission expires August 20, 1947.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 58—An act to add Section 1197.5 to the Labor Code, relating to wages for women.

Bill read third time.

Motion to Amend

Senator Salsman moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 3 to 11, inclusive, and insert

"1197.5. Women employees performing jobs in their entirety, which are customarily performed by men, and producing in such jobs an equivalent in quality and quantity to male production, shall receive the same pay as men."

Amendment read.

Motion to Re-refer Assembly Bill No. 58

Senator Collier moved that Assembly Bill No. 58 be re-referred to Committee on Labor.

Motion to Lay on Table

Senator Burns moved that the motion by Senator Collier to re-refer Assembly Bill No. 58 to Committee on Labor be laid on the table.

Roll Call Demanded

Senators Tenney, Judah and Burns demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Senators Brown, Burns, Dilworth, and Kuchel—4.

NOES—Senators Biggar, Carter, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Sutton, Tenney, and Weybret—28.

The question being on the motion of Senator Collier to re-refer Assembly Bill No. 58 to Committee on Labor.

The roll was called, and the motion lost by the following vote:

AYES—Senators Brown, Burns, Collier, DeLap, Dilworth, Keating, Kuchel, Powers, Rich, Sutton, and Ward—11.

NOES—Senators Biggar, Carter, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Tenney, and Weybret—22.

Motion to Lay on Table

Senator Carter moved that the amendments offered to Senate Bill No. 58 by Senator Salsman be laid on the table.

Motion carried.

Further Consideration of Assembly Bill No. 58

The question being on final passage of Assembly Bill No. 58.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Biggar, Carter, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Salsman, Seawell, Shelley, Slater, Sutton, and Tenney—14.

NOES—Senators Breed, Brown, Burns, Collier Cunningham, DeLap, Deuel, Dilworth, Gordon, Hatfield, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Swing, Ward, and Weybret—23.

Assembly Constitutional Amendment No. 10—A resolution to propose to the people of the State of California to amend Sections 2, 34 and 34a of Article IV of the Constitution of said State, relating to Legislature.

Resolution read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time, 4.41 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator DeLap moved that Senate Bill No. 281 be taken from the inactive file and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator DeLap moved that Senate Bill No. 3 be taken from the inactive file and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator DeLap moved that Senate Bill No. 9 be taken from the inactive file and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator DeLap moved that Senate Bill No. 279 be taken from the inactive file and placed on the second reading file.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 43—An act to amend Sections 736b, and 737a to 737z, inclusive, 737aa to 737zz, inclusive, and 737aaa to 737fff, inclusive, of the Political Code, relating to the salaries of judges of the superior court.

Bill read third time.

Motion to Amend

Senator Quinn moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 43, of the printed bill as amended, strike out "nine thousand," and insert "eight thousand."

Amendment No. 2

On page 2 of the printed bill, as amended, strike out line 44, and insert "dollars ($8,000)."

Amendments read and adopted.

Bill ordered printed, and to third reading.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.50 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Constitutional Amendment No. 10 adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Keating, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Ward, and Weybret—27.

NOES—Senators Breed, DeLap, Dilworth, Hatfield, Hulse, Judah, Kuchel, Mayo, McBride, Rich, and Sutton—11.

Motion to Reconsider

Senator Kuchel moved to reconsider the vote whereby Assembly Constitutional Amendment No. 10 was adopted.

Postponement of Reconsideration

On motion of Senator Kuchel, the further consideration of the motion to reconsider the vote whereby Assembly Constitutional Amendment No. 10 was adopted was continued until the next legislative day.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 957—An act to repeal Chapter 1085 of the Statutes of 1943; to repeal Chapter 14 of the Statutes of the Fourth Extraordinary Session of the Fifty-fifth Legislature; to repeal Articles 2, 3, 4 and 5, comprising Sections 6926 to and including 6991, of Chapter 13 of Division 3 of the Education Code; and to add Chapter 13.5 to Division 3 of, and Section 14565 to, the Education Code, relating to the public school system, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Dilworth moved the adoption of the following amendments:

Amendment No. 1

On page 5, line 40, of the printed bill, as amended, strike out "6933", and insert "5182".

Amendment No. 2

On page 7, line 39, of said bill, after "attendance", insert "credited to the districts during the preceding school year".

Amendment No. 3

On page 8, line 37, of said bill, before "an", insert "in".

Amendment No. 4

On page 8, line 48, of said bill, after "as", insert ", and shall apportion to the district,".

Amendment No. 5

On page 9 of said bill, following line 16, insert

"6983. The Superintendent of Public Instruction shall also fix the amount required to be apportioned to each unapportioned county elementary school fund and to each county elementary school supervision fund, and shall apportion to such fund, the amount computed for such fund under Article 2 of this chapter."

Amendments read and adopted.

Bill ordered printed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 29
Assembly Bill No. 283
Assembly Bill No. 1062
Assembly Bill No. 1468
Assembly Bill No. 2158
Assembly Bill No. 2042
Assembly Bill No. 1353

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 29—An act to amend Sections 6302, 6304, 6305 and 6306 of the Education Code, relating to school district budgets.

Referred to Committee on Education.

Assembly Bill No. 283—An act to add Section 43.5(a) to the Civil Code, relating to the liability of peace officers making arrests pursuant to warrants.

Referred to Committee on Judiciary.

Assembly Bill No. 1062—An act to amend Sections 14722, 14726, 14736, and 14776 of the Education Code, relating to district and joint district retirement salary plans.

Referred to Committee on Education.

Assembly Bill No. 1468—An act to repeal Sections 650, 650.5, 650.6, 651, 651.3, 651.5, 651.6, 651.7, 652, 653, 654, 655, 656, 656.5, 657, 657.5, 658, 658.1, 658.5, 658.6, 659, 660, 660.5, 661, 662, 662.5 and 665 of the Fish and Game Code, and to add Sections 650, 651, 652, 653, 654, 655, 656, and 657 to the Fish and Game Code, relating to the taking of salmon, and declaring the urgency thereof.

Referred to Committee on Fish and Game.

Assembly Bill No. 2158—An act to amend Section 11151 of the Education Code, and to add Article 5.5 to Chapter 2 of Division 6 of said code, relating to textbooks and teachers' manuals for use in the Public Elementary Schools.

Referred to Committee on Education.

Assembly Bill No. 2042—An act to amend Section 600 of the Penal Code, relating to burning structures or other things not subject to arson, and providing a penalty.

Referred to Committee on Judiciary.

Assembly Bill No. 1353—An act to add Article 9, consisting of Sections 240 to 243, inclusive, to Chapter 1 of Division 2 of the Fish and Game Code, relating to taking of deer with bow and arrow.

Referred to Committee on Fish and Game.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 32

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Joint Resolution No. 32—Relative to the San Francisco Conference of the United Nations and the World Security Organization.

Above resolution ordered to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1945

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 118

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRED J. DESCH, Assistant Clerk

Above bill ordered to unfinished business file.

ADJOURNMENT

At 5 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Thursday, May 3, 1945.

JOHN F. LEA, Minute Clerk